

**ORDINANCE 24-03****Ordinance to Amend Section 54-723(c) of the Butler Municipal Code Regarding Public Hearings for Variations from the Zoning Code**

**WHEREAS**, Section 54-654 of the Village of Butler Code of Ordinances (the “Code”) currently provides guidelines for noticing any Village Board, Village Plan Commission, and Zoning Board of Appeals public hearing that is required to be held; and

**WHEREAS**, Section 54-723 of the Code currently does not require published notices of public hearings for variances to be mailed to property owners surrounding the proposed variance; and

**WHEREAS**, the Village Board believes it to be in the best interest of the community to have an informed constituency and promote healthy, productive discussions regarding development of the Village and its neighborhoods; and

**WHEREAS**, the Village Board has stated in the 2024 Budget Document, passed on November 14, 2023, that improving and expanding communications with residents is a strategic goal for fiscal year 2024; and

**WHEREAS**, creating a requirement that surrounding properties within the Village of Butler receive proper notice of potential variances from the zoning code in the vicinity of their land promotes an informed constituency, promotes healthy, productive discussions, and aids the Board in progressing in the current year’s strategic goals; and

**WHEREAS**, upon the request of the Village Board, the Plan Commission duly considered the proposed revisions set forth in this Ordinance at a meeting held on February 20<sup>th</sup>, 2024 following notice and provided its recommendation to the Village Board; and

**WHEREAS**, at a duly noticed public hearing that was conducted on February 20<sup>th</sup>, 2024 before the Village Board of Trustees concerning the recommendation of the Plan Commission;

**NOW THEREFORE**, the Village Board of the Village of Butler, Waukesha County do hereby ordain as follows:

**SECTION I:** Section 54-723(c) of the Village of Butler Code of Ordinances is hereby amended to read as follows:

(c) *Public hearing of application.* The zoning board of appeals shall conduct at least one public hearing on the proposed variation as prescribed in section 54-654 **of this chapter and provide notice of the proposed variance, by mail, to the owners or occupants of the properties lying within the Village of Butler and 300 feet outward from the exterior boundary of the area of the proposed variance.** At the hearing the appellant or applicant may appear in person, by agent or by attorney. The zoning board of appeals shall reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.

**SECTION II:** Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent

provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

**SECTION III:** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION IV:** This Ordinance shall take effect and be in force after its passage and posting/publication as required by law.

**PASSED and ADOPTED** by the Village Board of the Village of Butler, Waukesha County, Wisconsin, this the 20th day of February, 2024.

VILLAGE OF BUTLER

By:

  
Paul Kasdorf, President

ATTEST:

  
Benjamin Hubrich, Village Administrator/Clerk