

**Ordinance No. 2021-01**

**AN ORDINANCE TO AMEND CHAPTER 118 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF UNION GROVE, RELATING TO THE REZONING OF MULTIPLE PARCELS LOCATED NORTH OF 7<sup>TH</sup> AVENUE AND WEST OF STATE HWY 45 TO ACCOMMODATE THE PROPOSED CANOPY HILL DEVELOPMENT; NEWPORT GROUP, LTD, OWNER; BREG CANOPY HILL, LLC, APPLICANT**

The Village Board of the Village of Union Grove, Racine County, Wisconsin, ordains as follows:

1. BREG Canopy Hill, LLC (“Applicant”) on behalf of Newport Group, Ltd (“Owner”) has proposed a multi-phased development known as Canopy Hill that involves the creation of 188 single family residential lots, 68 condominium units, 60 multi-family residential units, and senior living and/or assisted living units (“Development”).
2. On December 7, 2020 a duly-noticed public hearing as to the proposed rezoning of the multiple parcels identified below was held, and a Plan Commission recommendation in favor of the proposed rezoning was received, subject to the conditions set forth in the Village Planner’s Memorandum dated December 1, 2020.
3. The Applicant has submitted a request to rezone portions of the Development from “RS-90 Single-Family Residence District, with a Planned Unit Development Overlay” to “RS-80 Single-Family Residence District, RD-80 Two-Family Residence District, and RM District Multiple-Family Residence District, all with a Planned Unit Development Overlay.”
4. That the Village Board having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, ordains that Chapter 118 of the Code of Ordinances for the Village of Union Grove, relating to zoning, and the Zoning Map be, and hereby are, conditionally amended to conditionally change the zoning district designation for each of the various parcels as set forth in the Canopy Hill Rezoning Exhibit prepared by Pinnacle Engineering Group, with last revision date of December 16, 2020, which is attached and incorporated herein by reference. That this ordinance is null and void if the following conditions are not complied with:
  - A. Land Division. Subject to a portion of the Development being divided by certified survey map and subdivision plat in the manner described at the public hearing held on December 7, 2020, and further subject to satisfying any and all conditions that are imposed by the Village in approving the

certified survey map, preliminary plat (if it is approved), and satisfying all conditions that may be imposed by the Village and all other approving and objecting authorities in approving the final plat for phases 1 and 2A (if they are approved), and further subject to recording the final plat for phases 1 and 2A as approved by the Village (if they are approved) in the office of the Racine County Register of Deeds.

- B. Condominium. Subject to the Development owner submitting a condominium declaration and final condominium plat to regulate a portion of the Development in the manner described at the public hearing, and further subject to satisfying any and all conditions that are imposed by the Village in approving the condominium declaration and final condominium plat (if it is approved), and satisfying all conditions that may be imposed by the Village and all other approving and objecting authorities in approving the condominium declaration and final condominium plat (if they are approved), and further subject to recording the final condominium plat as approved by the Village (if it is approved) in the office of the Racine County Register of Deeds.
  - C. Tax Incremental Financing District #7. Subject to the creation of Tax Incremental Financing District #7.
  - D. Village Planner's Recommendations. Subject to compliance with all of the recommendations of the Village Planner as set forth in the Village Planner's Memorandum dated December 1, 2020.
  - E. Subject to Acceptance. Subject to the Petitioner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Owner and Applicant will therefore need to re-commence the application process.
  - F. Time to Satisfy Conditions. Subject to the Owner and Applicant satisfying all of the aforementioned conditions by July 1, 2021, unless extended by the Village Board.
5. Incorporated herein by reference are the following approved submittals, which set forth the legal descriptions for each of the above parcels, as well as overall maps referencing the location of each parcel:
- a. Certified Survey Map prepared by Pinnacle Engineering Group, consisting of 13 pages, with last revision date of December 17, 2020.

- b. Certified Survey Map Redivide prepared by Pinnacle Engineering Group, consisting of 4 pages, with last revision date of December 15, 2020.
  - c. Preliminary Condominium Plat prepared by Pinnacle Engineering Group, consisting of 1 page, with last revision date of December 17, 2020.
  - d. Preliminary Plat prepared by Pinnacle Engineering Group, consisting of 4 pages, with last revision date of December 18, 2020.
  - e. Overall PUD Plan prepared by Pinnacle Engineering Group, consisting of 1 page, with last revision date of December 17, 2020.
6. The upon satisfaction of all of the above conditions, the Village Clerk shall cause the official Zoning Map of the Village of Union Grove to be amended to reflect the revision to the zoning classifications adopted herein.
7. 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.
8. This ordinance shall take effect upon adoption and publication as provided by law, and subject to the conditions stated above. This ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

Adopted this 4 day of January, 2021.

**VILLAGE OF UNION GROVE**

By: Michael Aimone  
Michael Aimone  
Village President

Attest: Rebecca Wallendal  
Rebecca Wallendal  
Village Clerk