

## Proposed Amended Ordinance for Council

ORDINANCE NO.: \_\_\_\_\_

AN ORDINANCE to amend Subsection 115-110 of the Code of Ordinances of the City of La Crosse by conditionally transferring certain property from Washburn Residential Neighborhood District to the Traditional Neighborhood District - Specific allowing for continued use of the property as a professional office space at 212 11<sup>th</sup> Street South.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Subsection 115-110 of the Code of Ordinances of the City of La Crosse is hereby amended by conditionally transferring certain property from the Washburn Residential Neighborhood District to the Traditional Neighborhood District - Specific on the Master Zoning Map, to-wit:

*Tax Parcel 17-20187-110; 212 11<sup>th</sup> St. S.*

SECTION II: This rezoning is conditioned upon the following conditions precedent being completed within ninety (90) calendar days of publication of this ordinance:

- (1) That a restrictive covenant be placed on the property and recorded with the La Crosse County Register of Deeds providing that the following uses of the property are prohibited:
  - (a) Methadone clinic
  - (b) Sheltering services, including overnight
  - (c) Needle exchange program
  - (d) Drug detoxification program.
- (2) That the restrictive covenant also contain the following provisions:
  - (a) The restrictive covenant may not be amended or removed without a written document signed and approved by the City of La Crosse Common Council.
  - (b) ~~The ability to enforce the restrictive covenant is granted to any aggrieved property owner in the neighborhood, the City of La Crosse, or any combination thereof.~~ The provisions of this restrictive covenant are intended for the benefit of the City of La Crosse, its boards, administrators, officers and agents, and any person or legal entity directly affected by the use of the above-described real estate, entitled to object pursuant to Chapter 62.23(7), Wisconsin Statutes. The provisions of this restrictive covenant may be enforceable in any court of general jurisdiction in La Crosse County and shall be subject to equitable remedies of injunction. Nothing herein shall prevent the City of La Crosse or its officers and agents from any other enforcement or remedy provided by the La Crosse Municipal Code of the City of La Crosse.
  - (c) The restrictive covenant shall run with the land and shall be binding and enforceable against the property owner and any and all heirs, successors, agents and assigns.

SECTION III: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION IV: This ordinance shall take effect and be in force from and after its passage and publication.

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Mitch Reynolds, Mayor

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Nikki M. Elsen, City Clerk

Passed:  
Approved:  
Published: