

Date: August 14, 2020

To: Village of East Troy Plan Commission

From: Tim Schwecke, AICP, Zoning Administrator

Subject: Amendment of the zoning code relating to motor vehicle sales and related matters

Application: 2020-15; <https://s.zoninghub.com/OTILPO26XL>

Meeting: August 20, 2020 Plan Commission meeting

Please find attached the proposed zoning code amendment as recommended at your meeting on July 13, 2020.

Public notice As required under the zoning code, a class II public hearing notice was published on July 31 and August 7 in the East Troy Times, a copy of which is attached.

Public comment As of this date, staff has not received any public comments in advance of the public hearing.

Role of Plan Commission With regard to a proposed amendment of the zoning code, the Plan Commission is advisory. The Village Board makes the final decision.

Proposed motion for adoption: Recommend to the Village Board the approval of the proposed ordinance, based on the findings contained in the proposed ordinance

Attachments:

1. Public hearing notice
2. Proposed ordinance, Public Hearing Draft

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARING

The Village of East Troy Plan Commission will conduct a public hearing on Thursday, August 20, 2020, to consider an amendment of the Village's zoning code (Chapter 510 of the Village of East Troy municipal code) relating to vehicle sales (application 2020-15). The proposed amendment may affect allowable uses within the Village. The proposed amendment will not affect the zoning map. A copy of the proposed ordinance will be on file and open for public inspection in the office of the Village Clerk during normal office hours (and when open) for a period of two weeks prior to the public hearing.

Details are available online: <https://s.zoninghub.com/OTILPO26XL>

The meeting agenda will indicate if the Plan Commission meeting will be conducted online via Zoom or in-person at the Village Municipal Building, located at 2015 Energy Drive. The Plan Commission meeting starts at 6:30 pm and the public hearing will be conducted in the order listed on the meeting agenda.

For information regarding this public hearing, contact Tim Schwecke, Zoning Administrator, at 920-728-2814. All interested parties will be heard at the public hearing. Written comments may be submitted (1) online on the Village's zoning website

<https://villageofeasttroy.zoninghub.com/home.aspx>; (2) to the Village Hall by Wednesday, August 12, 2020; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on July 31 and August 7, 2020

ORDINANCE 2020- **- Public Hearing Draft -**

**AN ORDINANCE TO MAKE REVISIONS TO THE ZONING REGULATIONS IN
CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE**

WHEREAS, the Village Board for the Village of East Troy adopted zoning regulations for the Village of East Troy and has amended such regulations from time to time; and

WHEREAS, the zoning regulations, as amended, are codified as Chapter 510 of the Village of East Troy municipal code, which is titled "Zoning;" and

WHEREAS, the Plan Commission desires to make various changes to the zoning code; and

WHEREAS, the Plan Commission prepared a draft ordinance to address the aforementioned changes, and recommended approval of the same at its meeting on July 13, 2020; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on August 20, 2020; and

WHEREAS, within a reasonable time after the public hearing, the Plan Commission reported its recommendation to the Village Board as set forth in this ordinance; and

WHEREAS, the Village Board considered the Plan Commission's recommendation at its meeting on August __, 2020; and

WHEREAS, the Village Board accepted the Plan Commission's recommended text amendment without revision OR with minor revision.

WHEREAS, the Village Board for the Village of East Troy, after careful review and upon consideration of the recommendation of the Plan Commission of the Village of East Troy and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Village of East Troy, will enhance property values in the Village and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Village or for any other reason cause a substantial adverse effect on the property values and general desirability of the Village.

NOW, THEREFORE, the Village Board of the Village of East Troy, Walworth County, Wisconsin, do ordain as follows:

Section 1. Repeal and recreate subsection 510-43(Q) to read as follows:

Q. Vehicle sales and service. Vehicle sales and service is a place where new and used cars, motorcycles, mopeds, snowmobiles, all-terrain vehicles (ATVs), utility terrain vehicles, and light trucks are displayed out of doors and are offered for rent, sale, lease, or exchange, or are taken on consignment. ~~Vehicle sales include the sale and display of vehicles for sale or rent outside of an~~

~~enclosed building. Such land uses also include a repair shop associated with the vehicle display lot and sales building, provided the repair portion is clearly incidental to the sales operation as determined by the Plan Commission. This use may include the repair and servicing of the aforementioned as a subordinate use to the extent deemed appropriate by the Plan Commission. Such land uses do not include the storage or display of inoperative vehicles or equipment or other materials typically associated with a salvage yard or junkyard (see § 510.46D). Vehicles sales land uses~~ This use shall adhere to the following regulations:

- (1) The outdoor display and sales area shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all vehicles displayed outdoors.
- (2) The display of vehicles shall not be permitted within required setback areas for the principal structure.
- (3) The display of vehicles shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
- (4) In no event shall the display of vehicles reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Subsection Q(10). If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (5) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters or by a clearly marked paved area.
- (6) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
- (7) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property, except per Subsection Q(5) above (see Article XIV).
- (8) Vehicle sales shall be permitted during the entire calendar year; however, if vehicles are removed from the display area, all support fixtures used to display the vehicles shall be removed within 10 calendar days of the vehicles' removal.
- (9) Inoperable vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.
- (10) Minimum required parking: one space per 300 square feet of gross floor area.
- (11) Prior to the establishment of this use, the operator shall obtain a motor vehicle dealer license from the Wisconsin Department of Transportation and maintain such license for the life of the use or until the state no longer requires such license.^[1]
- (12) An indoor vehicle display area shall be provided that is at least 12 feet by 20 feet. If only motorcycles are sold, the indoor vehicle display area shall be large enough to display at least 3 motorcycles.^[2]

[1] Commentary: See s. ch. 218, Wis. Stats.

[2] Commentary: See s. TRANS 138.03(a), Wis. Admin. Code

Section 2. Add subsection 510-42(S) to read as follows:

- (S) Heavy vehicle sales and service. Heavy vehicle sales and service is a place where new and used large vehicles, such as recreational vehicles and campers, personal watercraft, and heavy trucks, are kept out of doors and offered for sale, lease, or exchange, or are taken on consignment. This use may include the repair and servicing of the aforementioned as a subordinate use to the extent deemed appropriate by the Plan Commission. This use shall adhere to the following regulations:
- (1) Outdoor display areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial or mixed-use zoning district.
 - (2) Minimum required parking: 1 space for each employee on the largest work shift

Section 3. Add subsection 510-43(E) to read as follows:

- (E) Construction equipment sales and service. Construction equipment sales and service is a place where new and used construction equipment, such as dump trucks, excavators, graders, and scrapers are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such equipment. This use shall adhere to the following regulations:
- (1) Outdoor display areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial or mixed-use zoning district.
 - (2) Minimum required parking: 1 space for each employee on the largest work shift

Section 4. Amend the Table of Land Uses (referenced as 510 Attachment 1) as follows:

1. Include heavy vehicle sales and service under Section 510-43, titled “Commercial Uses” and indicate it is permitted by right in the Light Industrial (LI) zoning district and the General Industrial (GI) zoning district.
2. Include construction equipment sales and service under Section 510-43, titled “Industrial Uses” and indicate it is a conditional use in the Light Industrial (LI) zoning district and permitted by right in the General Industrial (GI) zoning district.

Section 5. This ordinance shall become effective upon passage and posting or publication as provided by law.

Section 6. 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.

Adopted this day of August, 2020

Scott Seager, President

ATTEST:

Lorri Alexander, Village Clerk