

Date: October 6, 2021
To: Village of East Troy Plan Commission
From: Tim Schwecke, Zoning Administrator
Subject: Potential amendments to the zoning code relating to occupancy permits
Application: 2021-27; <https://s.zoninghub.com/2WHOBTH2MR>
Meeting: October 11, 2021 Plan Commission meeting

Please find attached Ordinance 2021-10 as recommended at your meeting on September 13, 2021.

Review procedures The Plan Commission is advisory and the Village Board makes the final decision. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment. If the Village Board wishes to make significant changes in the proposed amendment, as recommended by the Plan Commission, the procedure in s. 62.23(7)(d), Wis. Stats., shall be followed prior to Village Board action.

Notice requirements As required by the Village's zoning code and state statute, a class II public hearing notice was published, a copy of which is attached.

Public comment As of this date, we have not received any written public comments.

Potential motion for approval:

Recommend to the Village Board the approval of the proposed ordinance as drafted, based on the findings contained in the proposed ordinance.

Attachments:

1. Public hearing notice
2. Proposed Ordinance 2021-10, September 14, 2021

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARING

The Village of East Troy Plan Commission will conduct a public hearing on Monday, October 11, 2021, to consider an amendment of the Village's zoning code (Chapter 510 of the Village of East Troy municipal code) relating to occupancy permits (application 2021-27). 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/2WHOBTH2MR>

The Plan Commission meeting starts at 6:30 pm and is conducted in the Village Municipal Building, located at 2015 Energy Drive. 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. In addition, written comments may be submitted (1) via the Village's ZoningHub website <https://villageofeasttroy.zoninghub.com/home.aspx> by October 5, 2021; (2) to the Village Hall by October 5, 2021; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on September 24 and October 1, 2021

ORDINANCE 2021-10

- DRAFT SEPTEMBER 14, 2021 -

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 has prepared an ordinance to revise various parts relating to occupancy permits and recommended approval of the same at their meeting on September 14, 2021; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on October 11, 2021; 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 [REDACTED], 2021; and

WHEREAS, the Village Board accepted the Plan Commission's recommended text amendment with minor revision – OR - without 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. Amend Section 510-162 to read as follows:

510-162 Occupancy permits.

- A. Purpose. The purpose of this section is to provide regulations governing the review and approval of occupancy permits. This procedure is required to ensure a completed development complies with the approved site plan (per the requirements of § 510-160) and the requirements of this chapter.

- B. Applicability. Occupancy permits shall be required for any of the following:
- (1) Occupancy and use of a building or structure hereafter erected or structurally altered.
 - (2) **Change in New occupancy and use of an existing building, or portion thereof**, when the new use is of a different land use classification.
 - (3) **Change in ownership, tenancy or occupancy of a non-residential building, or portion thereof.**
 - (4) Occupancy and use of vacant land.
 - (5) New use of vacant land when the new use is of a different land use classification.
 - (6) **With respect to Any change in the tenant or use of a nonconforming use, any change in the use, ownership tenancy or occupancy.** No change of **ownership, tenancy or occupancy tenant** or use shall take place until an occupancy permit has been issued by the Building Inspector.
 - (7) **For new businesses located on Village owned property the occupancy permit shall be considered for approval by the Village Board prior to issuance**
- C. Review and approval. All occupancy permits shall be subject to the review of and issued by the Building Inspector.
- (1) **Businesses shall submit request for occupancy using form(s) obtained from the Village Clerk**
- D. Issuance of occupancy permit.
- (1) Every application for a **residential** building permit shall also be deemed to be an application for an occupancy permit for a new building or for an existing building which is to be substantially altered or enlarged as determined by the Building Inspector. Such occupancy permit shall be issued within 10 working days after a written request for the same has been made to the Building Inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter.
 - (2) Written application for an **non-residential** occupancy permit for the use of vacant land or for a change in the use of land or of a building, or for a change in a nonconforming use, **a change in ownership, tenancy or occupancy of a non-residential building, or portion thereof** as herein provided, shall be made to the Building Inspector **by submitting the Non-Residential Occupancy Application**; if the proposed use is in conformity with the provisions of this chapter, the occupancy permit shall be issued within 10 working days after the application has been made.
 - (3) Every occupancy permit shall state that both the building and the proposed use of a building or land substantially comply with all provisions of this chapter. A record of all occupancy permits shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
- E. Termination of occupancy permit. It shall constitute a violation of this chapter for any person,

firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in Subsection B above without having first obtained an occupancy permit. Any permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Inspector, he shall forthwith revoke the occupancy permit by written notice to be delivered by him to the holder of the void permit upon the premises where the violation has occurred or, if such holder is not found there, by mailing said notice of revocation by certified letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new occupancy permit shall be deemed guilty of a violation of this chapter.

F. Fee. A fee may be required for this procedure. Refer to § 510-149.

Section 2. This ordinance shall become effective upon passage and posting or publication as provided by law.

Section 3. 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 , 2021

Scott Seager, President

ATTEST:

Lorri Alexander, Village Clerk