

Date: November 2, 2021
To: Village of East Troy Plan Commission
From: Tim Schwecke, Zoning Administrator
Subject: Potential amendments to the zoning code relating to bufferyard requirements
Application: 2021-33; <https://s.zoninghub.com/9SRQRVKYMN>
Meeting: November 8, 2021 Plan Commission meeting

Please find attached the ordinance as recommended at your meeting on October 11, 2021.

Review procedures The Plan Commission is advisory with regard to text amendments. 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 to the zoning map, 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, based on the findings contained in the proposed ordinance.

Attachments:

1. Public hearing notice
2. Proposed ordinance

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARING

The Village of East Troy Plan Commission will conduct a public hearing on Monday, November 8, 2021, to consider an amendment of the Village's zoning code (Chapter 510 of the Village of East Troy municipal code) relating to bufferyard requirements (application 2021-33). 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/9SRQRVKYMN>

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 November 2, 2021; (2) to the Village Hall by November 2, 2021; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on October 22 and 29, 2021

ORDINANCE 2021-__

- Plan Commission Proposal -

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 bufferyard requirements at their meeting on October 11, 2021; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on November 8, 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 November 15, 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. Add subsection 510-119 (E) to read as follows:

- E. Waiver.** Upon petition, the Plan Commission may waive the bufferyard requirements in this section, in whole or in part, when the commission believes the required bufferyard will not provide the desired screening because the adjoining properties are at significantly different elevations. A decision of the commission to grant a waiver must specifically state the reason(s) for the decision.

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