

ORDINANCE 2022-08

**- Public Hearing Draft -**

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**AN ORDINANCE TO ADD PROVISIONS TO THE ZONING REGULATIONS IN  
CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE  
RELATING TO DESIGN REVIEW REQUIREMENTS FOR SPECIFIED AREAS OF  
MIXED BUSINESS/LIGHT INDUSTRIAL USES**

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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 for the Village of East Troy determined it would be appropriate to establish an overlay district to address those areas consisting of mixed uses and light industrial uses; and

WHEREAS, the Plan Commission prepared a draft ordinance to address the aforementioned changes, and recommended approval of the same at its meeting on May 9, 2022; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on June 13, 2022; and

WHEREAS, within a reasonable time after the public hearing, the Plan Commission reported its recommendation to the Village Board; and

WHEREAS, the Village Board considered the Plan Commission’s recommendation at its meeting on June 14, 2022; and

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

WHEREAS, the Village Board finds that the recommended revisions to the Village’s zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in s. 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Village Board for passage and adoption; and

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.** Create Article XX, titled “Mixed Business/Light Industrial Design Overlay District, as indicated in Exhibit A, attached hereto.

**Section 2.** Revise the zoning map, to show the extent of the overlay district as indicated in Exhibit B, attached hereto.

**Section 3.** This ordinance shall become effective upon passage and posting or publication as provided by law.

**Section 4.** 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 by a vote in favor by two-thirds of the members-elect of the Village Board, or more, this [redacted] day of [redacted], 2022

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Scott Seager, President

ATTEST:

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Lorri Alexander, Village Clerk

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**Exhibit A.**

**Article XX: Mixed Business/Light Industrial Design Overlay District**

**510-199 Purpose.**

The Mixed Business/Light Industrial Design Overlay District is intended to promote high-quality development given the potential mix of businesses and light industrial uses in the overlay district. The standards in this article are intended to supplement other standards set forth in other parts of the zoning code. If a standard in this article is more restrictive than another standard, the standard in this article shall control to the extent of the conflict.

**510-200 District location.**

The location(s) of the Mixed Business/Light Industrial Design Overlay District is depicted on the adopted zoning map, which may be amended with the procedures set forth in s. 510-155. A map amendment may (1) establish the location of a new overlay district that encompasses a minimum area of 20 acres, (2) remove an existing district in its entirety, or (3) modify the extent of an existing overly district by adding contiguous parcels or removing parcels on the perimeter provided the district is at least 20 acres in area.

**510-201 Minimum floor area.**

The initial construction on a parcel shall equal or exceed the minimums for the following types of uses, if otherwise allowed in the base zoning district:

Type of Use	Minimum Square Feet per Buildable Acre
Retail	3,000
Office	4,000
Manufacturing	4,000
Warehousing	5,000

**510-202 Prohibited uses.**

The following uses, if otherwise allowed in the base zoning district, are specifically prohibited:

- (1) bus yard,
- (2) outdoor storage and wholesaling,
- (3) personal storage facilities,
- (4) airports,
- (5) off-site parking, and
- (6) vehicle storage and impound yard.

**510-203 Architectural standards.**

**(A) Four-sided architecture.** All new construction must have four-sided architecture (i.e., having the same level of detail and materials used on all four sides of the building). In unique situations, the Plan Commission

may waive this requirement as a special exception if (1) the side or rear of the building, or portion thereof, is totally screened from view or the subject property abuts a lot not located in the overlay district that is classified as Light Industrial (LI) or General Industrial (GI), or (2) the side or rear of the building is designed to be expanded in the near future (i.e., within 5-7 years).

**(B) Exterior walls.** Principal buildings with a front elevation of more than 6000 square feet in area shall be divided into distinct planes of 3000 square feet or less. The following design features can be used to meet this provision:

- (1) sunshades, canopies or awnings;
- (2) arcades;
- (3) porches;
- (4) vertical wall offsets having a minimum depth of 8 inches and a minimum width of 10 feet;
- (5) horizontal offsets having a minimum depth of 2 feet;
- (6) pilasters (structural or non-structural) having a minimum depth of 8 inches, a minimum width of 12 inches, and a minimum height of 80 percent of the wall height;
- (7) recessed areas for entryways and the like having a minimum depth of 8 inches; and
- (8) other multidimensional design features as determined by the Plan Commission.

**(C) Building entrances.** Building entrances must be clearly recognizable from parking lots and pedestrian circulation routes.

**(D) Rooftop mechanical equipment.** If mechanical equipment is placed on the roof of the building, it must be positioned so it is not readily visible from a public street or an abutting property in a residential zoning district or in a planned development district that allows residential uses. Rooftop mechanical equipment may be placed in an enclosure or screened from view provided such enclosure or screening is used as an element of the building's architecture.

**(E) Accessory buildings.** The exterior building materials of an accessory building shall be the same as or similar to those used on the principal building.

**(F) Overhead doors.** Overhead doors shall not face a public street. The Plan Commission may approve a special exception to allow an overhead door to face a public street when there is no feasible alternative.

**(G) Fencing.** Fencing shall complement the appearance of buildings onsite.

**(H) Exterior building materials.** Exterior building materials shall convey an impression of durability. Materials such as precast wall panels (smooth or aggregate); decorative masonry, stone, brick; and glass are permitted. Stucco, EFIS (Exterior Insulating Finish System), and metal panel systems may be used provided such materials do not exceed 25 percent of the wall area. Additions to existing buildings that are presently made of the prohibited building materials must comply with the provisions this part the addition. The applicant may request a special exception to use a prohibited material on an addition if the existing building has the same prohibited material. If such special exception is granted, the Plan Commission may as a condition of approval require enhancements to the facade, additional landscaping, or other means to improve the aesthetics of the building.

**(I) Exterior building colors.** Exterior building colors shall be nonreflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signs.

#### **510-204        Dumpster enclosure.**

Trash dumpsters must be screened from public rights-of-way and adjacent property by an enclosure with walls a minimum of six feet in height. The walls must be constructed of masonry compatible with materials

used on the street side of the principal building. Access gates must be constructed of woven wire fencing with opaque screening material. It is preferred that a screened pedestrian entrance be provided such that waste may be deposited without opening the large access gates.

**510-205 Outdoor storage.**

If allowed by the base zoning district, outdoor storage of materials and equipment is limited to 35 percent of the floor area of the principal building. All such outdoor storage areas must be screened with either a fence (at least 6 feet in height but not more than 12 feet) built to serve as a vision screen or a planting screen that will visually block the storage. Stacking of materials and equipment shall not exceed 6 feet above the surrounding grade. An outdoor storage area shall not be located between the front of the building and the public street. If the storage area is located on a side of the building, such area must be intentionally designed to look like it is part of the principal building (e.g., the screening is attached to the principal building and made of the same exterior materials).

**510-206. Nonconforming situations.**

Nonconforming situations (lot, use, structure and/or site) shall adhere to the provisions of Article IX.

**Exhibit B.  
Location of Overlay Districts**

