

Date: September 9, 2022
To: Village of East Troy Plan Commission
From: Tim Schwecke, Zoning Administrator
Subject: Amend the zoning code with regard to the Honey Creek Planned Development District
Application: 2022-29; <https://s.zoninghub.com/95VOAHWQUV>
Meeting: September 12, 2022 Plan Commission meeting

Upon petition, the Village approved Honey Creek Planned Development district in 2021. The parameters for the district are codified in Section 510-201 of the Village's zoning regulations.

The developers have submitted a petition to amend Section 510-201(B)(1)(c) of the zoning code to allow one more parking structure. The proposed change is set forth below and fully described in the attached ordinance.

510-201(B)(1)(c)

Current: "No more than **six** covered parking structures housing a maximum of **72** parking spaces"

Amended: "No more than **seven** covered parking structures housing a maximum of **83** parking spaces

Review procedures The Plan Commission is advisory. 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 as recommended by the Plan Commission, the procedure in s. 62.23(7)(d), Wis. Stats., must be followed prior to Village Board action.

Notice requirements 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 (or as amended)

Attachments:

1. Public hearing notice
2. Proposed ordinance (Public hearing draft)

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARINGS

The Village of East Troy Plan Commission will conduct a public hearing on Monday, September 12, 2022, for each of the following:

1. Conditional use application for a contractor yard located at 2728 Buell Drive (RA280700003); Motion Engineering Inc., applicant; (application 2022-27)
Details are available online: <https://s.zoninghub.com/3NU1CFJ2S6>
2. Amend Section 510-201 of the zoning code with regard to the Honey Creek Development District (PDD-04); Teronomy Builders, applicant; (application 2022-29)
Details are available online: <https://s.zoninghub.com/95VOAHWQUV>

The Plan Commission meeting starts at 6:30 pm and is conducted in the Village Municipal Building, located at 2015 Energy Drive. The public hearings will be conducted in the order listed on the meeting agenda.

For information regarding these public hearings, 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 Tuesday, September 6, 2022; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on August 26 and September 2, 2022

ORDINANCE 2022-__

- Public Hearing Draft -

AN ORDINANCE TO AMEND CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE RELATING TO THE HONEY CREEK PLANNED DEVELOPMENT DISTRICT

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, Teronomy Builders submitted a petition to amend a part of section 510-201 which sets forth the parameters for the Hone Creek Planned Development district; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on September 12, 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 September 19, 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. Repeal and recreate subsection 510-201(B) to read as revised below.

B. Permissible development.

- (1) Development on Lot 1 of CSM 4915 is limited to:
 - (a) No more than three multifamily buildings with 59 dwelling units in each;
 - (b) A detached maintenance building for the complex with a maximum floor area of 4915 square feet; and
 - (c) No more than **seven** covered parking structures housing a maximum of **83** parking spaces.
- (2) A fenced dog park is permitted and must be constructed as an amenity for residents living in the complex.
- (3) Development on Lot 2 of CSM 4915 is limited to personal storage facilities with no outdoor storage of any kind.

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 by a vote in favor by two-thirds of the members-elect of the Village Board, or more, this 19th day of September, 2022

Scott Seager, President

ATTEST:

Lorri Alexander, Village Clerk