

ORDINANCE 2023-02

- Public Hearing Draft -

AN ORDINANCE TO AMEND CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE RELATING TO EXTERIOR BUILDING MATERIALS IN THE INDUSTRIAL ZONING DISTRICTS

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 revise some of the requirements related to exterior building materials in the industrial zoning districts; and

WHEREAS, the Plan Commission prepared a draft ordinance to address the aforementioned changes, and recommended approval of the same at its meeting on February 13, 2023; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on March 13, 2023; 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 _____, 2023; 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 510-90 (G) to read as revised below.

(G) Requirements for exterior materials. The following requirements shall apply regarding exterior materials for buildings and structures:

- (1) Building color. Building facade colors shall be nonreflective, subtle, neutral, or earth tone. The use of high-intensity colors, metallic colors, fluorescent colors, or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, 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 signage, subject to the limitations in Article XV.
- (2) Building materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted, and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Plan Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
- (3) Prohibited materials. No building or structure shall be constructed or faced with any material or texture which is aesthetically incompatible with other building exteriors in the area which are fully consistent with the requirements of this chapter or which presents an unattractive appearance to the public or surrounding properties. The following materials are prohibited on the exterior of all buildings and structures:
 - (a) Plain faced concrete walls or panels.
 - (b) Plain faced cinder block or concrete block.
 - (c) Asphaltic siding.
 - (d) Plywood, chipboard, or other nondecorative wood or composite material as determined by the Plan Commission.
 - (e) Metal siding which does not meet any one or more of the following exceptions:
 - [1] Is determined by the Plan Commission to be a decorative element of the building or structure that can be readily removed or replaced with a permitted exterior material.
 - [2] Uses a method of exterior wall fastening which is fully concealed from view by means of an interlocking panel, panel overlap, or other method approved by the Plan Commission which results in full concealment.
 - [3] Uses visible exterior fasteners which are the same color as the attached wall for any principal or accessory structure within the Rural Holding (RH-35), Highway Business (HB), Business Park (BP), Light Industrial (LI), or General Industrial (GI) Zoning District, in any location on the building or structure which meets all of the following criteria:
 - [a] Is located more than 100 feet from any portion of a residential zoning district boundary and more than 100 feet from any portion of a public right-of-way.
 - [b] Is located more than 100 feet from any visitor or customer door.

- [c] Transitions to any other exterior material, texture, color, or pattern at a building corner, pier, pilaster, eave, parapet, or other physical change in the wall plane, so as to complement the overall exterior design of the building or structure as determined by the Plan Commission.
- (f) Fiberglass or poly-roofing or siding, except in an industrial zoning district not exceeding 3,200 square feet with Plan Commission approval, if otherwise allowed. For the purposes of this subsection, only one such building with fiberglass or poly-roofing or siding is allowed on a parcel. In reviewing such request, the Plan Commission should consider (1) the extent to which the building will be visible from public streets and from non-industrial properties, (2) the overall compatibility with surrounding land uses, and (3) any other factors deemed appropriate given the circumstances.
- (g) Other materials as determined by the Plan Commission.
- (h) Structures exceeding 100 square feet which are not erected on a permanent foundation and/or do not comply with the Uniform Building Code.

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 [redacted] day of [redacted], 2023

Scott Seager, President

ATTEST:

Lorri Alexander, Village Clerk