

Date: November 9, 2023
To: Village of East Troy Plan Commission
From: Tim Schwecke, Zoning Administrator
Subject: Amendment of the zoning code with regard to accessory buildings
Meeting: November 13, 2023 Plan Commission meeting

At last month's Plan Commission meeting you reviewed a potential ordinance amendment that would increase the allowable area for detached accessory buildings if the house does not have an attached garage. At that time, staff was directed to schedule the ordinance for formal review. The ordinance is attached.

Review procedures The Plan Commission is advisory. The Village Board makes the final decision.

Notice requirements A class II public hearing notice was published as required. 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.

Attachments:

1. Public hearing notice
2. Proposed ordinance, dated October 9, 2023

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 13, 2023, to consider an ordinance to amend the Village's zoning regulations (Chapter 510) in regards to floor area standards for accessory buildings in residential zoning districts.

The proposed amendment may affect allowable uses within the Village. The proposed amendments 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. Additional information is posted online at <https://s.zoninghub.com/EP2EA0NCBO>.

The Plan Commission meeting starts at 6:30 pm and will be held at the Village Hall 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. 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 Wednesday, November 8, 2023; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on October 27 and November 3, 2023

ORDINANCE 2023-

- DRAFT October 9, 2023 -

**AN ORDINANCE TO AMEND CHAPTER 510 OF THE VILLAGE OF EAST TROY
MUNICIPAL CODE RELATING TO DETACHED ACCESSORY BUILDINGS**

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 the allowable floor area for detached accessory buildings; and

WHEREAS, the Plan Commission prepared a draft ordinance to address the aforementioned changes, and recommended approval of the same at its meeting on October 9, 2023; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on November 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 § 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 510-47 (J)(1) to read as revised below.

J. Accessory buildings.

- (1) Residential accessory building: a detached building customarily found with a residential use as an accessory use. The term includes greenhouses, detached garages, sheds, gazebos, pool cabanas, and the like. Residential accessory buildings shall adhere to the following regulations and any others that may apply:
 - (a) Number. In addition to one accessory building less than 150 square feet, one additional accessory building shall be allowed per lot.
 - (b) Maximum floor area. The maximum floor area of the additional accessory building shall not exceed the following square footage for each lot size:
 - [1] Lot area less than 30,000 square feet: 484 square feet; 834 square feet if there is no attached garage and the house was constructed before January 1, 1980
 - [2] Lot area from 30,000 square feet to 39,999 square feet: 690 square feet; 1,040 square feet if there is no attached garage and the house was constructed before January 1, 1980
 - [3] Lot area from 40,000 square feet to 49,999 square feet: 920 square feet; 1,270 square feet if there is no attached garage and the house was constructed before January 1, 1980
 - [4] Lot area from 50,000 square feet to 59,999 square feet: 1,150 square feet; 1,500 square feet if there is no attached garage and the house was constructed before January 1, 1980
 - [5] Lot area from 60,000 square feet to 69,999 square feet: 1,380 square feet; 1,730 square feet if there is no attached garage and the house was constructed before January 1, 1980
 - [6] Lot area from 70,000 square feet to 79,999 square feet: 1,610 square feet; 1,960 square feet if there is no attached garage and the house was constructed before January 1, 1980
 - [7] Lot area from 80,000 square feet to 89,999 square feet: 1,840 square feet; 2,190 square feet if there is no attached garage and the house was constructed before January 1, 1980
 - (c) Placement. The accessory building that is less than 150 square feet may only be located in the rear yard or the side yard. The other accessory building must be located in the rear yard, except as described in this subsection. If there is not enough room in the rear yard to place the other accessory building, the building may be located in the rear and side yard, provided the back of the building is within 110% of the rear yard setback for the zoning district in which the parcel is located. If the property owner would like to place the other accessory building in a different location, the Plan Commission may allow an alternative location as a special exception, provided the front of the accessory building is at least five feet behind the front face of the principal building that is most distant from the front lot line.
 - (d) Materials. With the exception of farm buildings, accessory buildings located within a residential district shall be constructed or finished in a complementary architectural style and with complementary materials to the principal residential buildings in the neighborhood.
 - (e) Deed restriction. In the event the property owner constructs a larger detached accessory building as allowed by subsection (b) above, the property owner must record a deed

restriction with the register of deeds office as approved by the zoning administrator. The deed restriction must state the owner may not at a later date construct an attached garage unless the existing detached accessory building is removed or modified so as to comply with regard to floor area.

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

Robert M Johnson, President

ATTEST:

Lorri Alexander, Village Clerk