

ORDINANCE 2023-          

**- DRAFT November 21, 2023 -**

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**AN ORDINANCE TO AMEND CHAPTER 510 OF THE VILLAGE OF EAST TROY  
MUNICIPAL CODE RELATING TO OUTDOOR STORAGE IN THE MIXED  
BUSINESS/LIGHT INDUSTRIAL DESIGN OVERLAY DISTRICT**

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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, MDC East Troy LLC (Josh Manthei) submitted a petition to amend the Village’s zoning code with regard to outdoor storage in the Mixed Business/Light Industrial Design Overlay District; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on December 4, 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 December 4, 2023; and

WHEREAS, the Village Board accepted the Plan Commission’s recommended text amendment without 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 510-226 to read as revised below.

510-226 ~~Prohibited~~ **Land uses.**

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

~~A~~1. Bus yard;

~~B. Outdoor storage and wholesaling;~~

~~C~~2. Personal storage facilities;

~~D~~3. Airports;

~~E~~4. Off-site parking; and

~~F~~5. Vehicle storage and impound yard.

B. Special standards for outdoor storage and wholesaling. Outdoor storage and wholesaling, if otherwise allowed in the base district, is allowed provided the storage of items in the outdoor area is limited to those products manufactured on site and small batches of raw materials used in the on-site manufacturing process.

**Section 2.** Repeal and recreate subsection 510-229 to read as revised below.

510-229 **Outdoor storage.**

If allowed by the base zoning district, outdoor storage of materials and equipment is limited to 35% of the floor area of the principal building, except when products are manufactured on-site. All such outdoor storage areas must be screened with either a fence (at least six 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 ~~six~~ eight 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).

**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 4<sup>th</sup> day of December, 2023

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Robert M Johnson, President

ATTEST:

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Lorri Alexander, Village Clerk