

Date: March 6, 2024

To: Village of East Troy Plan Commission

From: Tim Schwecke, Zoning Administrator

Subject: Amend the Village's zoning regulations (Chapter 510) to allow incidental outdoor display in the Light Industrial (LI) District and General Industrial (GI) District; MDC East Troy, LLC (Josh Manthei), applicant

Application: 2024-03; <https://s.zoninghub.com/8N1ZW3NY0Y>

Meeting: March 11, 2024 Plan Commission meeting

MDC East Troy, LLC owns property in the Village and has submitted an application to allow incidental outdoor display in the Light Industrial (LI) District and General Industrial (GI) District as a permitted use.

Incidental outdoor display is described in Section 510-47 (P) and is included below.

- P. Incidental outdoor display. Incidental outdoor display includes the sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use. Incidental outdoor display land uses shall comply with all regulations of § 510-42E, and the display area shall not exceed 25% of gross floor area of the principal building on the site.

The land use table in the zoning code shows where various land uses are allowed. Below is a part of the Use Table from the zoning code. See the listing for "P. Incidental Outdoor Display."

| Land Use Permitted | District | | | | | | | | | | | | | | | | |
|---|-----------------------|---------------------------|-----------------------------|---------------------------------|--------------------------------------|-------------------------------------|-------------------------------|-----------------------------|---------------------------------|---------------------------------|----------------------------|-----------------------|-----------------------|-----------------------------------|--------------------|-----------------------|-------------------------|
| | Rural Holding (RH-35) | Estate Residential (SR-3) | Suburban Residential (SR-4) | Neighborhood Residential (SR-5) | Traditional-Front Residential (SR-6) | Traditional-Rear Residential (SR-7) | Two-Family Residential (TR-8) | Attached Residential (AR-9) | Multifamily Residential (MR-10) | Mobile Home Residential (MHR-6) | Neighborhood Business (NB) | Highway Business (HB) | Central Business (CB) | Central Business Transition (CBT) | Business Park (BP) | Light Industrial (LI) | General Industrial (GI) |
| D. Family day-care home, 4 to 8 kids | P | P | P | P | P | P | P | P | P | | P | | | P | | | |
| E. Intermediate day-care home, 9 to 15 kids | C | | | | | | | | | | C | | | C | | | |
| F. In-family suite | P | P | P | P | P | P | P | | | | P | | | P | | | |
| G. Accessory dwelling unit | C | C | C | C | C | C | | | | | C | | | C | | | |
| H. Farm residence | P | | | | | | | | | | | | | | | | |
| I. Migrant employee housing | C | | | | | | | | | | | | | | | | |
| J. Residential accessory building | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | |
| J. Nonresidential accessory building | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| K. Residential recreational facility | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | |
| L. Residential kennel or stable | C | | | | | | | | | | | | | | | | |
| M. On-site parking | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| N. Company cafeteria | | | | | | | | | | | | P | P | C | P | P | P |
| O. Company on-site recreation | | | | | | | | | | | | S | S | | S | S | S |
| P. Incidental outdoor display | | | | | | | | | | | | P | P | P | | P | P |
| Q. Incidental indoor sales | | | | | | | | | | | | | | | P | P | P |
| R. Incidental light industrial | | | | | | | | | | | C | C | C | | C | | |
| S. Exterior communications device | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| T. Ham radio tower and antenna | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S |
| U. Lawn care | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| V. Stormwater facilities | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| W. Septic systems | C | | | | | | | | | | | | | | | | |
| X. Vehicle towing establishment | | | | | | | | | | | | C | | | | | |
| Y. Swimming pools | R | R | R | R | R | R | R | R | R | R | | | | R | | | |
| Z. Outdoor furnaces | C | | | | | | | | | | | C | | | | | |
| Temporary Uses - § 510-48 | | | | | | | | | | | | | | | | | |

A copy of the proposed amendment is attached in the form of a draft ordinance.

Zoning Administrator findings Pursuant to Section 510-154 (G) of the zoning code, the Village zoning administrator must review various factors and render an opinion. The factors are listed below in bold, followed by comments.

- (1) **Advances the purposes of this chapter as outlined in § 510-3.** The proposed revisions are not inconsistent.
- (2) **Advances the purposes of the general article in which the amendment is proposed to be located.** The proposed revisions are not inconsistent.
- (3) **Advances the purposes of the specific section in which the amendment is proposed to be located.** The proposed revisions are not inconsistent.
- (4) **Is in harmony with the recommendations of the Comprehensive Plan. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.** The proposed revisions are not in conflict with the village's comprehensive plan.
- (5) **Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.** As described, an incidental outdoor display is limited to 25 percent of the building's footprint. That will ensure the display area will not be a dominant element on the property. The description could be further constrained by revising that section to limit the items on display to merchandise that is produced onsite.
- (6) **Addresses any of the following factors that may not be addressed in the current zoning text:**
 - (a) **A change in the land market or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s).**
 - (b) **New methods of development or types of infrastructure.**
 - (c) **Changing governmental finances to meet the needs of the government in terms of providing and affording public services.**

The proposed change is unrelated to any of the above situations.

Review procedures The Plan Commission is advisory with regard to code amendment applications. 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 in the proposed amendment to the zoning map, 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 As required by the Village's zoning code and state statute, a class II public hearing notice was published, a copy of which is attached.

Public Comment As of this date, no written comments have been received.

Potential motion for approval: Recommend to the Village Board the proposed text amendment set forth in the draft ordinance dated February 19, 2024.

Attachments:

1. Public hearing notice
2. Draft ordinance, February 19, 2024

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARINGS

The Village of East Troy Plan Commission will conduct a public hearing on Monday, March 11, 2024, for each of the following:

1. Amend the Village's zoning regulations (Chapter 510) with regard to incidental outdoor display in the Light Industrial (LI) District and General Industrial (GI) District; MDC East Troy LLC, applicant (application 2024-03)

Details are available online: <https://s.zoninghub.com/8N1ZW3NYOY>

2. Amend the Village's zoning regulations (Chapter 510) with regard to screening of outdoor storage areas in the Mixed Business/Light Industrial Design Overlay District; MDC East Troy LLC, applicant (application 2024-04)

Details are available online: <https://s.zoninghub.com/K8LW7Z2RUY>

The Plan Commission meeting starts at 6:30 pm and will be held at the Village Hall 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. In addition, written comments may be submitted (1) online via the Village's ZoningHub website <https://villageofeasttroy.zoninghub.com/home.aspx>, by March 6, 2024; (2) to the Village Hall by Friday, March 8, 2024; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on February 23 and March 1, 2024

ORDINANCE 2024- [REDACTED]

- DRAFT February 19, 2024 -

AN ORDINANCE TO AMEND CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE RELATING TO INCIDENTAL OUTDOOR DISPLAY IN THE LIGHT INDUSTRIAL DISTRICT AND GENERAL INDUSTRIAL 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, MDC East Troy LLC (Josh Manthei) submitted a petition to amend the Village’s zoning code with regard to incidental outdoor display in the Light Industrial (LI) District and General Industrial (GI) District; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on March 11, 2024; 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 March 18, 2024; and

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

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. Revise the Land Use Table (Attachment 1) by showing Incidental Outdoor Display, part of the Accessory Uses group, as permitted by right in the Light Industrial (LI) and General Industrial (GI) districts.

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 the Village Board this 18th day of March, 2024

Robert M Johnson, President

ATTEST:

Lorri Alexander, Village Clerk