

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) with regard to screening of outdoor storage areas in the Mixed Business/Light Industrial Design Overlay District; MDC East Troy, LLC (Josh Manthei), applicant

Application: 2024-04; <https://s.zoninghub.com/K8LW7Z2RUY>

Meeting: March 11, 2024 Plan Commission meeting

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MDC East Troy, LLC owns property in the Village and has submitted an application to modify Section 510-229 of the zoning code that addresses outdoor storage in the Mixed Business/Light Industrial Design Overlay District.

That section with the proposed revision is shown 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. Upon petition, the Plan Commission may, with good cause, waive this screening requirement, in whole or in part, or defer the requirement to a later date based on a determination that screening is not needed given the nature of the adjoining properties. Stacking of materials and equipment shall not exceed 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).

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.** The proposed amendment allows the potential to not require a

fence. Such requests would be reviewed on a case-by-case basis. As part of that review, the Plan Commission must consider the effect on surrounding properties.

**(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-          

**- DRAFT February 19, 2024 -**

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**AN ORDINANCE TO AMEND CHAPTER 510 OF THE VILLAGE OF EAST TROY  
MUNICIPAL CODE RELATING TO SCREENING OF OUTDOOR STORAGE AREAS**

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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 screening of outdoor storage areas 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 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.** Repeal and recreate Section 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. Upon petition,

the Plan Commission may, with good cause, waive this screening requirement, in whole or in part, or defer the requirement to a later date based on a determination that screening is not needed given the nature of the adjoining properties. Stacking of materials and equipment shall not exceed 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 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 18<sup>th</sup> day of March, 2024

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Robert M Johnson, President

ATTEST:

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Lorri Alexander, Village Clerk