

ORDINANCE 2023-04

**AN ORDINANCE TO AMEND CHAPTER 510 OF THE VILLAGE OF
EAST TROY MUNICIPAL CODE RELATING TO ATTACHED
GARAGES AND RELATED MATTERS**

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 accessory buildings in residential 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 March 13, 2023; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on April 10, 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 April 17, 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 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. Revise the table in subsection 510-18(H) by inserting a row at the end of the table to read as follows:

Maximum area of attached garage 70 percent, except as allowed in §510-58.1

Section 2. Revise the table in subsection 510-19(H) by inserting a row at the end of the table to read as follows:

Maximum area of attached garage 70 percent, except as allowed in §510-58.1

Section 3. Revise the table in subsection 510-20(H) by inserting a row at the end of the table to read as follows:

Maximum area of attached garage 70 percent, except as allowed in §510-58.1

Section 4. Revise the table in subsection 510-21(H) by inserting a row at the end of the table to read as follows:

Maximum area of attached garage 70 percent, except as allowed in §510--58.1

Section 5. Revise the table in subsection 510-22(H) by inserting a row at the end of the table to read as follows:

Maximum area of attached garage 70 percent, except as allowed in §510--58.1

Section 6. Revise the table in subsection 510-23(H) by inserting a row at the end of the table to read as follows:

Maximum area of attached garage 70 percent, except as allowed in §510--58.1

Section 7. Revise the table in subsection 510-24(H) by inserting a row at the end of the table to read as follows:

Maximum area of attached garage 70 percent, except as allowed in §510-58.1

Section 8. Revise the table in subsection 510-25(H) by inserting a row at the end of the table to read as follows:

Maximum area of attached garage 70 percent, except as allowed in §510--58.1

Section 9. Create Section 510-58.1 to read as follows:

Upon petition, the Plan Commission may allow a larger attached garage than what is otherwise allowed in §§ 510-18, 510-19, 510-20, 510-21, 510-22, 510-23, 510-24, and 510-25, provided:

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- (1) The attached garage has no more than three side-by-side vehicles facing the right-of-way from which the dwelling unit has street access;
 - (2) The attached garage complies with all other requirements of this chapter; and
 - (3) The grant is subject to an equivalent reduction in the total floor area of accessory buildings that are allowed on the lot.

In making their decision, the Plan Commission must make each of the following determinations:

- (1) The architecture of the oversized garage is compatible with the dwelling unit;
- (2) The oversized garage will not be adverse to the public health, safety or welfare;
- (3) The oversized garage will not be in conflict with the spirit or intent of this chapter; and
- (4) The oversized garage will not otherwise be detrimental to the Village or the immediate neighborhood where the structure would be located.

The Plan Commission may impose such conditions it deems necessary including a requirement for screening and/or landscaping.

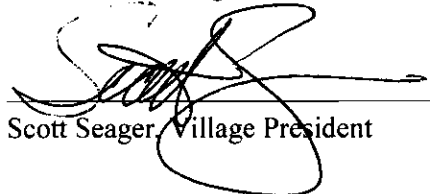
Section 10. Insert the following definition in Section 510-12 in alphabetical order:

Attached garage. A defined area of a dwelling unit that is used to keep motor vehicles, trailers, and other household items. By definition, the attached garage shares a common wall with the living area. However, for the purpose of this definition, a single breezeway, not exceeding 40 feet, constitutes a connection between a single-family dwelling that does not have a garage area and an attached garage, provided the breezeway has a roof with a minimum width of 6 feet. The breezeway may be enclosed, partially enclosed, or open.

Section 11. This ordinance shall become effective upon passage and posting or publication as provided by law.

Section 12. 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 17th day of April, 2023.



Scott Seager, Village President

ATTEST:



Lorri Alexander, Village Clerk