

ORDINANCE 2022-07

**AN ORDINANCE TO MAKE REVISIONS TO THE ZONING REGULATIONS IN
CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE**

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 desires to create a new zoning district with related regulations and recommended approval of the same at their meeting on May 9, 2022; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on June 13, 2022; and

WHEREAS, within a reasonable time after the public hearing, the Plan Commission reported its recommendation to the Village Board as set forth in this ordinance; and

WHEREAS, the Village Board considered the Plan Commission's recommendation at its meeting on June 20, 2022; and

WHEREAS, the Village Board accepted the Plan Commission's recommended 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. Amend Section 510-14 by including "CBT Central Business Transition" in the part labeled "Business Zoning Districts."

Section 2. Create Section 510-30.5 to read as follows:

510-30.5 CBT Central Business Transition District

- A. Description and purpose. The Central Business Transition (CBT) district is intended to accommodate existing and new land uses that are compatible with the Central Business (CB) district and the surrounding areas by providing an intermediate intensity/density of compatible commercial, institutional, and residential uses. All uses in this district shall be provided with public sanitary sewer and water services.
- B. Uses. For principal and accessory uses permitted by right or as a conditional use and allowable temporary uses, refer to the Table of Land Uses included as an attachment to this chapter. See § 510-38.
- C. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article X) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- D. Performance standards. All allowed uses in the CBT Zoning District shall comply with applicable performance standards of Article XIII, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- E. Landscaping regulations. All landscaping in the CBT Zoning District shall comply with applicable provisions of Article XIV.
- F. Signage regulations. All signs in the CBT Zoning District shall comply with applicable provisions of Article XV.
- G. Nonconforming situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Article IX.
- H. Intensity and bulk regulations applicable to nonresidential uses. Intensity and bulk regulations specific to the CBT Zoning District are detailed below. See Articles VII and VIII for additional requirements applicable to all zoning districts.
 - (1) Minimum lot area: 10,000 square feet
 - (2) Maximum building coverage of lot: 60% of net lot area
 - (3) Maximum impervious coverage of lot: 80% of net lot area
 - (4) Minimum lot width: 60 feet for residential; 70 feet for nonresidential
 - (5) Minimum street setback: 10
 - (6) Minimum side setback: 10 feet
 - (7) Minimum rear setback: 25 feet
 - (8) Maximum principal building height: 35 feet
 - (9) Minimum principal building separation (multi-structure developments on shared lots): 10 feet
 - (10) Minimum pavement setback (lot line to pavement; excludes driveway entrances): 5 feet
 - (11) Minimum parking required: per Article VI
 - (12) Accessory building side setback: 5 feet
 - (13) Accessory building rear setback: 5 feet

(14) Maximum accessory building height: 18 feet

Section 3. Repeal and recreate subsection 510-93(H-M) to read as revised below.

- H. Parking within the Central Business District. Within the Central Business (CB) District, the parking requirements of this chapter are ~~hereby~~ waived for non-residential uses.
- I. Parking within the Central Business Transition District. When a property in the Central Business Transition (CBT) District will be used for non-residential uses and fronts on a street where street parking is allowed, at least 50 percent of the required number of parking spaces for the use shall be provided on site, but not less than 2. If the size and configuration of the subject property is not able to accommodate such required parking, the Plan Commission may on a case-by-case allow a lesser number of on-site parking spaces as part of the site plan review process when the commission determines additional on-street parking will not cause undo congestion or unnecessary impacts.
- J. Locational prohibitions for off-street parking areas.
(1) Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan.
(2) No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Works.
- K. Minimum permitted throat length. Figure 510-93B shall be used to determine the minimum permitted throat length of access drives serving parking lots as measured from the right-of-way line along the center line of the access drive. This regulation may be modified by the Plan Commission by explicit motion associated with this site review process.
- L. Potential reduction in parking. The Plan Commission may decrease the required number of off-street automobile parking spaces by up to 25% of the normal requirements based upon one or more of the following criteria:
(1) Technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in this chapter.
(2) Bicycle parking spaces will be provided through racks, lockers, or equivalent structures located convenient to the proposed use.
(3) A public transportation route is located within 500 feet of the property.
- M. Installation and maintenance. All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by § 510-96.
- N. Use of off-street parking areas. The use of all required off-street parking areas shall be limited to the parking of licensed operable vehicles not for lease, rent, or sale. Within residential districts, required parking spaces shall only be used by operable cars and trucks.

Figure 510-93A titled "Parking Layout Dimensions" remains unchanged.

Section 4. Repeal and recreate the first part of subsection 510-135(A) to read as revised below.

- A. Permitted signs. The signs listed in this subsection are allowed with a sign permit in the following zoning districts: NB Neighborhood Business, CB Central Business, CBT Central Business Transition, HB Highway Business, LI Light Industrial and GI General Industrial.

Section 5. Revise Attachment 1 by adding the content for the CBT district as set forth in the table below.

Dwelling Unit Type s. 510-39	<u>CBT</u>
A. Single-Family - 5,000 sq ft lot	P
A. Single-Family - 6,000 sq ft lot	P
A. Single-Family - 7,200 sq ft lot	P
A. Single-Family, 10,000 sq ft lot	P
B. Two-Flat	P
C. Twin-House	P
D. Duplex	P
K. Mixed-use Dwelling Unit	P
Agricultural Uses s. 510-40	
A. Cultivation	C
D. Selective Cutting	P
E. Clear-cutting	C
H. Community Garden	C
I. Market Garden	C
Institutional Uses s. 510-41	
A. Indoor Institutional	C
B. Outdoor Open Space Institutional	C
C. Passive Outdoor Public Recreation	P
D. Active Outdoor Public Recreation	P
E. Intensive Outdoor Public Recreation	C
F. Public Service and Utilities	P
I. Community Living Arrangement 1-8 Residents	P
Commercial Uses s. 510-42	
A. Office	P
B. Personal Service and Professional Service	C
C. Artisan Studio	C
D. Indoor Sales or Service	C
I. Bed and Breakfast Establishment	P
J. Commercial Indoor Lodging	C
K. Boardinghouse	C
M. Group Day-care Center	C
O. Indoor Maintenance Service	C
G. Telecommunication Collocation, Class 1	WT
H. Telecommunication Collocation, Class 2	P
I. Telecommunication Tower	WT
Transportation Uses s. 510-45	
E. Off-Site Parking	P
Accessory Uses s. 510-47	
B. Home Occupation	P
C. Expanded Home Occupation	C
D. Family Day-Care Home, 4 to 8 Kids	P

E. Intermediate Daycare Home 9-15 Kids	C
F. In-Family Suite	P
G. Accessory Dwelling Unit	C
J. Residential Accessory Building	P
J. Nonresidential Accessory Building	P
K. Residential Recreational Facility	P
M. On-Site Parking	P
N. Company Cafeteria	C
S. Exterior Communications Device	P
T. Ham Radio Tower and Antenna	S
U. Lawn Care	P
V. Stormwater Facilities	P
Y. Swimming Pool (Residential)	R

Temporary Uses s. 510-48

A. Temporary Farm Product Sales	T
B. Temporary Outdoor Sales	T
C. Temporary Outdoor Assembly	T
D. Temporary Shelter Structure	T
E. Temporary Storage Container	T
F. Temporary Construction Storage	T
H. Garage or Estate Sale (Auction)	T
I. Farmers Market	T

Section 6. Revise Figure 510-54 (Attachment 3) by adding content for the CBT district as set forth in the table below.

Zoning District	Minimum Lot Area 1,3	Maximum Building Coverage 4	Maximum Impervious Coverage 4	Minimum Lot Width 2	Building Setback (street/side/rear) 2	Minimum Building Separation 2	Accessory Building Setback (side/rear) 2	Maximum Building Height (principal/accessory) 2
CBT	5,000	40%	50%	60	10/8/25	16	5/5	35/18

Section 7. Revise Figure 510-55 (Attachment 4) by adding content for the CBT district as set forth in the table below.

Zoning District	Minimum Lot Area 1,3	Maximum Building Coverage 4	Maximum Impervious Coverage 4	Minimum Lot Width 2	Building Setback (street/side/rear) 2	Minimum Building Separation 2	Accessory Building Setback (side/rear) 2	Maximum Building Height (principal/accessory) 2
CBT	10,000	60%	80%	70	10/10/25	10	5/5	35/18

Section 8. Revise Figure 510-116 (Attachment 6) by adding content for the CBT district as set forth below.

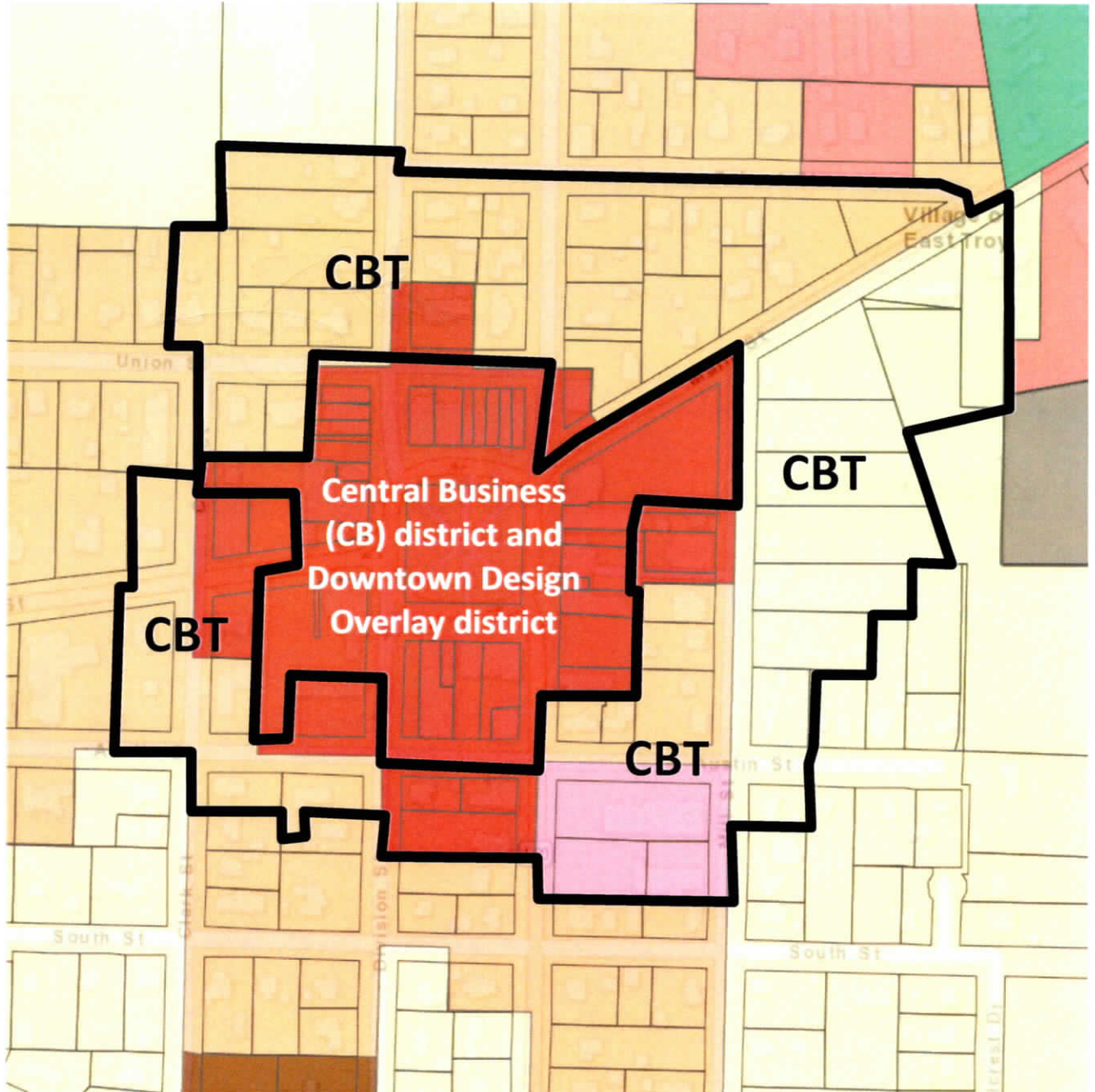
Zoning Districts:	Building Foundation	Street Frontages	Paved Areas	Developed Lots
Central Business Transition (CBT)	40	40	80	20

Section 9. Revise Figure 510-119A (Attachment 7) by adding content for the CBT district as set forth in the table below (column and row).

Apply the required opacity value from this figure to Figure 510-119B and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.		Adjacent Property's Zoning District															
		(RH-35)	(SR-3)	(SR-4)	(SR-5)	(SR-6)	(SR-7)	(TR-8)	(AR-9)	(MR-10)	(RHR-6)	(NB)	(CB)	(CBT)	(BP)	(LI)	(GI)
Subject Property's Zoning 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)	*	.6	.6	.6	.6	.6	.5	.4	.3	.2	.1	.1				
	Business Park (BP)													.1			
	Light Industrial (LI)													.1			
General Industrial (GI)													.4				

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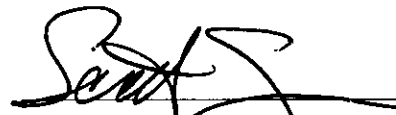
Section 10. Repeal and recreate the zoning map by (1) rezoning those parcels depicted as CBT in the map below as the Central Business Transition (CBT) district and (2) revising the Downtown Design Overlay district to correspond to the outer limits of the CB district.



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 20th day of June, 2022



Scott Seager, President

ATTEST:



Lorri Alexander, Village Clerk

