

ORDINANCE 2024-03

AN ORDINANCE TO AMEND CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE RELATING TO THE OVERLOOK RIDGE PLANNED DEVELOPMENT 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, Sawall Development submitted a petition to establish a planned development district as allowed under the Village's zoning regulations; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on January 6, 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 January 15, 2024; 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. 65.10015, 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. Create section 510-203 to read as follows:

510-203 Overlook Ridge Planned Development District

A. **Purpose.** The Overlook Ridge Planned Development District is intended to accommodate a proposed multifamily development project consisting of 145 dwelling units in two four-story buildings. The proposed residential development exemplifies good architectural design. The proposed style of construction and layout allows for an economical density while providing ample green space for the development. There is a mix of dwelling units including studio units, one-bedroom units, two-bedroom units, and three-bedroom units.

- B. **Permissible development.** Development is limited to the following:
 1. two multifamily buildings with a total of 145 dwelling units
 2. a fenced dog park, which must be constructed as an amenity for residents living in the complex
 3. an outdoor swimming pool and patio area, which must be constructed as an amenity for residents living in the complex
 4. a detached storage building, not to exceed 1,050 square feet, which may be placed in the front yard

The storage building will only be used for storage specifically related to the management of the multifamily complex. The outdoor swimming pool and patio area may only be used by residents and their invited guests.

C. **Development standards.** Development must comply with all of the dimensional standards for the MR 10 zoning district, except as set forth in the following table:

Standard	MR-10 District	Approved
Maximum Density (DU/acre)	10 DU/acre	30 DU/acre
Maximum Building Height	35 feet	50 feet for residential, 18 feet for accessory buildings
Impervious Surface	50 percent	58 percent
Minimum Lot Area	4,356 square feet per unit	1,481 square feet per unit

- D. **Effect of approved general development plan.** The approved general development plan for this project sets forth the location of the district and the overall design parameters for the project and shall be kept on file with the Village of East Troy as a permanent record and through this specific reference is incorporated herein, along with any conditions of approval.
- E. **Final development plan required.** Development of the subject property may only proceed when the property owner submits a final development plan as described in Article XII and obtains all necessary approvals as required.
- F. **Division of land restricted.** This development project has been designed as an integrated project and shall not hereafter be subdivided by any means. Further, the configuration of the subject property shall not hereafter be modified by any means.
- G. **Revisions to the zoning map.** Prior to enactment of this section, Lot 1 of CSM #517 was zoned MR-10. Upon adoption of this section, the subject property shall be designated as a planned development

district with reference to this section. Hereafter, the subject property is subject to this section and other sections of this Code as applicable.

H. Termination. If the Village has not approved a final development plan by June 18, 2024, the zoning implemented by this section shall lapse, and the zoning shall automatically revert to MR-10. Furthermore, if any part of the project remains unbuilt after December 31, 2025, the zoning for that area as implemented by this section shall lapse without further action, and the zoning shall automatically revert to MR-10.

Section 2. This ordinance shall become effective upon passage and posting or publication as provided by law.

Section 3. Property owner shall reimburse the Village all costs incurred by the Village for review of this rezoning and planned development district approval including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements for the planned development district.

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 the Village Board this 15th day of January, 2024


Robert M Johnson, President

ATTEST:


Lorri Alexander, Village Clerk

