

**ORDINANCE NO. 2022-03
VILLAGE OF BELLEVILLE**

**AN ORDINANCE AMENDING CHAPTERS 446 AND 615
OF THE VILLAGE OF BELLEVILLE CODE OF ORDINANCES RELATED TO
THE CREATION OF A DOWNTOWN FESTIVAL DISTRICT (OVERLAY)**

PURPOSE:

This ordinance is intended to promote festivals in the downtown area of the Village of Belleville.

The Village Board of the Village of Belleville, Dane and Green County, Wisconsin, ordains as follows:

1. Amend Section 615-8 of the Village of Belleville Code of Ordinances to include the following definition:

Festival. An outdoor gathering for a performance, celebration, commemoration, or other type of gathering open to the public, including but not limited to outdoor festivals, concerts, large social gatherings, flea markets, farmers markets, and other similar-type activities.

2. Amend Section 615-13 of the Village of Belleville Code of Ordinances to include the following designated zoning district:

Downtown Festival District (overlay)

3. Amend Section 615-15 of the Village of Belleville Code of Ordinances to add a new subsection (R) for the purpose of a Downtown Festival District:

Downtown Festival District (overlay). The Downtown Festival District is intended to enhance the economic growth of the Village's downtown area, showcase the downtown area through community special events and festivals, and provide residents and visitors with an opportunity to gather and celebrate the unique benefits of a smaller but growing community.

4. Create Section 615-18.2 of the Village of Belleville Code of Ordinances to read as follows:

§ 615-18.2 Downtown Festival District (overlay).

A. Purpose. The Village recognizes that its downtown area is an asset for economic growth and a desirable location to hold festivals. The Downtown

Festival District will allow for more festivals that will showcase the Village's downtown area for purposes of spurring economic development.

B. Application. The Downtown Festival District regulations and uses shall apply within every area marked in the Downtown Festival District map, which is hereby incorporated into this section.

C. Permitted Uses. The following shall be a permitted use in a Downtown Festival District:

1. Special events that are less than 72 hours.

D. Regulations.

1. Festivals within the Downtown Festival District may only occur if there is an event organizer that will be managing the festival.
2. Prior to a festival in the Downtown Festival District, the event organizer must obtain a special event permit under Chapter 446 of the Village Code.
3. The festival organizer must comply with all Federal, State, County, and Village laws, including all requirements under Chapter 446 of the Village Code.
4. Festival Event attendees that will consume alcohol within the designated boundaries of the Festival Event premises must wear a bracelet or possess a special container indicating they are of legal age to consume alcohol.
5. The licensee shall ensure that all fire hydrants remain free from obstructions within 15 feet and any other requirements established by the police, fire, and public works departments.
6. Alcohol may not be carried in from one licensed premises to another licensed premises.
7. Festival attendees shall not carry alcoholic beverages outside of the designated Downtown Festival District event boundaries.
8. Alcoholic beverages purchased from a licensed premises, but consumed off-premises, must be in containers approved by the Village as part of the special event permit.
9. The festival boundaries must be clearly marked by signs.
10. The licensee must obtain all other applicable Federal, State, County, and Village approvals.

E. During a Downtown Festival Event's approved hour of operation, and notwithstanding any Village ordinances to the contrary, Festival attendees may take open containers of beer or wine from establishments with a "Class B" or Class "B" temporary liquor license off premise and consume such

alcoholic beverages on the public rights of way, public spaces, or sidewalks within the designated festival boundaries.

5. Create Sections 446-5(A)(8)-(13) of the Village of Belleville Code of Ordinances to read as follows:

- (8) Plans for maintaining public safety during the entire special event.
- (9) Staffing needs and plans for managing and overseeing the special event.
- (10) Assembly and disassembly plans for the special event.
- (11) A list of vendors or businesses participating in the special event.
- (12) The Village may require the applicant to enter into an agreement with the Village, that is acceptable to the Village, holding the Village harmless.
- (13) A map depicting the exact boundaries of the special event area.
- (14) Any other information requested by the Village.

6. Create Section 446.5(H) of the Village of Belleville Code of Ordinances to read as follows:

G. The Village Board may approve the application, approve the application with conditions, or deny an application if it determines that issuance of a permit would not be in the interest of the public health, safety, or general welfare.

The above and foregoing ordinance was duly adopted at a regular meeting of the Village of Belleville on the 4 day of April, 2022.



VILLAGE OF BELLEVILLE

A handwritten signature in blue ink, appearing to read "Dale Yurs".

Dale Yurs, Village President

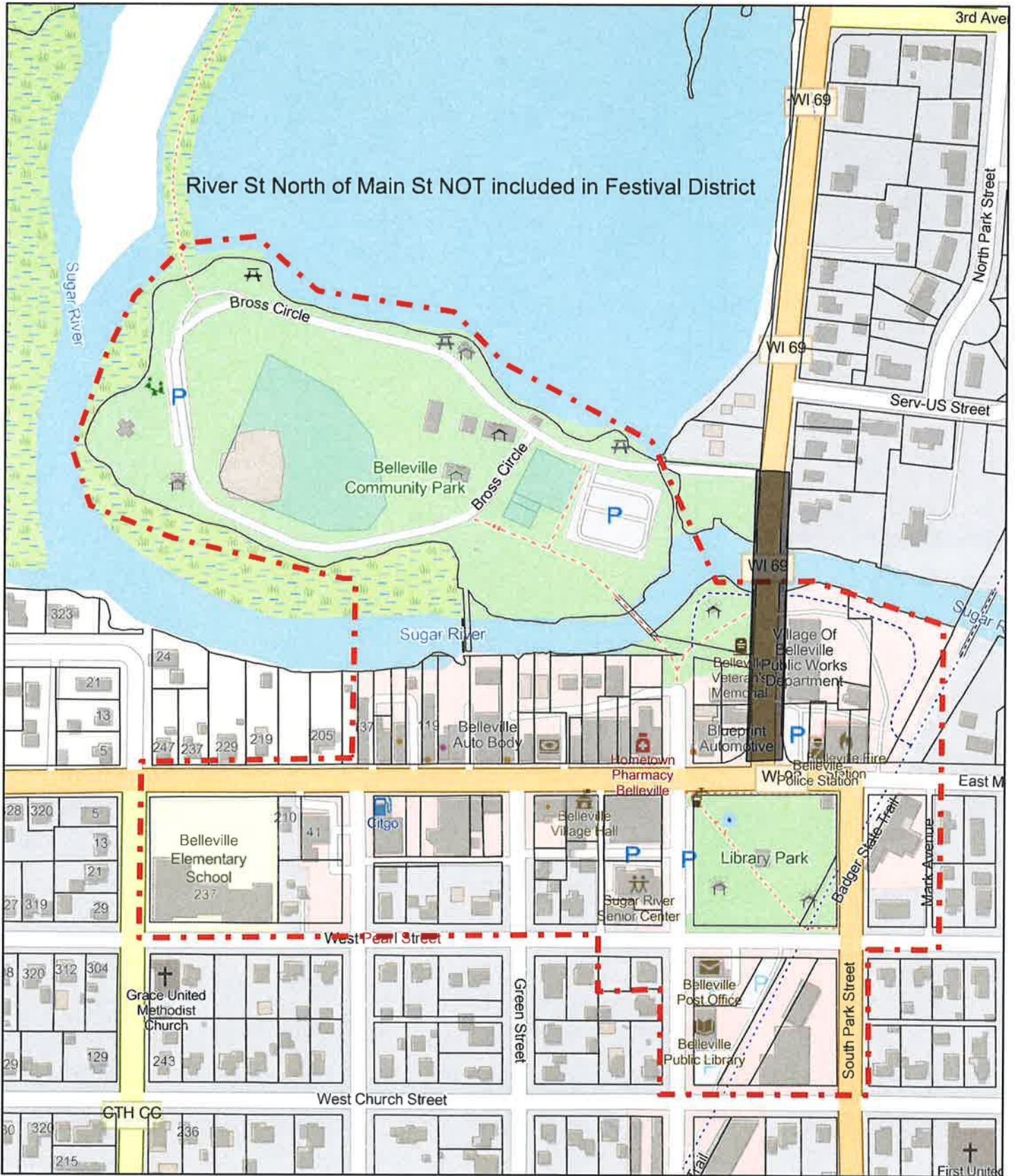
ATTEST:

A handwritten signature in blue ink, appearing to read "Rhea McGee".

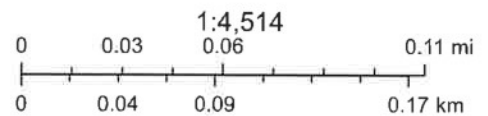
Rhea McGee, Village Clerk

(Published/Posted) this 21 day of April, 2022

Festival District (Overlay)



4/1/2022, 6:55:39 AM



Village of Belleville

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MEMORANDUM

To: Village President Yurs, Village Trustees, and Village Clerk
From: Jeffrey D. O'Dell, Village Administrator
Date: March 31, 2022
Re: Plan Commission Ordinance Recommendations

Executive Summary: At its March 23 meeting, the Plan Commission conducted three public hearings to consider proposed amendments to the Village's Zoning Code. Those proposed amendments included a new zero lot-line residential district, changes to lot and corner yard definitions and the family definition, and the creation of a new downtown festival overlay district. The Plan Commission was required to conduct these public hearings before considering and making recommendations to the Village Board. All three proposed amendments received unanimous approval by the Plan Commission and a positive recommendation has been forwarded on to the Village Board for its consideration and approval.

- Agenda Item # 12 c: Creation of a new zero lot line residential district and the proposed amendment to the Zoning Code is intended to provide a uniform procedure for property owners to obtain authorization for a zero-lot line dwelling. The attached ordinance adds a new Chapter 615.18.2 to the Village's Zoning Code and clarifies definitions related to a zero-lot line residential district and the process for the Plan Commission and Village Board to approve requests to the RZ District. The new zoning district will provide for all attached zero lot line or common wall construction single-family duplex dwellings.

After the Plan Commission meeting, staff, the Village's building inspector, and a residential developer met and based on that discussion, recommend that Section 1(b)(6) be amended further to include an additional phrase to the following sentence: "If an applicant receives conditional approval of the CSM, the lot owner(s) must obtain an early start permit, to include water and sewer utilities, to install the footings and foundations of the zero lot-line structure. The ordinance previously approved by the Plan Commission, requires a developer put the foundation in first and then would allow for the installation of water and sewer utility infrastructure. That would require boring into the foundation to attach to these utility lines versus allowing water and sewer utilities being installed first before the foundation is poured.

- Agenda Item #12 b: Amending the definitions of lot and regulation of corner yards is intended to provide additional clarity and address the confusion of frontage definitions. Existing structures that do not meet the new definitions will be considered legal and non-conforming uses. Amending the definition of family is intended to create more inclusivity to address its impact on lower income families and the potential for discrimination. While the Plan

Commission previously discussed eliminating the definition of family from the Zoning Code, the Village Attorney opined that some form of a definition of family should remain as it is applicable to other sections of the code.

- Agenda Item #12 d: Amending Chapters 446 (Special Events) and Chapter 615 (Zoning Code) is intended to promote festivals and other special events in Belleville's downtown area. Showcasing the downtown area through community events and festivals allows residents and other visitors to gather, celebrate, and increase economic development activity for our local businesses. Creation of a Downtown Festival Overlay District requires several amendments to various sections of the Village Code to ensure what uses are permitted, regulations that must be followed within the district, and the process for obtaining approval for an applicant to host a special event or festival. Attached to the ordinance is a map defining the boundaries of the new Downtown Festival Overlay District.

As noted in the attached ordinance, specifically, Section 615-18.2 (D), there are multiple regulations in place to ensure festival organizers, liquor license business holders, and attendees follow for the special or festival event to take place. In addition, Section 446-5(A) has been enhanced to include additional requirements before applications requesting a special event permit are considered and approved by the Village Board. Since organizers of special events in the Downtown Festival District will be required to obtain a special event permit from the Village, staff and Village Attorney used this opportunity to further enhance what was required of organizers when submitting their application for a special event held in the Village.

Direction Requested: The Village Board discuss and consider recommendations from the Plan Commission and adopt Ordinances 2022 - 01, 2022 - 02, and 2022 – 03.

Attachments: R-Z Zero Lot Line Ordinance
 Lot and Corner Yard Definitions and Family Definition Ordinance
 Downtown Festival Overlay District Ordinance