

CHAPTER 17

ZONING ORDINANCE

VILLAGE OF SUSSEX
WAUKESHA COUNTY, WISCONSIN

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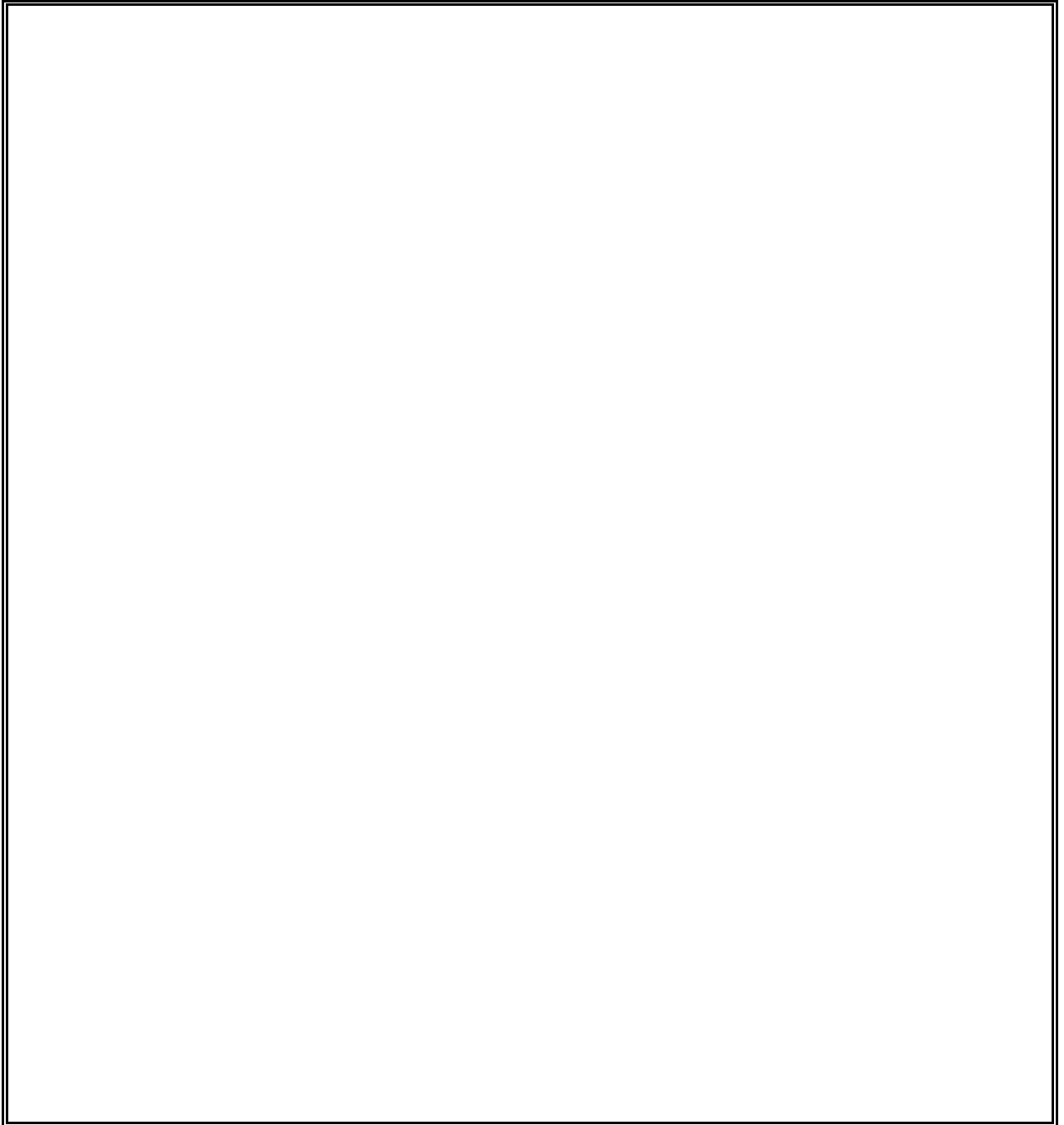


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CHAPTER 17

ZONING ORDINANCE FOR THE VILLAGE OF SUSSEX, WISCONSIN

SECTION 17.0100 STATUTORY AUTHORITY AND PURPOSE

17.0101 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35, 61.351, 62.23(7), 87.30, and 281.31 of the Wisconsin Statutes. Therefore, the Village Board of Sussex, Wisconsin do ordain as follows:

17.0102 PURPOSE

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.

17.0103 INTENT

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution, and density; and regulate and restrict size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; facilitate the use of solar energy devices and other innovative development techniques; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. In addition, the floodland zoning regulations set forth in this Ordinance have been adopted to prevent and control erosion, sedimentation, and other pollution of surface waters; to further the maintenance of safe and healthful water conditions and prevent flood damage to persons and property; and to minimize expenditures for flood relief and flood control projects. To this end, it is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

17.0104 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

17.0105 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

17.0106 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

17.0107 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection provided by the Ordinance is considered reasonable for

regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this Ordinance does not imply that areas outside of the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and the associated flood damages. Nor shall this Ordinance create a liability on the part of, or a cause of action against, the Village of Sussex or any office or employee thereof for any flood damages that may result from reliance on this Ordinance.

17.0108 REPEAL

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

17.0109 TITLE

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, VILLAGE OF SUSSEX, WISCONSIN."

17.0110 EFFECTIVE DATE

This Ordinance shall be effective after a public hearing, adoption by the Village Board of Trustees, and publication or posting as provided by law.

SECTION 17.0200 GENERAL PROVISIONS

17.0201 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of Sussex.

17.0202 COMPLIANCE

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

17.0203 MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction/reconstruction, maintenance/repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies.

17.0204 DUTIES OF THE BUILDING INSPECTOR

The Village Building Inspector is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance. The duty of the Building Inspector shall be to interpret and administer this Ordinance and to issue, after on-site inspection, all permits required by this Ordinance. The Building Inspector shall further:

- A. Maintain Records of all permits issued, inspections made, work approved, and other official actions.
- B. Record the Lowest Floor Elevations of all structures erected, moved, altered, or improved in the floodland districts.
- C. Establish That All Necessary Permits that are required for floodland uses by state and federal law have been secured.
- D. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Ordinance.
- E. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney.
- F. Assist the Village Attorney in the prosecution of Ordinance violations.
- G. Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.0119 of the Wisconsin Statutes.
- H. Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.

- I. Request Assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.
- J. Attend all meetings of the Village Plan Commission and the Village Zoning Board of Appeals.

17.0205 BUILDING PERMIT REQUIRED

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit from the Building Inspector, unless otherwise exempted pursuant to Section 17.0206 of this Ordinance.

Applications for building permit shall be made in duplicate to the Building Inspector on forms furnished by the Building Inspector and shall include the following where applicable:

- A. Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- B. Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Plat of Survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations to Village of Sussex datum, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and drive-ways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

When it is proposed to construct an addition to an existing structure, or construct an accessory structure, the Building Inspector may accept a location sketch drawn to scale in lieu of a plat of survey. The location sketch shall contain all information and dimensions required on the plat of survey.

The Building Inspector may waive the requirement for elevations on either a plat of survey or a location sketch when the development is neither located within or adjacent to a floodplain or wetland.

- D. Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Waukesha County Health Department for the installation of an onsite soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.
- E. Proposed Water Supply Plan if municipal water service is not available. This plan shall be in accordance with Chapter NR-812 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
- F. Additional Information as may be required by the Village Plan Commission, Village Engineer, Building Inspector, or Plumbing Inspector.

- G. A Building Permit shall be granted or denied in writing by the Building Inspector within 30 days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

17.0206 OCCUPANCY PERMIT REQUIRED

- A. No Vacant Land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been issued by the Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance. Such permit shall be applied for at the time of occupancy of any land and/or building.
- B. No Land within the Floodland Districts shall be developed, occupied or used, and no structure hereafter erected, altered, or moved shall be occupied until the applicant submits to the Building Inspector a certification by a registered professional engineer or land surveyor that he floodplain regulations set forth in this Ordinance have been fully complied with. Such certification shall include the first flood elevation of any structure erected on the site.
- C. No Building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new occupancy permit by the Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of the Zoning Ordinance, Uniform Dwelling Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the Village of Sussex and State of Wisconsin. Such occupancy permit for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for an occupancy permit shall be made in the same manner as for a building permit pursuant to Section 17.0205 of this Ordinance.

17.0207 CONDITIONAL USE PERMIT REQUIRED

See Section 17.0500.

17.0208 SIGN PERMIT REQUIRED

See Section 17.0800

17.0209 LAND DISTURBING PERMIT REQUIRED

See Chapter 14 of the Municipal Code of the Village of Sussex

17.0210 OTHER PERMITS

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Clean Water Act.

17.0211 SITE RESTRICTIONS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity,

aesthetics, and general welfare of this community. The Village Building Inspector, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Village Plan Commission may affirm, modify, or withdraw the determination of unsuitability. In addition:

- A. All Lots, except those located within the B-4 Central Business District, shall abut upon a public street, and each lot shall have a minimum frontage of 30 feet. The Plan Commission, at its discretion, may require that lots located within the B-4 Central Business District not abut upon a public street, or not have a minimum frontage of 30 feet, provided that such lots shall have appropriate access, as determined by the Plan Commission, to serve to implement the Sussex Downtown Design and Development Plan.
- B. All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- C. No Building Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- D. Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- E. Buffering. The Village Plan Commission may require the construction of a buffer between dissimilar zoning districts or dissimilar uses to screen the dissimilar activities from view. The buffer may consist of a landscaped buffer yard, a landscaped berm, a screening fence or wall, or a combination of buffering/screening elements.
 - (1) If a buffer yard is used, it shall be of sufficient depth and height, and contain sufficient plant species as to provide dense visual screening within two (2) years and during all seasons of the year.
 - (2) If a landscaped berm is used, it shall be not less than four (4) nor more than six (6) feet in height and the side slopes shall be a maximum of one (1) foot vertical to three (3) feet horizontal. Berms shall be sufficiently landscaped to provide dense visual screening within two (2) years and during all seasons of the year. The Plan Commission may permit a higher berm and steeper slopes for the purpose of buffering a mineral extraction operation under a permit issued pursuant to Section 17.0506 (A)(3) of this Ordinance.
 - (3) Where architectural walls or fences are used, such wall or fence shall create an attractive view from the residential side of the wall or fence. Any wall or fence shall not be less than four (4) nor more than six (6) feet in height. The Plan Commission may require additional landscaping in conjunction with a fence or wall.
 - (4) Where the land adjacent to the buffer yard is a parking lot, the buffer screen

- shall be sufficiently opaque to prevent the penetration of headlight glare.
- (5) All landscaping shall be maintained by the owner or operator to the satisfaction of the Plan Commission.
 - (6) No lighting shall be permitted on or in any part of the buffer yard, and no lighting installed elsewhere on the parcel shall throw any rays onto adjacent residential properties.
 - (7) No signs shall be permitted on or in any part of a buffer yard.
 - (8) All buffer yards, berms, fences, or walls shall be in conformance with the traffic visibility requirements set forth in Section 17.0601 of this Ordinance.

17.0212 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- A. **Principal Uses:** Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- B. **Accessory Uses and structures** are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Ordinance.
- C. **Conditional Uses and their accessory uses** are considered as special uses requiring review, public hearing, and approval by the Village Plan Commission in accordance with Section 17.0500 of this Ordinance. Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways, and interstate and controlled access traffic ways and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses. Such development shall be specifically reviewed and approved by the Village Plan Commission as provided in Section 17.0500 of this Ordinance.
- D. **Unclassified or Unspecified Uses** may be permitted by the Village Plan Commission provided that such uses are similar in character to the principal uses permitted in the district.
- E. **Temporary Uses**, including, but not limited to, real estate sales or rental field offices or shelters for materials and equipment being used in the construction of a permanent structure, but excluding temporary uses that are described in Section 17.0506 (D) of this chapter, may be conditionally permitted for a period of up to one year by the Village Administrator or the Village Administrator's designee, but any such temporary use shall be subject to full compliance with each of the following conditions:
 - 1) Any temporary use within a residential zoning district that involves sales, office hours, or other use in which persons may be present on the premises shall be conducted only during the following hours: from 4:00 p.m. to 7:00 p.m., Monday through Friday; and from 1:00 p.m. to 4:00 p.m. on Saturdays, Sundays and holidays. Hours for a temporary use within the non residential districts shall be set forth by the Village Administrator or the Village Administrator's designee to be compatible with the surrounding uses and intent of a "temporary" use.
 - 2) No structure may be used until it is approved for use by the Village of Sussex Building Inspector.
 - 3) No more than two sales or office employees may be on site at any one time.
 - 4) The premises shall comply with all current and future applicable codes, laws, statutes, ordinances, policies and guidelines of the village, Waukesha County, the State of Wisconsin, and the federal government as determined by the Village of Sussex Building Inspector.

- 5) The temporary use shall not commence until the fee for an occupancy permit has been paid and an occupancy permit has been issued.
 - 6) The Village Administrator or the Village Administrator's designee may establish additional reasonable conditions upon the temporary use, which shall be stated in writing to the applicant at the time of issuance of the temporary use permit.
 - 7) The temporary use may be revoked by the Village Administrator or the Village Administrator's designee upon a reasonable finding that the conditions of approval have been violated. The temporary use may also be revoked by the Village Administrator or the Village Administrator's designee following reasonable notice given to the applicant, upon a finding that the changing character of the surrounding area causes the temporary use to no longer be compatible with the surrounding area; or that the temporary use is not consistent with the original intent; or for similar cause, based upon consideration of the public welfare.
 - 8) Temporary uses shall expire one year from the date of issuance. The Village Administrator, or the village Administrator's designee may renew a temporary use permit for one additional year upon application for a renewal, subject to all the conditions noted herein, and as deemed appropriate by the Village Administrator or the Village Administrator's designee.
- F. Temporary Uses in Village Parks may be permitted by the Village Park Board and are exempt from the requirement to secure a Village Building Permit.
- G. Rummage Sales and garage sales, as defined in Section 17.1500 of this Ordinance, are permitted in any district and are exempt from the requirement to secure a Village Building Permit.
- H. Conceptual Approval of group housing, multiple-family, commercial, industrial, or mixed-use projects may be granted by the Plan Commission. Such conceptual approval shall serve as a notice of intent to formally approve a project when detailed plans meeting the requirements of this Ordinance and conditions set by the Plan Commission are submitted in a formal building permit application. Conceptual approval shall not, however, be binding on the Plan Commission or the Village Board. The Village Plan Commission may require a public hearing conforming to the review procedures set forth in Sections 17.0505 and 17.1400 of this Ordinance.
- I. Polystructures are prohibited in all zoning districts in the Village of Sussex, unless permitted as a conditional use pursuant to Section 17.0500.
- J. Tents used solely for recreational purposes, including but not limited to pup tents and party tents, are not subject to regulation as Temporary Uses per subsection (E), or as Polystructures per subsection (I), provided that they are located on a lot for fewer than fifteen (15) consecutive days, and for fewer than thirty (30) total days in a calendar year. Tents located on a lot in excess of these numbers of days shall be classified by the Village Administrator or the Village Administrator's designee as either a Temporary Use or a Polystructure, depending upon the particular tent and use thereof that is proposed, and shall be regulated as such.

17.0213

SHORELAND REGULATIONS.

In addition to any other applicable use, site, or sanitary restrictions and regulations, the following regulations shall apply to all shorelands, as defined in Section 17.1502 of this Ordinance, which were annexed to the Village after May 7, 1982:

- A. Tree Cutting and Shrubbery Clearing. Tree cutting and shrubbery clearing within 100 feet of the ordinary high water mark of all navigable waters is prohibited except for home site development; park site development; access roads; path and trail construction; timber stand improvement; customary trimming; dead tree removal; and managed timber harvesting under a State District Forester's Plan. Such tree cutting and shrubbery clearing shall not involve the clear cutting of more than 30 feet in any 100 feet, as measured along the ordinary high water mark, and shall be so regulated as to prevent erosion and sedimentation, preserve and improve scenic qualities, and during foliage substantially screen any development from stream or lake users. Paths and trails shall not exceed ten (10) feet in width and shall be so designed and constructed as to result in the least removal and disruption of shoreland cover and the minimum impairment of natural beauty.
- B. Earth Movements, such as construction, altering or enlargement of waterways, removal of stream or lake bed materials, channel clearing, dredging, lagooning, grading, topsoil removal, filling, road cutting, ditching, and soil and water conservation structures are conditional uses requiring review, public hearing and approval by the Village Plan Commission in accordance with Section 17.0500 of this Ordinance in addition to any permit required from the state agency having jurisdiction under Sections 30.11, 30.12, 30.19, 30.195, and 30.20 of the Wisconsin Statutes.
- C. Shoreyard Setback. Within the shoreland area, no structure, except navigational aids, piers and boat launching facilities, shall be closer than 75 feet to the ordinary highwater mark of a navigable body of water. Structures includes fences, ice fishing shanties, accessory structures other than boathouses, minor structures, and retaining walls not approved by the Wisconsin Department of Natural Resources (DNR).
- D. Tillage, Grazing, livestock watering and feeding, and application of fertilizers shall be prohibited unless conducted in accordance with applicable County, State and Federal laws and regulations and unless conducted in such a manner as to safeguard the health, safety and welfare of individuals, animal and aquatic life, in the surrounding environment.
- E. Surface Water Withdrawal and Diversion, or discharge for irrigation, processing, cooling or other purposes are conditional uses requiring a public hearing before the Village Plan Commission in accordance with Section 17.0500 of this Ordinance. The Plan Commission shall then advise the state agency having jurisdiction under Section 30.18 and Chapter 281 Subchapter II of the Wisconsin Statutes of its findings, prior to the issuance of the required state permits.
- F. Crop Production on lands with an erosion factor of three or more is prohibited and such lands shall be planted to permanent vegetation.

17.0214

REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

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SECTION 17.0300 FEES AND PENALTIES

17.0301 PERMIT FEES

All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Village Treasurer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the Building Permit, Occupancy Permit, Conditional Use Permit, Land Disturbing Permit, Sign Permit, Fence Permit, Satellite Dish Antenna Permit, and Accessory Structure Permit. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Village Board from time to time as deemed appropriate.

17.0302 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the Village Board, the Building Inspector, the Village Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Ordinance.

17.0303 PENALTIES

Any person, firm, or corporation that fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than Two Hundred Fifty Dollars (\$250) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Any person, firm or corporation that fails to comply with the provisions of this Ordinance for a second or subsequent violations, shall, upon conviction thereof, forfeit not less than Two Hundred Dollars (\$200) nor more than Five Hundred Dollars (\$500) and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 60 days. Each day a violation exists or continues shall constitute a separate offense, except that in order for the defendant to be charged with a second offense it shall be a separate and distinct violation as opposed to a continuing daily violation on the same provision.

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SECTION 17.0400 ZONING DISTRICTS

17.0401 ESTABLISHMENT

For the purpose of this Ordinance, the Village of Sussex is hereby divided into 24 basic use districts and four (4) overlay districts as follows:

Agricultural District	A-1	Agricultural District
Residential Districts	CR-1	Conservation Residential District
	CR-2	Cluster Conservancy-Residential District
	TS-1	Traditional Suburban Single Family Residential District
	Rs-1	Single-family Residential District
	Rs-2	Single-family Residential District
	Rs-3	Single-family Residential District
	Rs-4	Single family Residential District
	Rd-1	Two-family Residential District
	Rd-2	Two-family Residential District
	SF-RD-3	Single Family Attached Residential District.
	Rm-1	Multi-family Residential District
Business/Industrial/Mixed Use Districts	B-1	Neighborhood Business District
	B-2	Regional Business District
	B-3	Highway Business District
	B-4	Central Business District
	BP-1	Business Park District
	OP-1	Office Park District
	M-1	Industrial District
Institutional/Parks Districts	I-1	Institutional District
	P-1	Park District
	P-2	Open Space Preservation District
Environmental/Overlay Districts	F-1	Floodway District
	F-2	Floodplain Conservancy District
	FFO	Floodplain Fringe Overlay District
	LCO	Lowland Conservancy Overlay District
	UCO	Upland Conservancy Overlay District
	PUD	Planned Unit Development Overlay District

- A. Boundaries of these Districts are hereby established as shown on the maps entitled "Zoning Map--Village of Sussex, Wisconsin," and "Supplementary Floodland Zoning Map--Village of Sussex, Wisconsin," dated January 1, 2010; which are updated from the February 28, 1998 maps, both maps which accompany and are herein made a part of this Ordinance. This Ordinance hereby incorporates herein any future changes or any later zoning maps that may be adopted by ordinance of the Village Board.
- B. The District Boundaries in all districts, except the F-1 Floodway District, the F-2 Floodplain Conservancy District, the FFO Floodplain Fringe Overlay District, and the LCO Lowland Conservancy Overlay District, shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended unless the boundary is specifically defined otherwise in the rezoning ordinance.
- C. Boundaries of the LCO Lowland Conservancy Overlay District are based on the Wisconsin Wetland Inventory Map for the Village of Sussex, dated January 6, 1988,

and stamped "FINAL", and include, but are not limited to, all shoreland wetlands, five acres or greater in area shown on that map.

- D. Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- E. Annexations to or consolidations with the Village subsequent to the effective date of this Ordinance shall be placed in the A-1 Agricultural District, unless the annexation Ordinance temporarily places the land in another district. Within one (1) year, the Village Plan Commission shall evaluate and recommend a permanent classification to the Village Board. Annexations containing floodlands and shorelands shall be governed as follows:
 - (1) Annexations Containing Floodlands shall be governed by the provisions of the Waukesha County Shoreland and Floodland Protection Ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the Village of Sussex Zoning Ordinance meet the requirements of Chapter NR 116 of the Wisconsin Administrative Code.
 - (2) Annexations Containing Shorelands. Pursuant to Section 59.692 of the Wisconsin Statutes, any annexation of land after May 7, 1982, which lies within shorelands, as defined herein, shall be governed by the provisions of the Waukesha County Shoreland and Floodland Protection Ordinance until the zoning on the parcel is modified pursuant to the procedures set for in Section 59.692 of the Wisconsin Statutes. Said regulations shall be administered and enforced by the Village of Sussex Building Inspector. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this section.

17.0402 ZONING MAP

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Village President and Village Clerk and shall be available to the public in the office of the Village Clerk. Changes, thereafter, to the general zoning districts, shall not become effective until entered and attested on the certified copy.

17.0403**A-1 AGRICULTURAL DISTRICT**

The A-1 Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to urban development. It is further the intent of this district to protect lands contained herein from urban development until their orderly transition into urban-oriented districts is required.

A. Permitted Uses

- (1) General farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming, and viticulture (grape growing), provided, however, that farm buildings housing animals, barnyards, and feed lots shall not be located in a floodland, and shall be at least 100 feet from any navigable water or district boundary.
- (2) Keeping and raising of domestic stock for agribusiness, show, breeding, or other purposes incidental to the principal use of the premises and subject to the following limitations:
 - (a) The keeping and raising of hogs or fur-bearing animals is prohibited.
 - (b) Not more than one (1) head of livestock or 20 head of poultry shall be permitted for each two and one-half (2 1/2) acres.
- (3) Existing dwellings not accessory to any farm operation or dwelling remaining after consolidation of farms.

B. Permitted Accessory Uses

- (1) Customary accessory buildings, including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign, and other provisions of this Ordinance.
- (2) One (1) farm dwelling per operating farm.
- (3) Attached or detached private garages and carports accessory to permitted uses, providing that such accessory uses shall not involve the conduct of a business.
- (4) Home occupations and professional home offices.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

- (1) Farm structures hereafter erected, moved, or structurally altered shall provide a contiguous area of not less than 20 acres, and no farm parcel shall be less than 500 feet in width.
- (2) Accessory farm dwellings, existing residential structures, and farm dwellings remaining after the consolidation of existing farms shall provide a lot area of not less than 40,000 square feet and a lot width of not less than 120 feet.

E. Building Height and Area

- (1) No building or parts of a building shall exceed 30 feet in height. No farm dwelling or other residential structure shall be less than 800 square feet in area.

F. Setback and Yards

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.

- (2) There shall be a side yard on each side of the principal structure not less than 15 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

17.0404**CR-1 CONSERVANCY-RESIDENTIAL DISTRICT**

The CR-1 Conservancy-Residential District is intended to preserve, protect, enhance, and restore significant woodlands, areas of rough topography, and related scenic areas while providing for low-density residential development that will not disturb important eco-systems. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the wooded areas of the Village.

A. Permitted Uses

- (1) Agricultural uses when conducted in accordance with County Conservation Standards.
- (2) General farm buildings: barns, silos, sheds, and storage bins.
- (3) Preservation of scenic, historic, and scientific areas.
- (4) Forest management.
- (5) Park and recreation areas.
- (6) Single-family dwellings.

B. Permitted Accessory Uses

- (1) Home occupations and professional home offices.
- (2) Gardening, tool, and storage sheds incidental to the residential use.
- (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (4) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

- (1) Lots shall have a minimum area of 40,000 square feet and shall be not less than 150 feet in width, except the minimum lot width for any lot having frontage on a cul-de-sac bulb may be reduced down to 100 feet should the Plan Commission make a finding that such a lesser width will provide for an adequate building envelope.
- (2) Each CR-1 district lot shall maintain 80 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

E. Building Height and Area

- (1) No building or parts of a building shall exceed 50 feet in height.
- (2) The total minimum finished living area of a one-story dwelling shall be 2,200 square feet; and the total minimum finished living area of a two-story or bi-level dwelling shall be 2,600 square feet.
- (3) The minimum finished first floor area of a bi-level or two-story dwelling shall be 1,600 square feet.
- (4) A tri-level dwelling shall have a minimum finished living area of 2,600 square feet.
- (5) The upper two levels of a tri-level dwelling shall be fully finished.
- (6) The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.

- (7) All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters COMM 20-25 of the Wisconsin Administrative Code).
- (8) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure of not less than 30 feet in width.
- (3) There shall be a rear yard of not less than 50 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex

H. Modified Subdivision Improvements

- (1) In an effort to maintain the rural/conservancy appearance within the CR-1 district, subdivision standards may be modified in such a manner that streets with 26 feet of paved surface and mountable curbs may be constructed; no sidewalks shall be required; no fences shall be permitted within the minimum required street setback area; drainage shall be accommodated in roadside ditches, and where necessary, retention/ detention basins shall be employed to manage stormwater runoff. Heavy vegetation shall be encouraged in front yard areas so as to minimize the view of homes by passing traffic.

17.0405**CR-2 CONSERVANCY-RESIDENTIAL DISTRICT**

The CR-2 Conservancy-Residential District is intended to be utilized for smaller tracts of land with significant natural features such as steep slopes, woodlands, environmental corridors, and other natural features within areas surrounded by platted subdivisions. Development in this District shall not exceed a density of one unit per acre. This District is intended to be adjacent to natural areas within the CR-2 District or within other similar conservancy or floodway districts. The Conservancy Residential District is intended to preserve, protect, enhance and restore significant woodlands, wetlands, environmental corridors, areas of rough topography, and related scenic areas while providing for low-density residential development that will not disturb important ecosystems. Regulation of these areas will serve to correct erosion and sedimentation and will promote and maintain the natural beauty of the wooded and natural areas of the Village.

A. Permitted Uses

- (1) Agricultural uses when conducted in accordance with County Conservation Standards
- (2) General farm buildings: barns, silos, sheds and storage bins.
- (3) Preservation of scenic, historic and scientific areas
- (4) Forest management
- (5) Park and recreation areas
- (6) Single-family dwellings

B. Permitted Accessory Uses

- (1) Home occupations and professional home offices.
- (2) Gardening, tool and storage sheds incidental to the residential use.
- (3) Satellite dish antennae located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (4) Roof-mounted solar collectors provided that a certified engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

- (1) Lots shall have a minimum area of 20,000 square feet and shall be not less than 90 feet in width, except that the minimum lot width for any lot having frontage on a cul-de-sac bulb may be reduced down to 80 feet should the Plan Commission make a finding that such a lesser width will provide for an adequate building envelope.
- (2) Each CR-2 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, parking areas, and other impervious surfaces except as provided for in (3).
- (3) One patio, deck, swimming pool or tennis court shall count as open space, as follows: the first such feature constructed on the lot shall count as open space, except that if any two or more such features are constructed as part of the same building project, only the one with the least square footage shall count as open space. Any additional patio, deck, swimming pool, or tennis court shall not count as open space.
- (4) The open space shall be predominantly provided at the rear of the property when the adjacent natural area is to the rear of the property. Should the Plan Commission make a finding that protection of the natural

area is better served by an alternative arrangement, an exception may be allowed.

E. Building Height and Area

- (1) No building or parts of a building shall exceed 50 feet in height.
- (2) The total minimum finished living area of a one-story dwelling shall be 2,300 square feet; and the total minimum finished living area of a two-story or bi-level dwelling shall be 2,600 square feet.
- (3) The minimum finished first floor living area of a bi-level or two-story dwelling shall be 1,600 square feet.
- (4) A tri-level dwelling shall have a minimum finished living area of 2,600 square feet.
- (5) The upper two levels of a tri-level dwelling shall be fully finished.
- (6) The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
- (7) All living areas – finished and unfinished – shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters COMM 20-25 of the Wisconsin Administrative Code).
- (8) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

H. Special Features

- (1) Exterior building materials shall consist entirely of cement board, or natural materials such as brick, stone or wood. Masonry material is encouraged at a minimum as part of the features of the front elevation.
- (2) Roof materials should consist of at a minimum, 25-year dimensional shingles with minimum pitches of eight (8) feet in height for each twelve (12) feet in length (2:3) for all dwelling units. Roof Overhangs of the dwelling units shall be a minimum of twelve (12) inches at the eaves and three (3) inches at gable ends.

17.0406**TS-1 TRADITIONAL SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT**

The TS-1 Traditional Suburban Single-Family Residential District is intend to provide for single-family residential development at densities not exceeding 1.25 dwelling units per net acre, and served by municipal sewer and water facilities. This District is to be utilized for lands that have little or no significant wetlands, environmental corridors, or related environmental features and will consist of lots that are of similar shape and size, and are located adjacent to Town of Lisbon rural development of approximately $\frac{3}{4}$ to 1 acre platted parcels.

A. Permitted Uses

- (1) Single-family dwellings with attached garages.
- (2) Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- (3) Family day care home.
- (4) Foster family home.

B. Permitted Accessory Uses

- (1) Home occupations and professional home offices.
- (2) Gardening, tool, and storage sheds incidental to the residential use.
- (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (4) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

- (1) Lots shall have a lot area of not less than 30,000 square feet and a width of not less than 100 feet.
- (2) Each TS-1 district lot shall maintain a minimum of 60 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

E. Building Height and Area

- (1) No building or parts of a building shall exceed 30 feet in height.
- (2) The total minimum finished living area of a one-story, two-story or bi-level dwelling shall be 2,600 square feet.
- (3) The minimum finished first floor living area of a bi-level or two-story dwelling shall be 1,500 square feet or in the alternative, the minimum finished first floor living area of a two story dwelling shall be 1,600 square feet as long as the minimum total finished first floor living area and the second floor living area of the two story dwelling is 2,600 square feet.
- (4) A tri-level dwelling shall have a minimum finished living area of 2,500 square feet.
- (5) The upper two levels of a tri-level dwelling shall be fully finished.
- (6) The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.

- (7) All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters ILHR 20-25 of the Wisconsin Administrative Code).
- (8) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
- (3) There shall be a rear yard of not less than 30 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if: (a) the proposed setback will be no less than 5 feet; (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; (c) the structure is not located on annexed land that is subject to the requirements of Section 59.692(7), Wisconsin Statutes; or if it is, then the reduction is subject to such approval of Waukesha County and the State of Wisconsin Department of Natural Resources as may be required by said statute; and (d) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

17.0407 This number is reserved for future use.

17.0408 Rs-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Rs-1 Residential District is intended to provide for single-family residential development at densities not exceeding 1.7 dwelling units per net acre, and served by municipal sewer and water facilities.

- A. Permitted Uses
 - (1) Single-family dwellings with attached garages.
 - (2) Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(I) of the Wisconsin Statutes.
 - (3) Family day care home.
 - (4) Foster family home.

- B. Permitted Accessory Uses
 - (1) Home occupations and professional home offices.
 - (2) Gardening, tool, and storage sheds incidental to the residential use.
 - (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (4) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - (1) Lots shall have a lot area of not less than 25,000 square feet and a width of not less than 100 feet.
 - (2) Each Rs-1 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - (1) No building or parts of a building shall exceed 30 feet in height.
 - (2) The total minimum finished living area of a one-story, two-story or bi-level dwelling shall be 1,800 square feet.
 - (3) The minimum finished floor area of a bi-level or two-story dwelling shall be 1,200 square feet or in the alternative, the minimum finished first floor area of a two story dwelling shall be 1,100 square feet as long as the minimum total finished first floor area and the second floor area of the two story dwelling is 2,200 square feet.
 - (4) A tri-level dwelling shall have a minimum finished living area of 1,800 square feet.
 - (5) The upper two levels of a tri-level dwelling shall be fully finished.
 - (6) The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 - (7) All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters COMM 20-25 of the Wisconsin Administrative Code).
 - (8) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if:
(a) the proposed setback will be no less than 5 feet; (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; and, (c) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

17.0409**Rs-2 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The Rs-2 Residential District is intended to provide for single-family residential development at densities not exceeding 2.1 dwelling units per net acre, and served by municipal sewer and water facilities.

- A. Permitted Uses
 - (1) Single-family dwellings with attached garages.
 - (2) Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(I) of the Wisconsin Statutes.
 - (3) Family day care home.
 - (4) Foster family home.

- B. Permitted Accessory Uses
 - (1) Home occupations and professional home offices.
 - (2) Gardening, tool, and storage sheds incidental to the residential use.
 - (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (4) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - (1) Lots shall have a lot area of not less than 20,000 square feet and a width of not less than 100 feet.
 - (2) Each Rs-2 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - (1) No building or parts of a building shall exceed 30 feet in height.
 - (2) The total minimum finished living area of a one-story, two-story or bi-level dwelling shall be 1,600 square feet.
 - (3) The minimum finished first floor area of a bi-level or two-story dwelling shall be 1,200 square feet.
 - (4) A tri-level dwelling shall have a minimum finished living area of 1,600 square feet.
 - (5) The upper two levels of a tri-level dwelling shall be fully finished.
 - (6) The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 - (7) All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters COMM 20-25 of the Wisconsin Administrative Code).
 - (8) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

- F. Setback and Yards
 - (1) There shall be a minimum building setback of 40 feet from the street right-of-way.

- (2) There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if:
 - (a) the proposed setback will be no less than 5 feet;
 - (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; and,
 - (c) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

17.0410**Rs-3 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The Rs-3 Residential District is intended to provide for single-family residential development at densities not exceeding 2.9 dwelling units per net acre, and served by municipal sewer and water facilities.

- A. Permitted Uses
 - (1) Single-family dwellings with attached garages.
 - (2) Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(l) of the Wisconsin Statutes.
 - (3) Family day care home.
 - (4) Foster family home.

- B. Permitted Accessory Uses
 - (1) Home occupations and professional home offices
 - (2) Gardening, tool, and storage sheds incidental to the residential use.
 - (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (4) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - (1) Lots shall have a lot area of not less than 15,000 square feet and a width of not less than 90 feet.
 - (2) Each Rs-3 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - (1) No building or parts of a building shall exceed 30 feet in height.
 - (2) The total minimum finished living area of a one-story, two-story or bi-level dwelling shall be 1,400 square feet.
 - (3) The minimum finished first floor area of a bi-level or two-story dwelling shall be 1,000 square feet.
 - (4) A tri-level dwelling shall have a minimum finished living area of 1,400 square feet.
 - (5) The upper two levels of a tri-level dwelling shall be fully finished.
 - (6) The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 - (7) All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters COMM 20-25 of the Wisconsin Administrative Code).
 - (8) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

- F. Setback and Yards
 - (1) There shall be a minimum building setback of 30 feet from the street right-of-way.

- (2) There shall be a side yard on each side of the principal structure of not less than 15 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if:
 - (a) the proposed setback will be no less than 5 feet;
 - (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; and,
 - (c) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

17.0411**Rs-4 SINGLE-FAMILY RESIDENTIAL DISTRICT**

The Rs-4 Residential District is intended to accommodate existing single-family residential development where densities may reach 6.1 dwelling units per net acre in order that single-family dwellings in this district shall not be rendered nonconforming uses. This district is intended to accommodate existing development, and accordingly, no undeveloped land shall be placed in the district.

A. Permitted Uses

- (1) Single-family dwellings (with attached or detached garages).
- (2) Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(l) of the Wisconsin Statutes.
- (3) Family day care home.
- (4) Foster family home.

B. Permitted Accessory Uses

- (1) Home occupations and professional home offices.
- (2) Gardening, tool, and storage sheds incidental to the residential use.
- (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (4) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

- (1) Lots shall be a minimum of 7,200 square feet in area and shall be not less than 50 feet in width.
- (2) Each Rs-4 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

E. Building Height and Area

- (1) No building or parts of a building shall exceed 30 feet in height.
- (2) The total minimum finished living area of a one-story, two-story or bi-level dwelling shall be 1,200 square feet.
- (3) The minimum finished first floor area of a bi-level or two-story dwelling shall be 800 square feet.
- (4) A tri-level dwelling shall have a minimum finished living area of 1,200 square feet.
- (5) The upper two levels of a tri-level dwelling shall be fully finished.
- (6) The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
- (7) All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters COMM 20-25 of the Wisconsin Administrative Code).
- (8) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

- (1) There shall be a minimum building setback of 30 feet from the street right-of-way.
- (2) There shall be a side yard on each side of all buildings of not less than 10 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if:
(a) the proposed setback will be no less than 5 feet; (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; and, (c) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

17.0412

Rd-1 TWO-FAMILY RESIDENTIAL DISTRICT

The Rd-1 Residential District is intended to provide for two-family residential development at densities not exceeding 5.8 dwelling units per net acre, and served by municipal sewer and water facilities.

- A. Permitted Uses
 - (1) One- and two-family dwellings (with attached or detached garages).
 - (2) Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
 - (3) Family day care home in either or both units of a two-family dwelling.
 - (4) Foster family home in either or both units of a two-family dwelling.

- B. Permitted Accessory Uses
 - (1) Home occupations and professional home offices.
 - (2) Gardening, tool, and storage sheds incidental to the residential use.
 - (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (4) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - (1) Lots shall have a minimum of 15,000 square feet in area, with not less than 7,500 square feet per dwelling unit. Lots shall be not less than 120 feet in width.
 - (2) Each Rd-1 district lot shall maintain 65 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - (1) No building or parts of a building shall exceed 30 feet in height.
 - (2) The total minimum finished living area of a dwelling shall be 1,200 square feet per dwelling unit.
 - (3) The minimum finished first floor area of a bi-level or two-story dwelling shall be 600 square feet for a single-family dwelling and 1,200 square feet for a two-family building.
 - (4) A tri-level dwelling shall have a minimum finished living area of 1,200 square feet for a single-family dwelling and 1,200 square feet per dwelling unit for a two-family building.
 - (5) The upper two levels of a tri-level dwelling unit shall be fully finished.
 - (6) The lower level of a tri-level dwelling unit may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 - (7) All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters COMM 20-25 of the Wisconsin Administrative Code).
 - (8) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

- F. Setback and Yards

- (1) There shall be a minimum setback of 30 feet from the street right-of-way.
- (2) There shall be a side yard on each side of all buildings of not less than 15 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

17.0413

Rd-2 TWO-FAMILY RESIDENTIAL DISTRICT

The Rd-2 Residential District is intended to provide for two-family residential development at densities not exceeding 8.7 dwelling units per net acre, and served by municipal sewer and water facilities.

- A. Permitted Uses
 - (1) One- and two-family dwellings (with attached or detached garages).
 - (2) Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
 - (3) Family day care home in either or both units of a two-family dwelling.
 - (4) Foster family home in either or both units of a two-family dwelling.

- B. Permitted Accessory Uses
 - (1) Home occupations and professional home offices.
 - (2) Gardening, tool, or storage sheds incidental to the residential use.
 - (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (4) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - (1) Lots shall be a minimum of 10,000 square feet in area, with not less than 5,000 square feet per dwelling unit. Lots shall be not less than 90 feet in width.
 - (2) Each Rd-2 district lot shall maintain 65 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - (1) No building or parts of a building shall exceed 30 feet in height.
 - (2) The total minimum finished living area of a dwelling shall be 1,000 square feet per dwelling unit.
 - (3) The minimum finished first floor area of a bi-level or two-story dwelling shall be 500 square feet for a single-family dwelling and 1,000 square feet for a two-family building.
 - (4) A tri-level dwelling shall have a minimum finished living area of 1,000 square feet for a single-family dwelling and 1,000 square feet per dwelling unit for a two-family building.
 - (5) The upper two levels of a tri-level dwelling unit shall be fully finished.
 - (6) The lower level of a tri-level dwelling unit may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 - (7) All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters COMM 20-25 of the Wisconsin Administrative Code).
 - (8) No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

- F. Setback and Yards

- (1) There shall be a minimum building setback of 30 feet from the street right-of-way.
- (2) There shall be a side yard on each side of all buildings. The minimum side yard shall be 15 feet, except that the minimum side yard shall be 10 feet where the principal dwelling contains an attached two-car garage.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

17.0414

SF-RD-3 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

The SF-RD-3 Residential District is intended to provide for attracting a higher density development than freestanding structure single family residence, while creating a neighborhood environment for a local and regional market. This type of zoning should be concentrated along major thoroughfares and serve as a buffer between highways and residential development, manufacturing and single family and provide easy access to major routes. The district shall have densities not to exceed 3 dwelling units per acre or up to 5 dwelling units per acre as a conditional use.

- A. Permitted Uses
 - (1) One to four family attached dwellings with attached garages, with three bedrooms per dwelling unit or less.

- B. Permitted Accessory Uses
 - (1) Home occupations and professional home offices.
 - (2) Gardening, tool, and storage sheds incidental to the residential use.
 - (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - (1) Lots shall have a minimum of 20,000 square feet in area, with not less than 5,000 square feet per dwelling unit. Lots shall be not less than 120 feet in width.
 - (2) Each SF-RD-3 district lot shall maintain 60 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, swimming pool, or tennis court may be considered as open space. Open space shall be substantially divided equally on the entire parcel as to not concentrate it in one location, i.e., in the rear of the development.

- E. Building Height and Area
 - (1) No building or parts of a building shall exceed 30 feet in height.
 - (2) Minimum floor area per dwelling unit shall be:
 - A. One bedroom 1,000 square feet.
 - B. Two bedroom 1,200 square feet.
 - C. Three bedroom 1,400 square feet.

- F. Setback and Yards
 - (1) There shall be a minimum setback of 30 feet from the street right-of-way. The Plan Commission may reduce the minimum setback to 20 feet from the back of curb and 1 foot from the right-of-way as long as the Plan Commission finds that:
 - A. The site design allows for two parked cars for each unit to be parked in the driveway itself and not blocking the roadway or a public sidewalk,
 - B. The Building size and locations will not adversely affect public safety with the closer setbacks, and
 - C. The landscaping and building styles for the site will adequately

provide the pedestrian scale design that collaborates with the closer setbacks.

- (2) There shall be a side yard on each side of all buildings of not less than 30 feet. The Plan Commission may require additional building setbacks for buildings with more than two family attached dwellings.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

H. Design Guidelines

- (1) All site layouts, building design, landscaping, entrances, etc., must be pursuant to the Village of Sussex Design Guidelines approved June 1, 2002 and as subsequently updated, to include substantial landscaping walking paths, structures of substantially wood, brick, stone, glass, and other similar materials and must be submitted to the Architectural Review Board and shall be subject to the approval of the Architectural Review Board.

17.0415**Rm-1 MULTI-FAMILY RESIDENTIAL DISTRICT**

The Rm-1 Residential District is intended to provide for multiple-family residential development at densities not exceeding 17.4 dwelling units per net acre for efficiency apartments; 14.5 dwelling units per net acre for one-bedroom apartments; and 12.4 dwelling units per net acre for two-bedroom or larger apartments. All Rm-1 residential developments should be served by municipal sewer and water facilities.

A. Permitted Uses

- (1) Two-family dwellings with attached or detached garages.
- (2) Multiple-family dwellings.
- (3) Community living arrangements and community-based residential facilities which have a capacity of fewer than 15 persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
- (4) Foster family home unit.

B. Permitted Accessory Uses

- (1) Attached or detached private garages and carports for multiple-family dwellings.
- (2) Home occupations.
- (3) Gardening, tool, and storage sheds incidental to the residential use.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (5) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

- (1) Lots shall be a minimum of 12,000 square feet and no dwelling units shall have a lot area of less than the following:
 - (a) Efficiency apartments provided with underground parking or attached garages--2,500 square feet per dwelling unit.
 - (b) One bedroom dwelling units provided with underground parking or attached garages--3,000 square feet per dwelling unit.
 - (c) Two bedroom or larger dwelling units provided with underground parking or attached garages--3,500 square feet per dwelling unit.
 - (d) Apartments which provide neither underground parking nor attached garages, but rather surface parking or detached garages, shall provide a minimum lot area of 4,000 square feet per dwelling unit for efficiency and one-bedroom apartments, and 5,000 square feet per dwelling unit for two bedroom and larger apartments.
 - (e) The provision of attached or underground guest parking is not required for the use of the minimum lot area requirement set forth in subsections a, b, and c above. Guest parking may be surface parking.
- (2) No lot shall be less than 120 feet in width.
- (3) Each Rm-1 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

E. Building Height and Area

- (1) No building or parts of a building shall exceed 30 feet in height. The minimum first floor area of a principal structure shall be 1,000 square feet, and no dwelling

unit shall have a livable floor area of less than the following:

- (a) Efficiency apartment--350 square feet per dwelling unit.
- (b) One bedroom unit--500 square feet per dwelling unit.
- (c) Two bedroom or more units--750 square feet per dwelling unit.

F. Setback and Yards

- (1) There shall be a minimum building setback of 30 feet from the street right-of-way.
- (2) There shall be a side yard on each side of all buildings of not less than 25 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

G. Erosion Control

- (1) See Chapter 14 of the Municipal Code of the Village of Sussex

H. Plans and Specifications to be Submitted to Plan Commission

- (1) Every builder of any building hereafter erected or structurally altered for multiple-family use shall, before a building permit is issued, present detailed plans and specifications of the proposed structure and a site plan to the Village of Sussex Plan Commission, which will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or traffic congestion, or otherwise endanger the public health or safety or substantially diminish or impair property values within the neighborhood. Site plans shall show a minimum of: proposed ingress and egress to the site; a parking plan showing the amount and arrangement of parking and proposed potential locations of covered parking; and an open space utilization and landscaping plan.

17.0416

B-1 NEIGHBORHOOD BUSINESS DISTRICT

The B-1 Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area.

A. Permitted Uses

- (1) Accommodations and Food Service
 - (a) Bed and breakfast establishments
 - (b) Restaurants, snack stands, and mobile food services excluding drive-through
 - (c) Food service contractors and caterers

- (2) Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio

- (3) Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Automobile driving school
 - (c) General medical services

- (4) Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive through
 - (b) Financial investment, insurance offices, and similar financial products
 - (c) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of miniwarehouses/self storage
 - (d) Office equipment rental and leasing

- (5) General Services
 - (a) Repair and maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) General business offices

- (6) Information Services
 - (a) Motion picture and video production

- (7) Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT.
 - (f) Research and development facilities excluding industrial types
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services

- (8) Retail Trade

- (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
- (9) Transportation and Warehousing
- (a) U.S. postal service
- B. Permitted Accessory Uses
- (1) Garages for storage of vehicles used in conjunction with the operation of business.
 - (2) Off-street parking and loading areas, excluding multi-level parking garages.
 - (3) Residential quarters for the owner or proprietor, located in the same building as the business.
 - (4) Efficiency and one-bedroom residential apartments on a non ground level provided there shall be a minimum floor area of 350 square feet for an efficiency apartment and 420 square feet for a one-bedroom apartment.
 - (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (6) Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - (2) No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- D. Lot Area and Width
- (1) Lots shall be a minimum of 5,000 square feet in area and shall not be less than 60 feet in width.
 - (2) Individual business sites in the B-1 Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no required minimum site width.
 - (3) Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
- E. Building Height and Area
- (1) No principal building or parts of a principal building shall exceed 30 feet in height.
 - (2) The maximum square footage of the principal building shall not exceed 30,000 square feet in size.

- F. Setback and Yards
 - (1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets.
 - (2) No separation shall be required between business, service or commercial uses. No structure shall be closer than 15 feet to a side lot line.
 - (3) There shall be a rear yard of not less than 15 feet.
 - (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

- G. Erosion Control
 - (1) See Chapter 14 of the Municipal Code of the Village of Sussex.

- H. Development Design Guidelines
 - (1) The Village of Sussex has established clear land use and design principals, as documented in the Village of Sussex Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village of Sussex, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

- I. Plans and Specifications to be submitted to Plan Commission
 - (1) To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Village of Sussex Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

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17.0417 B-2 REGIONAL BUSINESS DISTRICT

The B-2 Regional Business District is intended to provide for the orderly and appropriate implementation of the STH 164 Corridor Plan, to provide services and retail for the community and surrounding region and to ensure the compatibility with the diverse uses generally found in and adjacent to the downtown area of the Village.

A. Permitted Uses

- (1) Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Restaurants, snack stands, excluding drive-through
 - (c) Bars
 - (d) Food service contractors and caterers

- (2) Arts Entertainment, and Recreation Services
 - (a) Artists offices/studios

- (3) Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) General medical services

- (4) Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive-through
 - (b) Financial investment, insurance offices, and similar financial products
 - (c) Real estate, appraisers, and developer offices
 - (d) Office equipment rental and leasing
 - (e) Rental Centers

- (5) General Services
 - (a) Barber, beauty, nail salons, spa treatment services
 - (b) Personal care and weight loss services
 - (c) Funeral home and funeral services
 - (d) Dry cleaning and laundry services (non-industrial)
 - (e) Travel and visitor services

- (6) Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes.
 - (b) Motion picture theaters excluding drive-in.

- (7) Retail Trade
 - (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/ markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores

- (k) Art dealers/store
 - (l) Department stores, supercenters, warehouse clubs
 - (8) Parking Lots
 - (a) Off street parking lots, excluding multi-level parking garages, are allowed without a primary structure if the Plan Commission finds that the parking lot is part of a larger commercial development where the master plan calls for a building to be placed on the site in the future, but the parking lot is necessary for the overall development and cross access and parking agreements are required by the Plan Commission.
- B. Permitted Accessory Uses
 - (1) Storage sheds for storage of ground maintenance equipment.
 - (2) Off-street parking and loading areas, excluding multi-level parking garages
 - (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
 - (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - (2) No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508
 - (3) Permitted uses and permitted accessory uses may be allowed to have setbacks that are less than required by Section F(1) below, by conditional use permit in accordance with the procedures described in Section 17.0500, if the Plan Commission upon reviewing the conditional use permit application finds that such reduced setback will serve to implement the goals and objectives of the STH 164 Corridor Plan.
 - (4) Buildings larger than 100,000 square feet in size as allowed in Section 17.0500 Conditional Uses.
- D. Lot Area and Width
 - (1) Lots shall be a minimum of 12,500 square feet in area and shall not be less than 80 feet in width.
 - (2) Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
 - (3) The requirements of Section (D)(2) above may be met in the district by including area from outlots that serve stormwater or other directly related purposes for the subject parcel, are owned in part by the parcel, and are reasonably expected to remain in open space for perpetuity as determined by the Village Administrator. If multiple lots are served by one or more outlot(s) in no case shall the greenspace area of the outlot(s) be counted more than once. Each lot which by this subsection is entitled to satisfy the requirements of Section D(2), in part, by land located on an outlot is entitled to use no more than the percentage of the qualifying outlot land that is equal to the percentage of the subject lot compared to the total area of the lands served by the outlot.
- E. Building Height and Area
 - (1) No principal building or parts of a principal building shall exceed 45 feet in height.
- F. Setback and Yards
 - (1) There shall be a minimum setback of 40 ft. from the road right-of-way.

- (2) There shall be a rear yard of not less than 25 ft.
 - (3) There shall be a sideyard on each side of the buildings of not less than 25 ft., except as follows. The Plan Commission may allow a zero lot line plan if the development is in a Planned Unit Development. The Plan Commission may allow zero sideyard setbacks with in this district outside of a Planned Development Overlay District if it finds that in granting the zero sideyard setbacks:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized,
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (4) There shall be a minimum shore yard of 75 feet from the ordinary high-water mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 ft. to an F-1 Floodway District, F-2 Floodplain Conservancy District, or a LCO Lowland Conservancy Overlay District boundary.
- G. Erosion Control
- (1) See Chapter 14 of the Municipal Code of the Village of Sussex.
- H. Development Design Guidelines
- (1) The Village of Sussex has established clear land use and design principals, as documented in the Village of Sussex Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village of Sussex, featuring a generous amount of greenspace in residential, commercial, and industrial developments.
- I. Plans and Specifications to be Submitted to Plan Commission
- To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Village of Sussex Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscapes plans. All plans must be in compliance with the Village of Sussex STH 164 Corridor Plan.
- (1) Pedestrian and Vehicle Access.
 - (a) Property owners will provide cross access easements off-street where feasible.
 - (b) Where feasible and desirable, pedestrian cross access from adjacent building will be encouraged.

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B-3 HIGHWAY BUSINESS DISTRICT

The B-3 Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

A. Permitted Uses

- (1) Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Bed and breakfast establishments
 - (c) Restaurants, snack stands, and mobile food services excluding drive-through
 - (d) Bars
 - (e) Food service contractors and caterers
- (2) Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio
 - (b) Theater companies and dinner theaters, dance, musical groups, and performing arts companies.
- (3) Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services
 - (e) Vocational rehabilitation services
- (4) Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive-through
 - (b) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of miniwarehouses/self storage
 - (e) Office equipment rental and leasing
 - (f) Rental Centers
- (5) General Services
 - (a) Repair and maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) Coin operated laundries and drycleaners
 - (f) Dry cleaning and Laundry Services (non-industrial)
 - (g) Photo finishing laboratories
 - (h) General business offices
 - (i) Travel and visitor services
- (6) Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates, excluding towers and dishes.
 - (b) Telecommunications services
 - (c) Motion picture and video production
- (7) Professional, Technical, Scientific, and Administrative Services

- (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Private investigators, locksmiths, security, and armored car services
 - (f) Janitorial services
 - (g) Pest control services
 - (h) Packaging and labeling service
- (8) Retail Trade
- (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Internet sales shopping/mail order business and vending machine sales
- (9) Parking Lots
- (a) Parking lots, excluding multi-level parking garages, are permitted without a principal structure, provided that the property owner submits a parking plan to the Village of Sussex Plan Commission, and the Village of Sussex Plan Commission approves the parking plan. The parking plan shall indicate whether the private parking area described in the parking plan may be used by the general public when the parking spots are not needed for the private use. If the plan so indicates, and if the plan is approved, then general public parking uses may be permitted upon such terms and conditions as are agreed upon in writing between the Village Board and the property owner, in a form approved by the Village Attorney. The Village of Sussex Plan Commission shall approve the parking plan only if it finds all of the following:
 - 1) The lot where the proposed parking is located must be immediately adjacent to a lot that is zoned B-4 Central Business District that is proposed for development or change of use; and
 - 2) The adjacent B-4 Central Business District lot must have inadequate parking available on the lot to serve the new development or change of use, per the requirements of Section 17.0603 of this Code; and
 - 3) The parking plan must demonstrate that the parking lot will be in full compliance with all applicable requirements of this Code, except as to any modifications that may be granted pursuant to Section 17.0603(L) of this Code; and
 - 4) Deed restrictions must be imposed and agreements must be entered between the adjacent lot owners, to the satisfaction of

the Village Attorney, to allow the parking area to be used by the adjacent lot owner in compliance with the parking plan; and
5) Subject to such reasonable conditions as the Village of Sussex Plan Commission may deem to be necessary or appropriate.

B. Permitted Accessory Uses

- (1) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking and loading areas, excluding multi-level parking garages.
- (3) Residential quarters for the owner or proprietor located in the same building as the business.
- (4) Rental efficiency and one-bedroom apartments on a non-ground level provided there shall be a minimum floor area of 350 square feet for an efficiency apartment and 420 square feet for a one-bedroom apartment.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.
- (2) No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

D. Lot Area and Width

- (1) Lots shall have a minimum area of 10,000 square feet and shall be not less than 75 feet in width.
- (2) Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

E. Building Height

- (1) No principal building or parts of a principal building shall exceed 30 feet in height.

F. Setback and Yards

- (1) There shall be a minimum building setback of 40 feet from the right-of-way of all streets.
- (2) There shall be a side yard on each side of all buildings not less than 15 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

G. Erosion Control

- (1) See Chapter 14 of the Village of Sussex Municipal Code.

H. Development Design Guidelines

- (1) The Village of Sussex has established clear land use and design principals,

as documented in the Village of Sussex Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village of Sussex, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

- I. Plans and Specifications to be submitted to Plan Commission
 - (1) To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Village of Sussex Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

17.0419**B-4 CENTRAL BUSINESS DISTRICT**

The B-4 Business District is intended to provide for the orderly and appropriate development of the Central Business District as designated by the Community Development Authority, in conformance with and to implement "The Downtown Design and Development Plan."

- A. It is the specific intent of the B-4 District to:
1. Encourage development of retail, residential, and office uses that are compatible with the historic Village setting in size, scale, and architectural character.
 2. Encourage the retention and restoration of existing buildings, along with the landscaping and design elements that are characteristic of the Village setting.
 3. Provide opportunities for a diversity of commercial uses and a mix of compatible residential uses.
 4. Encourage mixed-use development on larger tracts in order to fully utilize the area of these tracts for the economic benefit of both the Village and the property owner.
 5. Encourage those types of commercial and office uses that do not generate a traffic volume that may lead to congestion.
 6. Encourage consolidation of driveways, parking, and curb cuts to enhance safety and provide more efficient and economical access and parking.
 7. Encourage the creation of connection driveways parallel to Main Street, to the rear of existing and new development, where appropriate, in order to reduce conflicts between downtown commercial traffic and through traffic.
 8. Minimize visual and functional conflicts between residential and non-residential uses within and abutting the district.
- B. Lot Area and Width
Lots shall contain sufficient area and width to implement the "Downtown Design and Development Plan," as determined by the Plan Commission and the Architectural Review Board.
- C. Permitted Uses in the B-4 District
On any lot in the B-4 district, one or a combination of the following uses are permitted:
- (1) Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Bed and breakfast establishments
 - (c) Restaurants, snack stands, and mobile food services excluding drive-through
 - (d) Bars
 - (e) Food service contractors and caterers
 - (2) Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio
 - (b) Theater companies and dinner theaters, dance, musical groups, and performing arts companies.
 - (c) Sports teams and clubs
 - (d) Museums, historical sites, zoos, botanical gardens, and marinas
 - (3) Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services

- (e) Vocational rehabilitation services
 - (f) Community food services
 - (g) Religious facilities
- (4) Finance, Insurance, Real Estate, and Leasing
- (a) Financial service institutions, excluding drive-through
 - (b) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of miniwarehouses/self storage
 - (e) Office equipment rental and leasing
- (5) General Services
- (a) Repair and Maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) Coin operated laundries and drycleaners
 - (f) Dry cleaning and laundry services (non-industrial)
 - (g) Photo finishing laboratories
 - (h) General business offices
 - (i) Travel and visitor services
- (6) Information Services
- (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes
 - (b) Telecommunications services
 - (c) Motion picture and video production
 - (d) Motion picture theaters excluding drive-ins
 - (e) Libraries and archives
- (7) Professional, Technical, Scientific, and Administrative Services
- (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT
 - (f) Research and development facilities (non industrial)
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
 - (g) Pest control services
 - (h) Veterinary services
- (8) Public Administration and Government Services
- (a) Public utility, offices of Federal, State, and Local Governments
 - (b) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks, playgrounds.
- (9) Retail Trade
- (a) Furniture, flooring, and home furnishing stores

- (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/package beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Internet sales shopping/mail order business and vending machine sales
- (10) Transportation and Warehousing
- (a) Courier, delivery, postal service businesses and U.S. postal Service
- (11) Housing and Mixed Uses
- (a) Business or professional home offices such as residences of clergymen, architects, landscape architects, professional engineers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
 - (b) Single-family residential detached home and two-family residential dwelling, but only if the use is constructed prior to January 1, 2010.
 - (c) Conversions. A conversion of an existing single family residential detached building into a combination of non-residential and residential uses or all non-residential uses in a single existing building meeting the following requirements:
 1. The front facade and front porch of the existing building, if any, shall be preserved and any building addition shall be located to the rear, and shall be compatible with the existing building in size, scale, and building materials unless the Village Plan Commission with review and recommendation by the architectural review board determines that the particular façade or front porch is not architecturally significant or if the new proposed façade, front porch, or building addition more appropriately meets the design standards of the Village than the existing structures. Stairways, fire escapes, and other structural alterations shall be located to the rear or side of the building.
 2. A single-family detached dwelling may be converted to:
 - (a) A maximum of three non-residential uses with no residential uses, or
 - (b) One apartment with up to two non-residential uses.
 3. To encourage a business environment that is compatible with the residential character of the Village, conversions to permitted uses in the B-4 Central Business District shall not be issued without review and approval of the Village of Sussex Plan Commission and Architectural Review Board. Said review and approval shall be concerned with general layout, building plans, architectural and façade treatment, ingress and egress, design, parking, loading and unloading, and sign design and landscaping. The Plan Commission

and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the "Downtown Design and Development Plan."

- (d) Any non-residential use is permitted in accessory buildings located to the rear or side of principal buildings, provided that adequate parking is provided in accordance with Sections 17.0419(F)(9), 17.0419(H) 17.0419(H), and 17.0603 of this Ordinance.

(12) Parking Lots

- a. Parking Lots, excluding multi-level parking garages, without a principal use on the lot are permitted as long as the parking lot supports an adjacent parcels use and is sufficiently screened so as to minimize any impact to any adjacent residential uses.
- b. To facilitate traffic circulation:
 - 1. Parking areas for a proposed nonresidential use should be directly connected to nonresidential parking areas on adjacent lots where possible. If a connection cannot be made when the proposed use is constructed, a driveway may be constructed extending to the adjacent property line in a location where a future connection can be made. Cross-easements for access shall be provided where applicable.
 - 2. Driveway access from Main Street or Waukesha Avenue should be limited and shared driveways between abutting lots are encouraged. If only one lot is being developed, a cross-easement to an abutting lot or lots may be offered, and recorded on a plan for the first lot. When such shared driveways are established, no additional driveways shall be permitted to access either lot from Main Street or Waukesha Avenue. Additional driveways may be permitted off a side street or a service street.
- c. Shared parking facilities maximize the use of the limited area available for parking within the Central Business District and should be used wherever possible. When parking facilities are shared, the overall parking requirement may be reduced. The number of residential parking spaces, however, shall not be reduced. It shall be the burden of the applicant to provide documentation that uses sharing parking are complimentary and that the full required number of parking spaces would not be required

D. Permitted Accessory Uses

- 1. Off-street parking and loading, excluding multi-level parking garages.
- 2. Detached garages for storage of vehicles used in conjunction with the operation of the principal business or for occupants of the premises.
- 3. Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

E. Conditional Uses

- 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
- 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

F. Dimensional Standards.

The following standards shall apply to all permitted uses:

- 1. Build-to Line: For all construction a build-to line rather than a minimum street

yard shall be used. New buildings shall be constructed to a line formed by the average building setback of the buildings on the adjacent lots on both sides. If no existing buildings are present on the adjacent lots, the average setback of the next nearest buildings on each side shall be used. The build-to line may be adjusted by the Plan Commission if it finds that a change in the build-to line would be consistent with the Downtown Development and Design Plan, and the Village of Sussex Design Standards. The build-to line shall not be less than eight (8) feet or more than thirty (30) feet from the street right-of-way except that the Village of Sussex Plan Commission may allow a reduction of this requirement to five (5) feet, upon the Plan Commission approval of a site plan that meets the design standards and intent of the Downtown Design and Development Plan.

- a. Proposed buildings may be located more than 30 feet from the street provided that the applicant is able to demonstrate, to the satisfaction of the Plan Commission and Architectural Review Board, that doing so would result in a better site plan and cohesive design that better meets the objectives of the "Downtown Design and Development Plan."
2. Side yard: 10 feet on each side, except that as a conditional use, one sideyard may be reduced to zero (0) feet. If the property is located adjacent to a zoning district other than B-4, the provisions of Section 17.0211(D) of this Ordinance shall apply.
3. Rear yard: 15 feet.
4. Loading docks may be required to be set back a greater distance from the side or rear lot line, as determined by the Plan Commission.
5. Setback from the Bugline Recreation Trail right-of-way: 15 feet.
6. Accessory buildings shall be set back from all property lines at least five (5) feet, except that accessory buildings used for principal uses shall meet all the setback requirements for principal buildings.
7. Maximum height: 45 feet.
8. Minimum shoreyard: 75 feet from the ordinary high water mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District.
9. Parking lot setbacks:
 - a. From street right-of-way: The setback of the principal or 25 feet, whichever is greater. No parking shall be permitted between the front of the principal building and the street line with the following exception: The Plan Commission may allow up to ten (10) percent of the parking to be in the street yard if it finds that the no street yard parking requirement is unfeasible for the site.
 - b. From rear property lines: ten (10) feet; except that the Village of Sussex Plan Commission may allow a reduction of this requirement to five (5) feet, upon the Plan Commission or Architectural Review Board's approval of a landscape plan that meets the design standards and intent of the Downtown Design and Development Plan.
 - c. From side property lines: five (5) feet, however no setback is required if shared parking is used and cross-easements are established.
 - d. From buildings: five (5) feet.
 - e. Any parking structure that was constructed prior to the date of the original adoption of the parking lot setback requirements for the B-4 Central Business District in 1990, that does not meet the current requirements of subsection 17.0419 (F)(9)(a-d), is considered legal non-conforming and does not have to be removed upon performing

parking lot restoration work. Extension, expansion, enlargement, reconstruction, substitution, or moving of the parking lot, however, may be subject to said requirements of subsection 17.0419(F)(9)(a-d), as described in Section 17.0900 of this Zoning Ordinance.

10. Property line buffer: A buffer area landscaped with trees and shrubs meeting the intent of the "Downtown Design and Development Plan" and the Village of Sussex Design Standards, shall be required along all side and rear property lines. Driveways may not encroach into the buffer area unless the lot is too narrow to permit any other alternative, in the opinion of the Plan Commission, or for the purpose of shared parking or connected parking areas between lots.
- G. Erosion Control
- (1) See Chapter 14 of the Village of Sussex Municipal Code.
- H. Development Design Standards
- (1) The Village of Sussex has established clear land use and design principals, as documented in the Village of Sussex Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village of Sussex, featuring a generous amount of greenspace in residential, commercial, and industrial developments.
- I. Plans and Specifications to be Submitted to Plan Commission
1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in the B-4 Central Business District shall not be issued without review and approval of the Village of Sussex Plan Commission. Said review and approval shall be concerned with general layout, building plans, architectural and facade treatment, ingress and egress, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the "Downtown Design and Development Plan."

17.0420 BP-1 BUSINESS PARK DISTRICT

The BP-1 Business Park District is intended to provide for the orderly and attractive grouping of diverse office, retail, and customer service uses, mixed with industrial uses of limited intensity where the appearance of such mixed uses is enhanced by pleasing building architecture and generously landscaped sites free of outside storage and outside display of products. The district is intended to be located in highly visible locations adjacent to arterial highways, and should be buffered by means of landscaping and berms from residential uses.

A. Permitted Uses

- (1) Accommodations and Food Service
 - (a) Restaurants, snack stands, and mobile food services excluding drive-through
 - (b) Food service contractors and caterers

- (2) General Services
 - (a) Repair and Maintenance of consumer electronics, electronic and precision equipment commercial and Industrial machinery and equipment, appliances, furniture/reupholsters.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Dry cleaning and laundry services (non-industrial)
 - (d) Photo finishing laboratories
 - (e) General Business Offices.

- (3) Finance, Insurance, Real Estate, and Leasing
 - (a) Financial Service Institutions, excluding drive-through
 - (b) Monetary Authority
 - (c) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, and developer offices
 - (e) Office equipment rental and leasing

- (4) Information Services
 - (a) Newspapers and Publishers
 - (b) Computer programming, software publishers and data/system processing
 - (c) Video, film, sound, photo production and studios
 - (d) Media station and distribution center, excluding towers and dishes
 - (e) Telecommunications services, excluding towers and dishes

- (5) Manufacturing: The manufacture, fabrication, assembly, and/or processing of the following products; or parts, supplies, or sub-assemblies of the same:
 - (a) Fabrics and Textile Products
 - 1. Yarn, felt, and fabric
 - 2. Carpet, rugs, drapes, canvas, and rope
 - 3. Clothing, hosiery, hats, gloves, shoes
 - 4. Packing and assembly of fur and leather products, no tanning
 - 5. Upholstery of furniture and automotive
 - (b) Wood and Paper Products
 - 1. Wood furniture and wood products
 - 2. Paper products (non pulp)
 - 3. Printing, binding, and associated printing services
 - (c) Home, health, beauty, and cleaning Products
 - 1. Toiletries
 - 2. Medical, botanical, and pharmaceutical processing (non hazardous)
 - 3. Cosmetic manufacturing
 - 4. China, pottery, porcelain, clay, ceramics, silverware
 - 5. Glass and glass products

- 6. Jewelry
- 7. Home décor items of art, lamps, furniture, wallpaper.
- 8. Brooms and brushes
- (d) Machinery and Metal Products
 - 1. Rolled wire, metal product manufacturing
 - 2. Tool and die, and machining
 - 3. Machinery for of farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
- (e) General manufacturing
 - 1. Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices.
 - 2. Electrical appliances, switches, cable, and components
 - 3. Vehicles, vehicle parts, and equipment
 - 4. Sporting goods, hobby products, musical instruments, and marking devices
 - 5. Signage and advertising products
- (6) Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services of advertising, management, HR, marketing, IT.
 - (f) Laboratories, research, and development facilities
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
 - (k) Pest control services
 - (l) Business service centers and telemarketers
 - (m) Building maintenance services
 - (n) Packaging and labeling services
- (7) Retail Trade
 - (a) Internet sales shopping/mail order business and vending machine sales
- (8) Transportation, and Warehousing as follows:
 - (a) Courier, delivery, postal service businesses
 - (b) Limited wholesaling, warehousing and storage facilities for distributors, provided that such warehousing and storage does not exceed 50,000 square feet.
- B. Permitted Accessory Uses
 - (1) Garages for storage of vehicles used in conjunction with the principal business park operation.
 - (2) Off-street parking and loading areas, excluding multi-level parking garages.
 - (3) Office, storage, power supply, distribution, warehousing, and other uses normally auxiliary to permitted business park uses.
 - (4) Indoor storage and sale of machinery and equipment associated with the permitted business park uses.
 - (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify

- that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.
- (2) No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508

D. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

- (1) Manufacturing/processing of ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticide, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
- (2) Storage of bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials.
- (3) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

E. Lot Area and Width

- (1) Lots shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width.
- (2) To achieve a campus-like appearance, lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

F. Building Height

- (1) No building or parts of a building shall exceed 60 feet in height.

G. Setback and Yards

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard of 25 feet on each side of all structures not exceeding 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet up to a maximum height of 60 feet.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.
- (5) Service islands for gasoline service structures shall be considered principal structures and shall comply with building setback requirements. Canopies over a gasoline service island may extend into a front, side, or rear yard, but shall not encroach more than six (6) feet into any required yard. In no case, may a canopy extend into a street right-of-way.

H. Erosion Control

- (1) See Chapter 14 of the Village of Sussex Municipal Code.

I. Development Design Standards

- (1) The Village of Sussex has established clear land use and design principals, as documented in the Village of Sussex Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village of Sussex, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

- (1) To encourage a business park environment that is compatible with the residential character of the Village, and that will maintain a campus like setting, building permits for permitted uses in the BP-1 Business Park District shall not be issued without review and approval of the Village of Sussex Plan Commission. Said review and approval shall be concerned with general layout, architectural plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

17.0421**OP-1 OFFICE PARK DISTRICT**

The OP-1 Office Park District is intended to provide for individual or small groups of buildings limited to office, professional, and special service uses in a campus-like setting. Such office parks are intended to be developed in accordance with a coordinated park development plan.

A. Permitted Uses

- (1) Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Restaurants, snack stands, and mobile food services excluding drive-through
 - (c) Food service contractors and caterers

- (2) Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio

- (3) Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services
 - (e) Colleges, Universities, and Professional Schools
 - (f) Business/secretarial/computer training/exam prep schools
 - (g) Cosmetology and barber schools
 - (h) Flight training schools
 - (i) Apprenticeship and trade schools
 - (j) Vocational rehabilitation services
 - (k) Emergency and other relief services

- (4) Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, excluding drive-through
 - (b) Monetary authorities
 - (c) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of miniwarehouses/self storage

- (5) General Services
 - (a) Repair and Maintenance of consumer electronics and precision electronic equipment.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) General business offices
 - (e) Travel and visitor services

- (6) Information Services
 - (a) Newspapers and publishers
 - (b) Computer programming, software publishers and data/system processing
 - (c) Video, film, sound, photo production and studios
 - (d) Media station and distribution center excluding towers and dishes
 - (e) Telecommunications services excluding towers and dishes
 - (f) Libraries and archives

- (7) Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services

- (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT
 - (f) Laboratories, research, and development facilities
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Business service centers and telemarketers
 - (k) Offices of holding companies, regional managing offices
- (8) Retail Trade
 - (a) Internet sales shopping/mail order business and vending machine sales
 - (9) Transportation, and Warehousing as follows:
 - (a) Courier and Delivery Businesses
 - (10) Parking Lots excluding multi-level parking garages
 - (a) Parking Lots, excluding multi-level parking garages, without a principal use on the lot are permitted as long as the parking lot supports an adjacent parcels use.
- B. Permitted Accessory Uses.
- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
 - (2) Off-street parking and loading areas, excluding multi-level parking garages
 - (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (4) Roof mounted solar collectors, provided that a registered engineer shall certify that the structure is adequate to support the load.
 - (5) Barber and beauty shops, child care facilities, clinics, delicatessens, pharmacies, restaurants, and similar retail/service establishments which are incidental to the principal office use, which are located within a structure used principally for office use, which are intended for use by office facility tenants and clientele, and which do not occupy more than 15 percent of the structure.
- C. Conditional Uses
- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - (2) No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- D. Lot Area and Width
- (1) Lots shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width.
 - (2) To achieve a campus-like appearance, lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
- E. Building Height and Area

- (1) No principal building or parts of a principal building shall exceed 60 feet in height. No accessory building shall exceed 15 feet in height.

F. Setback and Yards

- (1) There shall be a minimum building setback of 40 feet from the right-of-way of any arterial street and 30 feet from the right-of-way of all other streets.
- (2) There shall be a side yard 25 feet on each side of all structures not exceeding 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet up to a maximum height of 60 feet.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.
- (5) Surface parking lots shall be located not closer than 20 feet to a street right-of-way. Parking lots constructed in a street yard shall be screened from the street right-of-way by means of a landscaped berm.

G. Erosion Control

- (1) See Chapter 14 of the Village of Sussex Municipal Code.

H. Development Design Standards

- (1) The Village of Sussex has established clear land use and design principals, as documented in the Village of Sussex Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village of Sussex, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

I. Plans and Specifications to be Submitted to the Plan Commission

- (1) To encourage an office environment that is compatible with the residential character of the Village, and that will maintain a campus like setting, building permits for permitted uses in the OP-1 Office Park District shall not be issued without review and approval of the Village of Sussex Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

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M-1 INDUSTRIAL DISTRICT

The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

A. Permitted Uses

- (1) Finance, Insurance, Real Estate, and Leasing
 - (a) Commercial air, rail, and water transportation equipment rental and leasing.
 - (b) Construction, mining, and forestry machinery and equipment rental and leasing.

- (2) General Services
 - (a) Repair and maintenance of consumer electronics, electronic and precision equipment, commercial and industrial machinery and equipment, appliances, furniture/reupholstery
 - (b) Photofinishing laboratories

- (3) Manufacturing: The manufacture, fabrication, assembly, or processing of the following:
 - (a) Food and Beverage Products
 1. Bakery and flour products
 2. Dairy products
 3. Fruits, vegetables, and nuts
 4. Grains, seed and plant oils, cereal, and chocolate confections
 5. Snack food products
 6. Syrups, flavorings, extracts, spices, and dressings
 7. Tobacco and tobacco products
 - (b) Fabrics and Textile Products
 1. Yarn, felt, and fabric
 2. Carpet, rugs, drapes, canvas, and rope
 3. Clothing, hosiery, hats, gloves, shoes
 4. Packing and assembly of fur and leather products, no tanning
 5. Upholstery of furniture, automotive

 - (c) Wood and Paper Products
 1. Wood furniture and wood products
 2. Paper products (non pulp)
 3. Printing, binding, and associated printing services
 - (d) Home, health, beauty, and cleaning Products
 1. Toiletries
 2. Medical, botanical, and pharmaceutical processing (non hazardous)
 3. Cosmetic manufacturing
 4. China, pottery, porcelain, clay, ceramics, silverware
 5. Glass and glass products
 6. Jewelry
 7. Home décor items, art, lamps, furniture, wallpaper
 8. Brooms and brushes

- (e) Machinery and Metal Products
 - 1. Rolled wire, metal product manufacturing
 - 2. Tool and die, and machining
 - 3. Machinery for farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
 - (f) General manufacturing
 - 1. Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices
 - 2. Electrical appliances, switches, cable, and components
 - 3. Vehicles, vehicle parts, and equipment
 - 4. Sporting goods, hobby products, and marking devices
 - 5. Signage and advertising products
 - (6) Professional, Technical, Scientific, and Administrative Services
 - (a) Laboratories, research, and development facilities
 - (b) Packaging and labeling services
 - (7) Retail Trade
 - (a) Mail-order businesses
 - (8) Transportation, and Warehousing as follows:
 - (a) Warehousing and wholesaling, except metal, coal, and ore materials, chemicals, and bulk petroleum.
 - (b) Courier, delivery, postal service businesses
 - (c) Household and office goods moving company
 - (9) Parking Lots
 - (a) Parking Lots, excluding multi-level parking garages, are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.
- B. Permitted Accessory Uses
- (1) Garages for storage of vehicles used in conjunction with the operation of an industry.
 - (2) Off-street parking and loading areas, excluding multi-level parking garages.
 - (3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
 - (4) Residential quarters for the owner or caretaker.
 - (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses
 - (2) No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508
- D. Certain Incompatible Uses Prohibited
- The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

- (1) Manufacturing/processing of ammonia, asbestos, asphalt (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticide, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
 - (2) Storage of bulk fertilizer, explosives (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), gasoline in excess of 50,000 gallons, grease, and radioactive materials.
 - (3) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
- E. Lot Area and Width
- (1) Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
 - (2) Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 80 percent of the lot area. Landscaped open space shall occupy not less than 20 percent of the lot area.
- F. Building Height and Area
- (1) No building or parts of a building shall exceed 60 feet in height.
 - (2) No building or buildings shall occupy more than 50 percent of the lot area.
- G. Setback and Yards
- (1) There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
 - (2) There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - A. The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:
 1. A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
 2. The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and
 3. The structure height and side yard are consistent with Village of Sussex Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.
 - (3) There shall be a rear yard of not less than 25 feet.
 - (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.
- H. Erosion Control
- (1) See Chapter 14 of the Village of Sussex Municipal Code.
- I. Development Design Standards
- (1) The Village of Sussex has established clear land use and design principals, as documented in the Village of Sussex Development Design Guidelines, to

guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village of Sussex, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

- (1) To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Village Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

K. Waiver of Setback and Yard Requirements.

Property owners may petition the Village of Sussex Plan Commission to request a waiver of the side yard and rear yard requirements as set forth in Section 17.0422(G)(2) and (3), respectively, to allow two existing buildings upon existing adjoining lots to be connected. Upon consideration of any such petition, the Plan Commission may waive the side yard and rear yard requirements set forth in Section 17.0422(G)(2) and/or (3), only upon finding that all of the following conditions have been satisfied:

- (1) Subject to the petitioner submitting to and receiving approval from the Village Plan Commission, proof that connecting the buildings in this manner serves the purpose of creating one cohesive industrial operation, that will operate under one common plan of operation, and that each of the combined buildings will serve the purpose of creating the same products.
- (2) Subject to the petitioner submitting to and receiving approval from the Village Plan Commission proof the lots are owned separately and will be leased by a single operator, who will conduct the industrial operation on both properties. All persons and entities, moreover, having an interest in the lots, buildings, improvements, or operations on those lots, must join in the petition.
- (3) Subject to the petitioner acknowledging that each separate parcel of land must still stand alone for all purposes as a separate and distinct lot, even though the buildings will be combined at the lot line, except as further restricted herein.
- (4) Subject to the property owners of the affected lots submitting to and receiving approval from the Village Plan Commission and Village Attorney of a deed restriction on each of the affected properties to state that at any time the combined building no longer operates as a single cohesive industrial operation under one plan of operation, then the two buildings must be separated such that each portion of each of the buildings fully complies with all then-existing setback and side yard requirements of the Village of Sussex Zoning Ordinance.
- (5) Subject to the petitioner and all persons and entities having an interest in the lots, buildings, improvements and operations on these lots acknowledging in writing their acceptance of these conditions, and thereby acknowledging that

failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village of Sussex Zoning Ordinance, and the Village of Sussex shall have all lawful authority to enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.

- (6) Subject to all such other conditions as the Village Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property; landscaping requirements; parking requirements; open space requirements; and green space requirements.
- (7) Subject to the petitioner's full compliance with all other applicable requirements of the Zoning Ordinance including, but not limited to providing all other plans and specifications required by Section 17.0425(J). Petitioner shall also fully comply with all Village of Sussex, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

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17.0423**I-1 INSTITUTIONAL DISTRICT**

The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the Use for public purpose is anticipated to be permanent.

A. Permitted Uses

- (1) Arts, Entertainment, and Recreation
 - (a) Public theater and related theater, dance, musical, and performing arts companies
 - (b) Public related sports teams and clubs
 - (c) Public Museums, art galleries, historical sites, zoos, botanical gardens, golf courses, skiing facilities, marinas, fitness and recreation centers, playfields, athletic fields, fairgrounds exhibition halls

- (2) Education, Health Services, and Social Services
 - (a) Elementary and secondary schools
 - (b) Colleges, technical colleges, universities, and professional schools
 - (c) General medical services
 - (d) Publicly operated nursery care facilities
 - (e) Publicly operated residential mental retardation facilities
 - (f) Publicly operated social services (child and youth, disability)
 - (g) Community food services
 - (h) Emergency and relief services
 - (i) Publicly operated vocational rehabilitation services
 - (j) Religious facilities
 - (k) Cemeteries and crematories

- (3) Information Services
 - (a) Libraries and archives

- (4) Public Administration and Government Offices
 - (a) Public utilities, offices of federal, state, and local governments

- (5) Transportation and Warehousing
 - (a) U.S. postal service
 - (b) Public buildings and garages

- (6) Parking Lots
 - (a) Parking Lots, excluding multi-level parking garages, without a principal structure to serve the general public or an institutional facility on an adjacent property.

B. Permitted Accessory Uses

- (1) Residential quarters for caretakers or clergy.
- (2) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- (3) Off-street parking and lots, excluding multi-level parking garages
- (4) Service buildings and facilities normally accessory to the permitted use.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - (2) No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508

- D. Lot Area and Width
 - (1) Lots shall be a minimum area of 12,000 square feet in area and shall not be less than 80 feet in width.
 - (2) Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

- E. Building Height and Area
 - (1) No principal building or part of a principal building shall exceed 30 feet in height.
 - (2) Residential uses permitted in the I-1 district shall comply with the building area requirements of the Rs-3 Single-Family Residential District.

- F. Setback and Yards
 - (1) There shall be a minimum building setback of 30 feet from the right-of-way of all streets.
 - (2) There shall be a side yard on each side of all buildings not less than 10 feet in width.
 - (3) There shall be a rear yard of not less than 25 feet
 - (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

- G. Erosion Control
 - (1) See Chapter 14 of the Village of Sussex Municipal Code.

- H. Development Design Standards
 - (1) The Village of Sussex has established clear land use and design principals, as documented in the Village of Sussex Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village of Sussex, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

- I. Plans and Specifications to be Submitted to Plan Commission.
 - (1) To encourage an institutional use environment that is compatible with the residential character of the Village, building permits for permitted uses in the Institutional District shall not be issued without review and approval of the Village of Sussex Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

17.0424

P-1 PARK DISTRICT

The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Village of Sussex can be met without undue disturbance of natural resources and adjacent uses.

A. Permitted Uses

- (1) Arts, Entertainment, and Recreation
 - (a) Public theater and related theater, dance, musical, and performing arts companies
 - (b) Public related sports teams and clubs
 - (c) Public Museums, art galleries, historical sites, zoos, botanical gardens, conservatories, fitness and recreation centers, fairgrounds, exhibition halls
 - (d) Natural recreation, hiking, biking, nature trails, bird watching
 - (e) Athletic recreation, sledding, skiing, swimming, playfields and athletic fields
 - (f) General recreation, picnicking, parks, playgrounds, tot lots and shelters
 - (g) Archery ranges, bathhouses, beaches, boating, camps, driving ranges, firearm ranges, golf courses, skiing facilities, marinas, ice boating, riding academies and stadiums

B. Permitted Accessory Uses

- (1) Buildings accessory to the permitted use
- (2) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (3) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Building Height

- (1) No building or part of a building shall exceed 30 feet in height.

E. Yards

- (1) No building or structure shall be erected, altered, or moved closer than 40 feet to a lot line.
- (2) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary.

F. Erosion Control

- (1) See Chapter 14 of the Village of Sussex Municipal Code.

G. Plans and Specifications to be submitted to Plan Commission.

- (1) To encourage a recreational use environment that is compatible with the residential character of the Village, building permits for permitted uses in the Park District shall not be issued without review and approval of the Village of Sussex Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans. Municipally owned facilities shall be exempt from site plan review.

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17.0425

P-2 OPEN SPACE PRESERVATION DISTRICT.

The P-2 Open Space Preservation District is intended to prevent the destruction of valuable natural resources, including wetlands, woodlands, wildlife habitat, significant water recharge areas, floodlands, scenic areas, and areas of steep topography. Regulation of these areas will serve to control erosion and sedimentation; will promote and maintain the natural beauty of the Village; and will provide for passive recreational opportunities.

- A. Permitted Uses
 - (1) Controlled studies of ecosystems for educational purposes.
 - (2) Forest and game management.
 - (3) Natural stormwater management.
 - (4) Preservation of scenic, historic, and scientific areas.
 - (5) Hiking, biking, and nature trails, cross country skiing, picnic areas

- B. Permitted Accessory Uses
 - (1) Essential Services.
 - (2) Accessory buildings necessary for the storage of equipment and materials to maintain the open space area.

- C. Conditional Uses
 - (1) None.

- D. Building Height
 - (1) No building shall exceed 15 feet in height.

- E. Yards
 - (1) No building or structure shall be erected, altered, or moved closer than 40 feet to a lot line.

- F. Erosion Control
 - (1) See Chapter 14 of the Village of Sussex Municipal Code.

- G. Plans and Specifications to be Submitted to Plan Commission
 - (1) To encourage an open space environment that is compatible with the residential character of the Village, building permits for permitted uses in the Open Space Preservation District shall not be issued without review and approval of the Village of Sussex Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

17.0426 through 17.0429 (Reserved for Future Use)

17.0430 F-1 FLOODWAY DISTRICT

Refer to Chapter 14 Section 14.920

17.0431 F-2 FLOODPLAIN CONSERVANCY DISTRICT

Refer to Chapter 14 Section 14.942

17.0432 FFO FLOODPLAIN FRINGE OVERLAY DISTRICT

Refer to Chapter 14 Section 14.930

17.0433

LCO LOWLAND CONSERVANCY OVERLAY DISTRICT

The LCO Lowland Conservancy Overlay District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the Village of Sussex. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the Village.

A. Permitted Uses

- (1) Hiking, fishing, trapping, swimming, and boating, unless prohibited by other ordinances and laws.
- (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
- (3) The practice of silviculture, including the planting, thinning, and harvesting of timber.
- (4) Construction and maintenance of fences
- (5) Agricultural cultivation and pasturing provided they do not involve extension of or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
- (6) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system only to the extent necessary to maintain the level of drainage required to continue the existing use.
- (7) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
- (8) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

B. Conditional Uses

- (1) Conditional Uses as allowed in Section 17.0500 Conditional Uses.

C. Prohibited Uses

- (1) Any use not listed as a permitted use or a conditional use is prohibited unless the LCO District lands concerned are first rezoned into another district.
- (2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable water are prohibited.
- (3) Lands lying within the LCO Lowland Conservancy Overlay District shall not be used to meet the minimum lot area requirements in development districts.

17.0434

UCO UPLAND CONSERVANCY OVERLAY DISTRICT

The UCO Upland Conservancy Overlay District is intended to preserve, protect, enhance, and restore all significant wood-lands, wildlife habitat areas, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Village, while not interfering with development rights perceived by the Village Board and assigned by the underlying basic use district.

A. Permitted Uses

- (1) Preservation of scenic, historic, and scientific areas.
- (2) Forest and game management.
- (3) Park and recreation areas.
- (4) Recreational trails.
- (5) Any use of land, except development involving structures, that is permitted in the basic underlying district, providing that such development does not destroy the natural resource features protected by the district.

B. Conditional Use

- (1) Conditional uses as allowed in Section 17.0500 Conditional Uses.

C. Tree Cutting and Shrubbery Clearing Prohibited

- (1) Lands lying within the upland conservancy overlay district shall not be clear cut of trees, shrubbery, or underbrush. No more than 10 percent of the natural vegetation shall be removed from a parcel in any one calendar year. Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester shall be exempt from this restriction.

D. Earth Movements Limited

- (1) No filling, excavation, or top soil removal shall be permitted which involves the disturbance of an area exceeding 10,000 square feet on slopes of 12 percent or more except by the granting of a conditional use permit pursuant to Section 17.0506 of this Ordinance.

17.0435

PDO PLANNED DEVELOPMENT OVERLAY DISTRICT

The PDO planned development district is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PDO Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under this section of the Ordinance and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the Ordinance have been met.

A. Permitted Uses

- (1) Uses permitted in a Planned Development Overlay District shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

B. Minimum Area Requirements

- (1) Areas designated as Planned Development Overlay Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

<u>Principal Uses</u>	<u>Minimum Area of PDO</u>
(a) Residential PDO	10 acres
(b) Commercial PDO	5 acres
(c) Industrial PDO	40 acres
(d) Mixed Compatible Use	40 acres

C. Procedural Requirements

- (1) Pre-Petition Conference. Prior to the official submission of the petition for the approval of a Planned Development Overlay District, the owner or his agent making such petition shall meet with the Village Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
- (2) Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk for approval of a Planned Development Overlay District. Such petition shall be accompanied by a review fee, as required by the Village Board pursuant to Section 17.0300 of this Ordinance, and the following information:
 - (a) A statement which sets forth the relationship of the proposed PDO to the Village's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PDO, including the following information:

1. Total area to be included in the PDO, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
3. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
4. Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations or administrative rules, or other universal guidelines.
5. The expected date of commencement of physical development as set forth in the proposal.

(b) A general development plan including:

1. A legal description of the boundaries of the subject property included in the proposed PDO and its relationship to surrounding properties.
 2. The location of public and private roads, driveways, and parking facilities.
 3. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
 4. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
 5. The type, size, and location of all structures.
 6. General landscape treatment.
 7. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
 8. The existing and proposed location of public sanitary sewer and water supply facilities.
 9. The existing and proposed location of all private utilities or other easements.
 10. Characteristics of soils related to contemplated specific uses.
 11. Existing topography on the site with contours at no greater than two (2) foot intervals.
 12. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- (3) Referral to Plan Commission. The petition for a Planned Development Overlay District shall be referred to the Village Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
- (4) Public Hearing. The Village Plan Commission and the Village Board shall hold a joint public hearing pursuant to the requirements of Sections 17.1300 and 17.1400 of this Ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Development Overlay District. As soon as is practical following the hearing, the Plan

Commission shall report its findings and recommendations to the Village Board.

D. Basis for Approval of the Petition

- (1) The Village Plan Commission in making its recommendation and the Village Board in making its determination shall consider:
- (2) That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PDO within nine (9) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.
- (3) That the proposed Planned Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.
- (4) The Village Plan Commission in making its recommendations and the Village Board in making its determination shall further find that:
 - (a) The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
 - (b) The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - (c) No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 - (d) The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
 - (e) Public water and sewer facilities shall be provided.
 - (f) The entire tract or parcel of land to be included in a Planned Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot or tract and be so recorded with the Register of Deeds for Waukesha County.
- (5) That in the case of a proposed residential Planned Development Overlay District:
 - (a) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
 - (b) The total net residential density within the Planned Development Overlay District will be compatible with the Village master plan or component thereof.
 - (c) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
 - (d) Adequate, continuing fire and police protection is available.
 - (e) The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other

- municipal service facilities.
- (f) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
- (6) That in the case of a proposed commercial Planned Development Overlay District:
- (a) The proposed development will be adequately served by off-street parking and truck service facilities.
 - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
 - (c) The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (d) The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (7) That in the case of a proposed industrial Planned Development Overlay District:
- (a) The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
 - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
 - (c) The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
 - (d) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (8) That in the case of a mixed use Planned Development Overlay District:
- (a) The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which as a total development entity is compatible with the surrounding neighborhood.
 - (b) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
 - (c) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

E. Determination

- (1) The Village Board, after due consideration, may deny the petition, approve the

petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Village Board.

F. Changes and Additions

- (1) Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Village Plan Commission and if in the opinion of the Village Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Village Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 17.1400 of this ordinance, and said proposed alterations shall be submitted to the Village Board for approval.

G. Subsequent Land Division

- (1) The division of any land or lands within a Planned Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PDO approval.

SECTION 17.0500 CONDITIONAL USES

17.0501 CONDITIONAL USE PERMITS.

Certain uses and situations are of such a special nature or are so dependent upon actual contemporary circumstances that it is impractical to predetermine the permissibility of such uses or to detail in this chapter the specific standards, regulations or conditions which would permit such uses in each individual situation. Such uses may, however, be permitted as conditional uses. The fact that a conditional use may be permitted does not confer any right to such a use. Conditional uses may be denied by the Village Plan Commission so long as such action is not discriminatory or unreasonable. Only those uses specifically listed herein can be granted a conditional use. Any other uses not specifically listed shall require an amendment to this code to be considered by the Plan Commission.

17.0502 APPLICATION.

Applications for conditional use permits shall be made in duplicate to the Building Inspector on forms furnished by the Building Inspector and shall include the following:

- A. Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
- B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodland conditional uses, such description shall also include information that is necessary for the Plan Commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land survey or, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
- C. Twenty copies of a topographic map, drawn to a scale of not less than 200' to 1" showing the land in question, its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100' of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100' of such land in question.
- D. The names and complete mailing addresses, including zip codes, of the owners of all properties within 200' of any part of the land included in the proposed use.
- E. Additional information as may be required by the Village Plan Commission, Village Engineer, Building Inspector or Plumbing Inspector.
- F. A fee, as may be established and periodically modified by resolution of the Village Board, shall accompany each application. Such fee shall be paid by cash, check or money order to the Village of Sussex. Costs incurred by the Village in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

- G. Where necessary to comply with certain Wisconsin Statutes, an application will be submitted to the Department of Natural Resources.
- H. The site plan and plan of operation information sheet and plan of operation approval form furnished by the Village shall be submitted prior to scheduling before the Plan Commission.

17.0503 REVIEW AND APPROVAL.

The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

- A. Upon receipt of the application, foregoing data and fees, the Village Plan Commission shall establish a date for a public hearing and shall public notice of the hearing once each week for two consecutive weeks in the official newspaper. Notice of the public hearing shall be given to the owners of all lands within 200' of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted without delay to the Plan Commission.

Compliance with this subparagraph shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this subparagraph.

- B. The procedure for public hearing before the Village Plan Commission shall be as follows:
 1. Any person may appear in person, by agent, or attorney.
 2. The Plan Commission may issue subpoenas and administer oaths of affirmations.
 3. The Plan Commission shall afford the applicant and each interested person opportunity to present evidence to rebut or offer countervailing evidence.
 4. The Plan Commission may permit cross examinations reasonably required for a full and true disclosure of the facts.
 5. The Plan Commission shall provide that notes of testimony given shall be taken and shall mark and preserve all exhibits. The Plan Commission shall, when requested by an applicant, cause the proceedings to be taken by a stenographer or by a recording device provided that the applicant making the request pays a reasonable compensatory fee for the transcription and copies of the written transcript.
- C. Within 95 days of the completion of the hearing conducted by the Plan Commission, the Plan Commission shall render its written determination stating the reasons therefore. If additional time is necessary beyond the 95 days referred to above, such time may be extended with the consent of the petitioner. Failure of the Plan Commission to render a decision as set forth shall constitute approval of the permit. The factual basis of any decision shall be solely the evidence presented at the

hearing. The Village Clerk shall mail a copy of the determination to the applicant.

- D. Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Village Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.
- E. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 17.1200 of this ordinance.
- F. Changes in use subsequent to the initial issuance of a conditional use permit shall result in a need to change the initial conditions and shall require an amendment to the conditional use permit. Enlargement of a conditional use shall not be considered an amendment. If any holder of a conditional use permit wishes to extend or alter the terms of such permit, the permit holder must apply for an amendment to the conditional use permit through the procedure of application for conditional use permits detailed herein. The process for amending a permit shall generally follow the procedures for granting a permit as set forth in Sections 17.0501, 17.0502 and 17.0503, and shall require the filing of an application and a hearing as provided above.

17.0504 TERMINATION OF CONDITIONAL USE PERMIT.

Conditional use status will terminate when the Plan Commission determines any of the following:

- A. The permit holder has failed to comply with the conditions of the permit or the conditional use has otherwise not continued in conformity with the conditions of the permit.
- B. A change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with the surrounding uses.
- C. The use or the characteristics of the use have changed without amending the permit and obtaining approval of the Plan Commission as provided in Section 17.0503(F).
- D. The conditional use has been discontinued for a period of 12 consecutive or 18 cumulative months in a three year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, snowmobile courses, ski areas, quarries, etc.). Upon such determination, the owner of the premises shall be required to bring all such lands and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this chapter within 90 days from such determination.

Prior to terminating a conditional use permit, the Village Plan Commission shall hold a public hearing, giving public notice as specified in Section 17.1400 of this ordinance. The termination of the conditional use shall not result in any nonconforming rights and the entire use shall be ceased. The property formerly the subject of the conditional use shall thereafter be used only in conformity with the current zoning and other village ordinances and regulations.

17.0505 HEARINGS

The Village Plan Commission shall hold a public hearing on each application giving public notice as specified in Section 17.1400 of this Ordinance. The Plan Commission may subsequently issue the conditional use permit with appropriate conditions, deny the permit with reasons, or require the submittal of a modified application.

17.0506 CONDITIONAL USES

A. The following agricultural, mining, commercial, industrial, and institutional uses shall be conditional uses and may be permitted as specified:

- (1) Accommodations and Food Service
 - (a) Hotels and motels in the BP-1 district.
 - (b) Bed and breakfast establishments in the CR-1 and A-1 districts provided that:
 - 1. A site plan and plan of operation shall be submitted to the Plan Commission. The site plan shall include a parking plan.
 - 2. Traffic conditions in the neighborhood shall not be adversely impacted by access to the property, traffic generated by the use, or any other aspects of the proposal.
 - 3. Adequate off-street parking shall be provided as set forth in Section 17.0603(K)(1) of this ordinance.
 - 4. All requirements set forth in Section 254.64(1)(b) of the Wisconsin Statutes and Chapter HFS 197 of the Wisconsin Administrative Code shall be fully complied with. Necessary state permits and licenses shall have been secured.
 - 5. The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
 - 6. No more than two (2) rooms shall be rented for such use in any establishment which is located in an area which is predominantly comprised of single-family homes.
 - 7. Dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics.
 - 8. Individual rentals shall not exceed five (5) consecutive days in length.
 - 9. No retail sales shall occur in a bed and breakfast establishment.
 - 10. One exterior advertising sign, not exceeding four (4) square feet in area, may be erected on the premises.
 - (c) RV Campgrounds and campgrounds in the A-1 district.
 - (d) Rooming and Boarding houses in the B-4 district.
 - (e) Alcoholic Beverage Drinking Places (Bars, Taverns, Lounges) B-1, BP-1 and OP-1 districts.
- (2) Arts, Entertainment, and Recreation
 - (a) Archery Ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, ice boating, marinas, polo fields, riding academies, and stadiums in the A-1 district provided that the lot area is not less than three (3) acres and all structures are not less than 50 feet from any district boundary.
 - (b) Music/theater halls, museums, historical sites, zoological and botanical gardens in the B-1, B-3, and A-1 districts.
 - (c) Commercial Recreation Facilities, such as arcades, bowling alleys, sports teams and clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf

facilities, physical fitness and recreational sports facilities, pool and billiard halls, racetracks, rifle ranges, tennis courts, volley ball courts, Turkish baths, and skating rinks, are conditional uses and may be permitted in the B-1, B-2, B-3, BP-1, and OP-1 districts. [See also Section 17.0603(K).

- (d) Amusement and Theme Parks in the B-3, BP-1, and A-1 districts.
 - (e) Swimming Pools and Relaxation/Floating Pools that are open to the public or that are accessory to a non-residential use in the B-1, B-2, B-3, B-4, BP-1, OP-1, and M-1 districts.
- (3) Agriculture and Mining
- (a) Retail agricultural facilities may be permitted in the A-1 district if the following items are found; that sufficient parking is available to handle the customer base coming to the facility, that events at the facility will not unreasonably impact neighboring property owners from noise, odor, or hours of operation, and that the general purpose of the facility is to sell to the general public product grown/raised on the parcel or adjoining parcel(s) where the facility is sited.
 - (b). Mineral Extraction
 - 1. General Requirements.
 - a. Mineral Extraction Operations
 - 1. Mineral extraction operations including sand, gravel or rock quarrying; washing, crushing, refining or processing of rock, slate, gravel, sand and minerals indigenous to the site; lime manufacturing; peat and soil removal; blasting (when accessory to quarrying operations); sand, gravel, stone and rock stockpiles (when accessory to quarry operations); aggregate, ready-mix and asphalt plants (when accessory to active quarrying operations); and manufacture of concrete building blocks or other similar concrete products (when accessory to quarrying operations) are conditional uses and may be permitted in the M-1 district.
 - 2. Agriculture use of any restored area of a quarry or undeveloped lands not being currently used for quarrying are conditional uses and may be permitted in the M-1 district provided that no confined raising or pasturing of animals shall be permitted within 100 feet of any residential property.
 - 3. No mineral extraction operation shall be located closer than 200 feet to a road right-of-way or exterior boundary of a quarry site, except as provided in Section 17.0702(H), 17.0703(F), 17.0703(G), and 17.0703(H) of this ordinance and except as reduced or increased by the Plan Commission as part of the conditional use process based on the current conditions and operations of an existing quarry operation, current uses of surrounding properties, zoning of surrounding properties, or other factors.
 - b. Each applicant for a conditional use in the M-1 district shall submit an operational plan, site plan and restoration plans.
 - c. Each holder of a conditional use in the M-1 district shall submit an annual report on or before February 1 each year which shall be reviewed by the Plan Commission at the next regularly scheduled Plan Commission meeting. Said annual report shall include, but not be limited to, the following:

1. An updated operational plan.
 2. An updated site plan.
 3. An updated restoration plan.
 4. Description of areas actively mined during the past year.
 5. Description of any restoration progress during the past year.
 6. Description of areas to be actively mined during the next year.
 7. Description of areas to be restored during the next year.
 8. A copy of the log of all complaints.
 9. A listing of all materials removed from the quarry in the last calendar year.
 10. The maximum depths of the quarry floor reached in the last calendar year.
 11. Other pertinent information required by the Plan Commission.
2. Operation Plan Required. Each applicant for a conditional use in the M-1 district shall submit an operation plan for the use. The operational plan shall specify:
- (a) A list of the specific mineral extraction operations requested.
 - (b) A general phasing plan showing the location and timing of all proposed phases.
 - (c) Hours of operation and days of operation for the various mineral extraction operations.
 - (d) The means by which noise, dust and other potential nuisances will be controlled.
 - (e) The means by which the applicant will control stormwater runoff and erosion to protection watershed and groundwater aquifers.
 - (f) A general listing of machinery and equipment types to be used and/or stored on site.
 - (g) Other pertinent information required by the Plan Commission
3. Site Plan. Each applicant for a conditional use in the M-1 shall submit a site plan for the use. The site plan shall specify:
- (a) A map of all lands owned by the applicant setting forth the current buildings, structures, and uses contained on the same.
 - (b) The general transportation plan identifying the ingress and egress to the site, the internal transportation plan of the site, and the primary modes of transportation to be used on the site.
 - (c) The location, height and type of proposed fences and/or berms.
 - (d) The general location and type of landscaping to be used to screen the mineral extraction operations from adjacent land uses and public rights-of-way.
 - (e) Other pertinent information required by the Plan Commission.
4. Restoration requirements. In order to ensure that the area of quarrying, extraction, or other related operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the applicant shall submit to the Plan Commission a plan for such restoration. Additionally, a certified check or other financial guarantee satisfactory to the Village in an amount sufficient, in the determination of the Plan Commission, to secure the performance of the restoration agreement may be required by the Plan Commission.

(4) Construction

- (a) General construction trade services such as, carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and in the A-1, B-3, B-4, and M-1 districts; and when the use as described above primarily serves as a customer showroom in the BP-1 district. No outside storage shall be permitted except by issuance of a conditional use permit as set forth in Section 17.0506(A)(15)(e) and 17.0506(A)(15)(f) of this Ordinance.
 - b. Construction Contractors such as road building, utility laying, grading, well drilling, and non-residential building contractors in the A-1 district; and residential building contractors in the A-1 and M-1 districts.
- (5) Educational, Health Services, and Social Services
- (a) Public, parochial, and private elementary and secondary schools and religious facilities in all Residential Districts, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than 50 feet from any lot line. Elementary and secondary schools, colleges, universities, and professional schools in the B-4 district.
 - (b) Business, secretarial, computer, training exam, cosmetology, barber and prep schools in the B-2, B-3, B-4, and BP-1 districts.
 - (c) Flight Training in the BP-1 and A-1 districts
 - (d) Apprenticeship, trade schools, fine arts and language schools and studios in the BP-1 district.
 - (e) General medical services in the M-1 and BP-1 Districts
 - (f) Outpatient and advanced medical services may be permitted in the I-I and the OP-1 districts.
 - (g) Hospitals and ambulance services in the I-1 and OP-1 districts.
 - (h) Residential mental retardation facilities in the B-4 district.
 - (i) Residential mental health and substance abuse facilities in the B-4 and I-1 districts.
 - (j) Youth, elderly and disability social services in the B-4 district.
 - (k) Temporary residential shelters in the B-4 and I-1 districts.
 - (l) Emergency and relief services in the B-4 District.
 - (m) Commercial day care centers in the B-1, B-3, B-4, BP-1, OP-1, I-1 and the M-1 districts provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
- (6) Information Services
- (a) Newspaper, printers, paper and software publishers, recording studio record production and data processing in the B-1, B-3, and B-4 district.
 - (b) Radio/TV/Network stations and telecommunications services in the B-1 district.
 - (c) Libraries and archives in the B-1 and B-3 districts.
 - (d) Drive-In motion picture theaters in the A-1 district.

- (7) Finance, Insurance, Real Estate, and Leasing
- (a) Mini-Warehousing, small cubicle storage, and indoor storage facility
 - 1. Mini-Warehousing and small cubicle storage in a M-1 district provided that no perishable products may be stored in a mini-warehouse or small cubicle storage project; no flammable or explosive materials may be stored in a mini-warehouse or small cubicle storage project unless specifically permitted by the Plan Commission; and no sales of merchandise may be conducted from a mini-warehouse or small cubicle storage site.
 - 2. Indoor storage facility in the M-1 and BP-1 districts provided that no perishable products, no flammable or explosive materials, and no sales of merchandise or operation of businesses may be conducted within the facility and its sub-leased spaces. The type of facility described in this section is like a mini-warehousing or small cubicle storage, but the rental spaces are all combined together within one larger building that has the appearance of an office/industrial building. The Site for said use must be of such a remote nature that the site operations do not detract from the appearance of the surrounding business park or neighboring properties.
 - (b) Cash advances, car title loans, rent to own, and other similar credit institutions in the M-1 district.
 - (c) Car, truck, RV rental in the B-3 district.
 - (d) General rental centers in the B-4 districts.
 - (e) Construction, mining, and forestry machinery and equipment rental and leasing in the B-3 districts.
- (8) General Services
- (a) Industrial launderers in the M-1 and BP-1 districts
 - (b) Animal Boarding in the M-1 district provided that the animals are domestic pets including (dogs, cats, hamsters or similar pet rodents, pet fish, and pet birds). In no way shall the operation be allowed to board wild animals or any pets not included in the list above. The boarding shall be for limited periods of time with no animal allowed to be continually boarded for longer than 3 weeks in row. No boarding facility may sell, trade, or in any other way exchange animals. The Plan Commission when determining the appropriateness of the site for animal boarding shall take into account the available space for outside animal activity and the impact the noise of such a facility will have on adjacent properties.
 - (c) Veterinary Services in M-1 district, provided all principal structures and uses are not less than 100 feet from any residential use.
- (9) Manufacturing
- (a) Manufacturing/Processing of abrasives, acetylene, acid, alkalies, batteries, beverages (alcoholic, coffee, soda, tea, water), biological products, bleach, bone, building materials, candles, celluloid, cement and brick products, charcoal, chemicals, coke, cordage, dog and cat food, dextrin, disinfectants, dry ice, dye and pigment, excelsior, flammables, food products, fuel, furs, gasoline, gelatin, glucose, hair products, ice, ink, lard, lime, linoleum, matches, meat, oil cloth, paint, perfume, plaster of paris, plastics, polish, potash, rubber, shellac, soap, starch, stove polish, turpentine, varnish, vinegar and yeast in the M-1 district.
 - (b) Manufacturing/Processing of bakery and flour products, beverages (alcoholic, coffee, soda, tea, water), biological products, candles, celluloid, disinfectants, dry ice, excelsior, food products, furs, gelatin, glucose, grain, seed and plant oil, cereal, chocolate confections, fruit, vegetable, and nut, dairy products, snack food, syrups, flavorings, extracts, spices and dressings, hair products, ice, ink,

- lard, linoleum, matches, meat, paper (non pulp), perfume, polish, potash, plastics, shellac, soap, starch, stove polish, textiles, toiletries, turpentine, varnish, vinegar and yeast in the BP-1 district.
- (c) Storage of building materials, ice, dry ice, flammables, gasoline, grains, paint, shellac, fat, lard, turpentine, vinegar, and yeast in the M-1 district.
 - (d) Bag Cleaning Facilities, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating; enameling, lacquering; lithographing; oil, coal, and bone distillation; refineries; road test facilities; and weaving facilities in the M-1 district and shall be at least 600 feet from residential, and public and semipublic districts.
 - (e) Processing and Assembling of Final Products in the B-1, B-2, B-3 and B-4 districts provided that the limited industrial process does not exceed 1,000 square feet in a B-1 or B-4 district or 2,000 square feet in a B-2 or B-3 district. Processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
- (10) Professional, Technical, Scientific, and Administrative Support Services
- (a) Veterinary services in the A-1 districts.
 - (b) Offices of holding companies and regional managing offices in the B-3, B-4, and BP-1 districts.
 - (c) Collection, credit, and repossession services in the OP-1 districts
 - (d) Landscaping and building maintenance services in the B-3, M-1, and A-1 districts.
- (11) Public Administration and Government Services
- (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings,, parks, playgrounds, in all residential and B-1, B-2, B-3, M-1, BP-1, OP-1 and A-1 districts.
 - (b) Penal and correctional institutions in the I-1 district provided that the site is not less than five (5) acres and does not abut upon a residential property.
- (12) Retail Trade
- (a) Vehicle sales, vehicle service, service of vehicle parts, vehicle parts sales including vehicle washing, vehicle repair stations, service of vehicle parts and vehicle parts sales in the B-3 districts,. No outside storage shall be permitted except by issuance of a conditional use permit as set forth in Section 17.0506(A)(15)(e) of this Ordinance. Vehicle parts sales and vehicle service in the B-1 district. Vehicle parts sales in the B-4 district. No outside storage shall be permitted in the B-1 and B-4 districts for vehicle parts sales even by issuance of a conditional use permit as set forth in 17.0506(A)(15)(e) of this Ordinance.
 - (b) Building supply stores and general sales of industrial products, such as building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors in the B-3 and M-1 districts. No outside storage shall be permitted except by issuance of a conditional use permit as set forth in Section 17.0506(A)(15)(f) or 17.0506(A)(15)(e) of this Ordinance.
 - (c) Outdoor power equipment stores in the B-3 and B-4 districts
 - (d) Garden centers and farm supply stores in the B-2, B-3, and B-4 districts.
 - (e) Specialty food stores/markets in the BP-1 district.
 - (f) Pharmacy in the M-1 district.

- (g) Gasoline service stations in the B-2 and B-3 districts provided that the use shall not cause--or shall include traffic control measures to ameliorate--traffic congestion; that lighting and glare shall not extend into adjacent residential neighborhoods; and that service islands shall comply with the minimum setback requirements of the district. Canopies over a gasoline service island may extend into front, side or rear yard areas, but shall not encroach more than six (6) feet into any required yard. In no case, may a canopy extend into a street right-of-way.
 - (h) Permitted uses in the B-2 District 100,000 square feet in floor area or larger. Provided that:
 1. Each department and category of goods sold therein shall be limited to the permitted uses described in the B-2 district; and
 2. A minimum of 35 percent open space must be preserved on the lot in areas that are substantially evenly distributed throughout the lot; and
 3. The department store shall not be larger than 125,000 square feet in floor area.
 - (i) Manufactured/mobile home sales in the B-3 district.
 - (j) Commercial service facilities such as restaurants and fueling stations in the M-1 district and provided that all such services are physically and saleswise oriented toward industrial district users and employees and that other users are only incidental customers.
 - (k) Factory Outlets and retail sales of products made onsite in the principal industrial operation in the BP-1 district and the M-1 district.
- (13) Transportation and Warehousing
- (a) Airports, Airstrips, and Landing Fields along with associated passenger and freight air transportation uses in the I-1, M-1 and A-1 districts, provided that the site is not less than 20 acres. A heliport in any business district if such heliport is at least 100 feet from a residential district boundary.
 - (b) Passenger and freight railroads, yards, terminals, stations and supporting uses in the I-1, M-1 and A-1 districts. A passenger rail station (subway, etc.) in any business district if such station is at least 100 feet from a residential district boundary.
 - (c) Passenger and freight water transportation, yards, port, terminals, station, and supporting uses in the I-1, M-1 and A-1 districts
 - (d) Bus and other motor vehicle transit systems, terminals, yards, stations, and garages in the I-1, M-1 and A-1 districts. Bus Stations in all business districts uses are not less than 100 feet from any residential district boundary.
 - (e) In the BP-1 district, truck terminals, warehousing, wholesale and distribution centers, and mail-order centers when not accessory to a BP-1 district permitted use.
 - (f) Freight yards, freight terminals, transshipment depots, warehousing and wholesale of (metal, coal, ore products, plastics, chemicals, and petroleum products in the M-1 district.
 - (g) Courier, delivery, postal service businesses in the B-1, B-2 and B-3 districts.
 - (h) Flower, nursery stock wholesaling in the A-1 district.
- (14) Utilities (Public and Private)
- (a) Utility substations, utility distribution, wells, pumping stations and towers in all districts provided all principal structures and uses are not less than 50 feet from any residential district lot line. An exception to the setback rule may apply, as determined by the Village Administrator, when the principal structure is below ground. Whenever possible the utility distribution, as determined by the Village Administrator, facilities shall be placed in commercial, industrial, or institutional

- districts. This subsection does not apply to utility distribution facilities that are located within public highway right-of-ways.
- (b) Power generation plants in the A-1 district provided the site is at least 100 acres, is not within 1,000 feet of any residential property, and places no undue burden on neighboring properties due to noise, odor, traffic, or environmental health.
 - (c) Power generation plants in the I-1 district.
 - (d) Municipal sewage disposal/treatment plants in I-1 or M-1 districts.
 - (e) Solid Waste Collection and Management Services, treatment, disposal, landfills, incinerators in the I-1 Institutional Districts, and the A-1 Agricultural Districts provided the site is at least 100 acres, and is not within 1,000 feet of any residential district exists. No type of hazardous waste collection, treatment, or disposal allowed.
- (15) Miscellaneous items (Parking, Drive-through, Towers/Antenna Outside Storage, and Mixed Use Development)
- (a) Multi-level Parking Garages to maximize the use of limited land area while supporting the parking needs of adjacent uses in the B-2, B-3, B-4, BP-1, OP-1, M-1, and I-1 districts. When considering a multi-level parking garage the Plan Commission will consider its impact on adjoining parcels, the appearance of the facility from the neighboring property and street, and alternatives to such a parking structure.
 - (b) Drive-Through Facilities in the B-1, B-2, B-3, B-4, BP-1, and OP-1 districts, such as drive-through banks, drycleaners, etc., but not including drive-through restaurants. Drive-through restaurants in the B-2, B-3, and BP-1 districts.
 - (c) Radio and Television transmitting towers, receiving towers, relay and microwave towers, and broadcast studios in the B-3, B-3 B-4 M-1, BP-1, OP-1 and I-1 districts.
 - (d) Cellular and Digital Communication Antennas in the B-3, B-4, BP-1, M-1, and I-1 districts, provided that:
 1. The developer shall prepare a plan showing the number and potential location of all antenna sites needed in the Village (and all other adjacent municipalities) to complete the communication network.
 2. All antennas shall be constructed on existing structures, such as, but not limited to, water towers, public buildings, existing utility towers, industrial buildings, farm silos, barns, or other communication towers.
 3. If it is determined by the Plan Commission that such antennas cannot be co-located on existing structures, freestanding tower structures may be permitted, but such structures shall be designed to support the proposed antennas and three additional sets of communication antennas. The developer shall agree, in writing, to make the structure available for co-location by other companies of other communication equipment at a reasonable return.
 4. The developer may be required to post a bond or cash deposit to assure maintenance of communication equipment and its supporting structures; and to assure that if such facilities are abandoned, sufficient resources are available for the Village to remove such equipment and structures.
 - (e) Commercial Use Outside Storage. Outside storage maybe permitted for commercial uses in the B-1, B-2, B-3, B-4, BP-1, and OP-1, districts. All outside storage areas shall be at least 600 feet from residential, park, and institutional districts located in the Village or adjacent Towns. The Plan Commission may waive or reduce the 600-foot separation requirement. In all cases, outside storage shall be screened from all sides. All screening plans are subject to Plan

Commission review and approval. Screening shall be a permanent opaque wall matching the materials of the building and may include fencing as deemed appropriate by the Plan Commission. The height of the wall necessary shall be sufficient to screen the product(s) in the outside storage area. Furthermore, no use shall be granted a modification of the separation requirement if the Plan Commission determines that the use will have a high risk of fire, explosion, noise, vibration, or odor. Outside Storage shall not be construed to include the temporary or seasonal outdoor sales or services allowed as part of a Village approved outdoor sales and services permit.

- (f) Industrial Use Outside Storage. Outside storage maybe permitted for industrial uses in the M-1, and BP-1 districts. All outside storage areas shall be at least 600 feet from residential, park, and institutional districts located in the Village or adjacent Towns. The Plan Commission may waive or reduce the 600-foot separation requirement. In all cases, outside storage should be screened. All screening plans are subject to Plan Commission review and approval. Screening should be a permanent predominantly evergreen planting screen, the individual trees to be of such a number and so arranged that they will have formed a dense screen within ten years or by a fence or by a combination of trees and fencing. The Plan Commission shall set the appropriate height of any fencing based upon the site conditions and the types of outdoor storage to be screened. Individual trees shall be capable of reaching a height of ten feet within two years. Furthermore, no use shall be granted a modification of the separation requirement if the Plan Commission determines that the use will have a high risk of fire, explosion, noise, vibration, odor, or if the use will generate traffic volumes in excess of those reasonably expected in a residential neighborhood. Outside Storage shall not be construed to include the temporary or seasonal outdoor sales or services allowed as part of a Village approved outdoor sales and services permit.
- (g) Mixed Use Development. Mixed-use development in the B-4 district provided it meets the following conditions:
 - 1. The project shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture, signs, lighting standards, parking, driveways and pedestrian circulation, in conformance with the following requirements:
 - (a) Residential and non-residential uses may be combined on a single parcel in new buildings or a combination of new and existing buildings.
 - (b) Residential uses are prohibited on the ground floor of a new building that is adjacent to a public roadway; such uses shall be located above a non-residential use that is not in a basement. Residential uses in a new building that is not adjacent to a public roadway are also prohibited on the ground floor unless approved in writing by the Village Plan Commission; and the Village Plan Commission may approve the same if it finds that the overall mixed-use development has a significant retail/office presence on the ground floor, that is not materially diminished by this ground floor residential use, to meet the intent of the B-4 Central Business District. For purposes of this paragraph, a building is considered to be adjacent to a public roadway if there are no other principal buildings on the same parcel that are located between it and the public roadway.
 - (c) Residential uses in conversions of existing buildings shall comply with Section 17.0419(C)(11)(c) of this Ordinance.

- (d) On large buildings, variations in facades, canopies, and roof lines to provide contrasts of height, color, texture, and materials are encouraged.
 - (e) Any building facade which is visible from a street or other public place shall be constructed of traditional building materials such as local stone, brick, and wood. The use of these materials on other facades is also encouraged.
2. Pedestrian circulation shall be included in the design of the development, with walkways planned for linkage to an existing or future pedestrian network of sidewalks. New sidewalks shall connect to the Bugline Recreation Trail where appropriate and in accordance with the "Downtown Design and Development Plan."
 3. A traffic impact study may be required for any development that, in the opinion of the Architectural Review Board or Plan Commission, may generate a traffic volume that may require special mitigation measures.

B. RESIDENTIAL CONDITIONAL USES

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

- (1) Clubs, fraternities, lodges, and meeting places of a noncommercial nature in any residential districts the I-1 districts provided all principal structures and uses are not less than 25 feet from any lot line.
- (2) Rest Homes, nursing homes, and clinics in any residential district provided all principal structures and uses are not less than 50 feet from any lot line.
- (3) Housing for the Elderly in the Rm-1 and B-4 districts. Elderly housing shall not exceed a density of more than 17.4 dwelling units per acre in the Rm-1 district or more than 22 units per acre in the B-4 district. Upon recommendation of the Architectural Review Board the Plan Commission may reduce the number of required parking spaces for elderly housing in the B-4 district when parking shared with adjacent businesses is provided, however, parking dedicated to the elderly housing use shall not be less than 0.5 parking spaces per dwelling unit.
- (4) Detached Garages accessory to single-family dwellings in the Rs-1 and Rs-2 districts, provided that the residence was in existence as of January 1, 1978.
- (5) Community Living Arrangements and community-based residential facilities which have a capacity for nine (9) or more persons in the Rs-1, Rs-2, Rs-3, Rd-1, and Rd-2 Residential districts and B-4 district.
- (6) Community Living Arrangements and community-based residential facilities which have a capacity for 16 or more persons in the Rm-1 Residential District and the B-4 district.
- (7) Community-Based Residential Facilities (CBRF) in the B-4 districts.
- (8) Single Family Attached Residence units that are a permitted use in the SF-RD-3 district, as described therein, are a conditional use in the B-4 district provided that they are in compliance with the Village of Sussex Downtown Design and Development Plan and the Condominium Issues and Concepts report dated August 2002, as amended from time to time. Compliance will be determined on a project-by-project basis by the Plan Commission and shall include consideration of recommendations received from the Architectural Review Board. Compliance evaluation criteria will include, but not be limited to, the proposal's positive reinforcement of the Village vision of a small town historic sense of place, elimination of blighted conditions, preservation of sensitive environmental resources, inclusion of landscaped activity centers for residents, vehicular and pedestrian circulation plans, and the use of natural building materials to provide a quality development. All development proposals shall also be conditioned upon Village acceptance of a developer's agreement and homeowner's association bylaws for the project. Single Family Attached housing in the B-4 District may exceed the density of other districts, provided that all of the following requirements are met:
 - (a) The lands in question must be within the Community Development Authority's jurisdictional boundaries;
 - (b) The Community Development Authority finds that the increased density assists in removing blighted conditions;

- (c) The Community Development Authority finds that the land and/or buildings in question have been vacant for at least five years; or that a substantial part of the land and/or buildings in question have been vacant for at least five years and the insubstantial part that has not is an integral part of the development;
- (d) The shape of the parcel must be unusual, such that traditional development at a lower density is impractical or not recommended, as determined by the Village Administrator;
- (e) The Plan Commission determines that such density is acceptable in light of all relevant considerations;
- (f) The density shall not in any case exceed 16 dwelling units per gross acre; and
- (g) The proposed single family attached residences are in compliance with the Village of Sussex Downtown Design and Development Plan and the Condominium Issues and Concepts report dated August 2002 as amended from time to time, as determined by the procedures and standards identified, above.

Rear yard, side yard, setback, setbacks from recreational trail right-of-way, and distance between buildings shall be as determined by the Plan Commission so as to implement the Village of Sussex Downtown Design and Development Plan, and the Condominium Issues and Concepts report dated August, 2002, as amended from time to time.

- (9) Increased density in the single family attached residential district, provided that there shall be no more than 5 dwelling units per acre.
- (10) More than four dwelling units attached in the single family attached residential district.
- (11) Accessory Apartments in all single-family residential districts, and the Agricultural District provided that:
 - (a) The principle dwelling has a minimum living area of 1,000 square feet, excluding the accessory dwelling unit;
 - (b) The principle dwelling unit is owner occupied;
 - (c) There may be only one accessory apartment per principle dwelling unit;
 - (d) The accessory apartment shall have a minimum living area of 600 square feet and no more than one bedroom; and,
 - (e) The accessory apartment shall be occupied by a person related to the owner of the principle dwelling unit by blood, marriage or adoption.
- (12) Single-family and two-family detached dwellings constructed on or after January 1, 2010 in the B-4 district.

C. ENVIRONMENTAL PROTECTION CONDITIONAL USES

The following uses are conditional uses within environmental protection districts or for environmental protection in general and may be permitted as specified.

- (1) Floodland Uses Refer to Chapter 14 Sections 1.900 to 14.990
- (2) Lowland Conservancy Uses the following uses are conditional uses in the LCO

Lowland Conservancy Overlay District and may be permitted as specified:

- (a) The Construction of Streets Which Are Necessary for the Continuity of the Village Street System, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the LCO District, provided that:
 - 1. The street cannot as a practical matter be located outside the conservancy district;
 - 2. The street is designed and constructed to minimize adverse Impact upon the natural functions of the wetland as listed in Section 17.1308(B) of this Ordinance;
 - 3. The street is designed and constructed with the minimum cross-section practical to serve the intended use;
 - 4. The street construction activities are carried out in the immediate area of the roadbed only; and
 - 5. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.

- (b) The Construction and Maintenance of non-residential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, provided that:
 - 1. The building cannot as a practical matter be located outside the conservancy district;
 - 2. The building is not designed for human habitation and does not exceed 500 square feet in area; and
 - 3. Only limited filling or excavating necessary to provide structural support is conducted.

- (c) The Establishment and Development of Public and Private Parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:
 - 1. Any private recreation or wildlife habitat area must be exclusively for that purpose;
 - 2. No filling is to be done; and
 - 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

- (d) The Construction and Maintenance of Electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, provided that:
 - 1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district; and
 - 2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

- (e) The Construction and Maintenance of Railroad Lines, provided that:

1. The railroad lines cannot as a practical matter be located outside the conservancy district; and
2. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(f) Notice to DNR: The Village Plan Commission shall transmit a copy of each application for a conditional use in the "Shoreland" portion of the LCO Lowland Conservancy Overlay District to the Wisconsin Department of Natural Resources (DNR) at least 10 days prior to the public hearing. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions related to "shoreland" conditional uses in the LCO district shall be transmitted to the DNR within 10 days of such decision.

(3) UPLAND CONSERVANCY USES

The following uses are conditional uses in the UCO Upland Conservancy Overlay District and may be permitted as specified.

(a) Any Permitted Use, Permitted Accessory Use, or Conditional Use Permitted in the Underlying Basic Use District, including structural uses, providing that the development will serve to implement the purpose and intent of the UCO district and foster the preservation of woodlands, wildlife habitat, rough topography, and scenic areas. To this end, the Village Plan Commission may permit the transfer of densities within the property boundaries of a given project. Individual lot sizes and per-unit lot areas may be reduced, provided that the density of the project does not exceed the maximum density permitted in the underlying basic use district. The institutional mechanism and limits of density transfer shall be the same as those specified in Section 17.0434 of this Ordinance. The Plan Commission shall require the same procedural requirements set forth in that section. The Village Plan Commission shall require appropriate legal measures to ensure that the open spaces and natural resource elements preserved by the transfer of density will be inviolate.

(b) Earth Movements involving the disturbance of more than 10,000 square feet in area on slopes of 12 percent or more, provided that the Village Plan Commission has determined that such earth moving is necessary to the public interest, will not result in undue negative impact on the natural resource base, and further provided that the Plan Commission has approved an operational plan submitted by the petitioner that will serve to minimize erosion and sedimentation, and preserve the natural beauty of the site. The Village Plan Commission shall require the applicant to furnish a surety to enable the Village to carry out land restoration work in the event of default by the applicant in carrying out the approved operational plan.

(4) ENERGY CONSERVATION USES

The following energy conservation uses are conditional uses and may be permitted as specified:

(a) Wind Energy Conversion Systems, commonly referred to as "windmills" which are used to produce electrical power may be permitted in any district provided that the following information requirements and standards shall apply:

1. Application: Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by

which the facility will provide power to structures. If the system is intended to provide power to more than one premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system. Solar easements shall accompany the application.

2. Construction: Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot in area.
3. Noise: The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
4. Electro-Magnetic Interference: Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
5. Location and Height: Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this ordinance, however, all such systems over 75 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
6. Fence Required: All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
7. Utility Company Notification: The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.
8. Compliance with Electrical Code: The electrical portion of the installation shall comply with all provisions of Electrical Code of the Village adopted as Chapter 15 of the Municipal Code.

(b) Solar Energy Conversion Systems, commonly referred to as "active" or "passive" solar collection and heating systems and including all systems as defined by Section 101.57 (8) (b) of the Wisconsin Statutes when such systems are erected as an accessory structure may be permitted in any district.

1. Application: Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures.

2. Construction: Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building and zoning codes.
 3. Location and Height: Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of the zoning code unless otherwise provided in the conditional use permit issued pursuant to this section.
- (c) Earth Sheltered Structures, commonly referred to as "earth homes" which are built partially or totally into the ground for the purpose of using the insulating value of the soil to conserve energy may be permitted in the A-1, Rs-1, Rs-2 and Rs-3 districts. This section does not include conventional homes with exposed basements, split-levels or similar types of construction and provided further that the following information requirements and standards shall apply:
1. Application: Applications for the construction of an earth sheltered structure shall be accompanied by all of the information required to obtain a building permit with special attention to be given to the bearing strength of the structure, provision of proper drainage for sanitary, storm and ground water and wastes, proper ventilation, grading of the lot and its affect on adjacent properties, proper exit availability and exterior renderings of the structures to determine its visual affect on adjacent structures. Such standards shall be certified by a registered engineer or architect.
 2. Construction: Earth sheltered structures shall be constructed in conformance with all applicable state and local building and zoning codes. A registered engineer or architect shall certify that the design of the structure is in conformance with all applicable state and local codes.

D. TEMPORARY USES

The following uses are conditional uses and may be permitted as specified.

- (1) Flea Markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted in any business district, the BP-1 business park district, the M-1 industrial district, the P-1 Park District, or the I-1 institutional district for a period not to exceed 10 days per year, and for a maximum of 5 years. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one (1) temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity. Fireworks stands are considered unsafe activities and are, accordingly, prohibited in the Village of Sussex.
- (2) Circuses and Animal Shows may be permitted in any business district, the BP-1 business park district, the M-1 industrial district, the P-1 Park District, or the I-1 institutional district for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, and hours of operation. The Plan Commission may limit or prohibit the display of dangerous animals such as lions or snakes. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may erect one (1) temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

- (3) Farmers Markets may be permitted in any business district, the BP-1 business park district, the P-1 Park District, or the M-1 industrial district for a period not to exceed 150 days per year and for a maximum of 5 years. No temporary use listed herein shall be conducted within the street right-of-way unless specific approval is granted by the Plan Commission and the Village Board. One temporary sign may be erected, but may not exceed 50 square feet in area on one side and 100 square feet in area on all sides. All temporary buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

17.0507

LEGAL NONCONFORMING USES

A. Legal nonconforming uses may be granted conditional use status upon petition of the owner where such use is determined to not be any of the following:

- (1) Adverse to any of the following:
 - (a) public health,
 - (b) safety, or
 - (c) welfare;
- (2) In conflict of the spirit or intent of this chapter; or
- (3) Otherwise detrimental to the community and particularly the surrounding neighborhood.

B. Legal nonconforming conditional uses and affiliated structures in the B-4 district.

Upon petition from a property owner, the Village Plan Commission may grant special exception to allow for the expansion of both the conditional use and affiliated structure housing said use in the B-4 Central Business District, subject to all of the following conditions:

- (1) This subsection 17.0507(B) only applies to properties that have been granted a conditional use permit pursuant to Section 17.0507(A) (Legal Nonconforming Conditional Use) and are located in the B-4 Central Business District.
- (2) This subsection only applies to properties that have a non-residential principal use and where the owner of the business with the Legal Nonconforming Conditional Use is also the owner of the structure and property.
- (3) The expansion of the use/affiliated structure shall be less than a 50% increase in the footprint from the use/affiliated structure prior to expansion area. Any expansion of a structure is subject to Architectural Control Board approval, and maybe expanded into areas of the lot where the expansion fully complies with all offset and setback requirements of the B-4 district, provided that the expansion is otherwise in compliance with all applicable laws. In passing upon such matters, the Architectural Control Board shall consider all of the following factors: the size of the lot; the size and location of the existing legal nonconforming structure; nature of the expansion of the use; the size and location of any other structures on the lot; the size and location of the proposed expansion; the impact, if any, that the expansion may have upon neighboring properties; whether the proposed expansion would violate the intent of the Zoning Ordinance or Design Standards; and such other matters as the Architectural Control Board finds to be relevant in the interests of the public health, safety, welfare, and protection of property values of the Village.
- (4) The special exception to expand the use/affiliated structure is prohibited if the requested location, structure, or use thereof, would conflict with any applicable federal, State of Wisconsin, or County of Waukesha codes, statutes, rules, ordinances or lawful orders, or with any Village of Sussex ordinances other than the matters noted in this section, 17.0507.

- (5) Any special exception requested under this subsection is prohibited if the special exception would conflict with the express requirements of the conditional use permit affecting the property.
- (6) The Plan Commission shall either grant or deny the special exception, or grant the special exception upon specified reasonable conditions. To grant or conditionally grant the special exception, the Plan Commission must find that the requested expansion of the legal nonconforming conditional use/affiliated structure will not be adverse to the public health, safety or welfare; will not be in conflict with the spirit or intent of this Chapter; and will not otherwise be detrimental to the Village of Sussex or the immediate neighborhood where the accessory structure would be located. The Plan Commission shall issue its decision in writing, including any conditions of approval, and shall provide a copy of the decision to the petitioner. The decision of the Plan Commission shall be final, and cannot be appealed to the Zoning Board of Appeals.
- (7) A special exception granted herein shall be effective once it is recorded against the property by the property owner, and shall run with the land in perpetuity unless stated otherwise in the Plan Commission's decision, and subject to subsection (8), below.
- (8) Should a use and/or structure or the expansion of the use and/or structure approved by special exception be abandoned in any manner, or discontinued in use for twenty four (24) months, or continued other than in strict conformity with the conditions of the original approval, or should a change in the character of the surrounding area or of the structure itself cause it to be no longer compatible with the surrounding areas, or for similar cause based upon considerations of public health, safety or welfare, the special exception may be terminated by action of the Village Board following referral to the Village of Sussex Plan Commission for recommendation and a public hearing thereon.

17.0508 ADULT-ORIENTED ESTABLISHMENTS

Adult-oriented establishments are conditional uses and may be permitted in the M-1 Industrial District provided:

1. The building, site plan and plan of operation have been submitted to and approved by the Plan Commission.
2. A license to operate an adult-oriented establishment has been issued for the subject property.
3. No adult-oriented establishment shall be located within 1,000 feet of any public or private school, religious facility, religious institution, daycare center or public park. No adult-oriented establishment shall be located within 500 feet of any residential district or any other adult-oriented establishment. The above-noted distances shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment to the nearest point of the parcel of property or land use district boundary from which the proposed land use is to be separated.

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SECTION 17.0600 TRAFFIC, LOADING, PARKING, ACCESS, STORAGE AND LIGHTING

17.0601 TRAFFIC VISIBILITY

No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2 1/2) feet and 10 feet above the plane through the mean curb grades (see Illustration No. 1) within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection (see Illustration No. 2).

In the Case of Arterial Streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet (see Illustration No. 2).

In Addition to the vision clearance provided at intersections, no obstructions shall be permitted between the height of two and one-half (2 1/2) feet and 10 feet above the plane through the mean curb grade within 10 feet of the curb line of a Village street in any district.

17.0602 LOADING REQUIREMENTS

On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way.

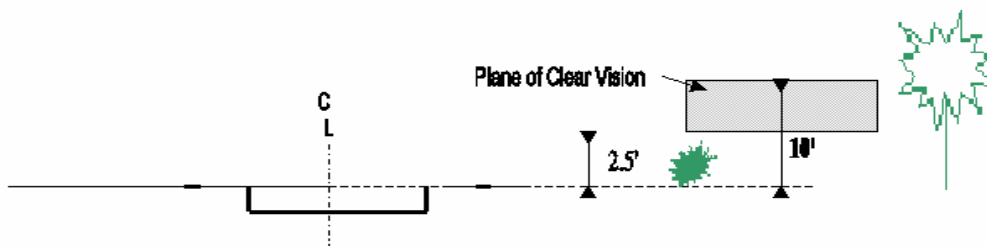
- A. Number of loading and unloading spaces required.

<u>Gross Floor Area of Building In Square Feet</u>	<u>Number of Spaces</u>
5,000 - 24,999	1
25,000 - 49,999	2
50,000 - 99,000	3
100,000 - 174,999	4
175,000 - 249,999	5

For each additional 74,000 square feet (or fraction thereof) of gross floor area, one (1) additional loading and unloading space shall be provided.

- B. Each Loading and Unloading Space Shall Have Access to a public dedicated street or alley.
- C. The Minimum Area for Each Loading and Unloading Space, excluding the area needed to maneuver, shall be 250 square feet.
- D. At No Time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

**ILLUSTRATION NO. 1
VISION CLEARANCE TRIANGLE
(CROSS-SECTIONAL VIEW)**

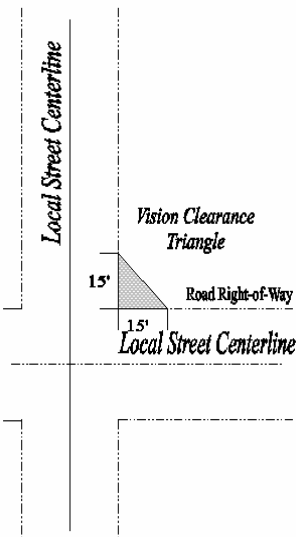


C
L = centerline

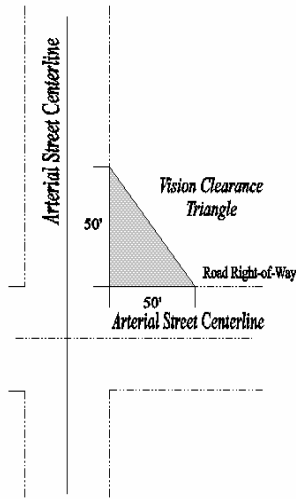
ILLUSTRATION NO. 2

VISION CLEARANCE TRIANGLE
(PLAN VIEW)

Two Local Streets Intersecting



Two Arterial Streets Intersecting



- E. Surfacing. All off-street loading areas, except in the A-1 Agricultural District, shall be surfaced with an asphaltic or Portland cement pavement in accordance with the Village of Sussex standards and specifications so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties. Surfacing of loading areas shall be completed before occupancy is granted. The Plan Commission may, however, permit a delay in surfacing provided that surfacing will be completed within 18 months following occupancy. When a delay is permitted, the Plan Commission shall require appropriate sureties to guarantee that the surfacing will be completed on schedule. If the applicant, occupant and/or owner fails to complete the required surfacing within the 18-month time limit, such failure shall constitute a zoning violation and the Building Inspector shall initiate the appropriate action to correct the violation pursuant to Sections 17.0302 and 17.0303 of this Ordinance.

17.0603 PARKING REQUIREMENTS

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- A. Adequate Access to a public street shall be provided for each parking space, and driveways shall be constructed as set forth in Section 17.0604(D) of this Ordinance.
- B. Construction of Parking Lots is prohibited in all CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4, Rd-1 and Rd-2 districts.
- C. All Off-Street Parking Areas constructed in the Village, except in the A-1, CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4, Rd-1, and Rd-2 districts, shall contain a minimum of five

(5) parking spaces.

- D. The Minimum Dimensions of each parking space shall be 9 feet, by 18 feet, except for parking spaces provided for use by physically disabled persons as provided in Section 17.0603(J)(4) below.
- E. Location shall be on the same lot as the principal use or not more than 400 feet from the principal use.
- F. **Parking Lot Setback.** Parking lots shall be located in such manner to provide convenient access to the facilities they serve. Parking lots, including aisles, in the BP-1, OP-1, B-1, B-2, and B-3, districts shall be set back a minimum of forty (40) feet from the street right-of-way line for all developments constructed after January 1, 2002. Parking lots, including aisles, in the B-4 district shall follow the guidelines set forth in Section 17.0419. Parking lots, including aisles, in the M-1 district, for all developments constructed on or before January 1, 2002, shall be set back a minimum of 25 feet from the street right-of-way line and a minimum of five (5) feet from other lot lines for providing area for landscaping, drainage, vehicle overhang, sign placement, and snow storage; and for developments constructed thereafter, shall be setback a minimum of fifteen (15) feet from lot lines other than the street right-of-way line. Parking lots, including aisles, in the B-1, B-2, and B-3 districts for all developments constructed on or before January 1, 2002, shall be set back a minimum of 15 feet from the street right-of-way line and a minimum of five (5) feet from other lot lines. Parking lots, including aisles, in other districts shall be set back a minimum of 10 feet from the street right-of-way line and a minimum of five (5) feet from other lot lines. For purposes of this paragraph, "development constructed" shall mean a legal lot of record on which a building is fully and lawfully constructed, or for which building permits have lawfully issued and have not expired, and such building relates to a lawful use of the property, as of January 1, 2002. Parking lots and aisles shall not encroach upon required buffering areas needed to offset land use differences.

Parking lot setbacks shall be provided between dissimilar uses. Parking lots, including aisles, in a multi-family residential district shall be set back a minimum of 25 feet from any single- or two-family residential district lot line. Parking lots, including aisles, in any business, manufacturing, or institutional district shall be set back a minimum of 25 feet from any single-family, two-family, or multi-family residential district lot line.

The Plan Commission may waive the five (5) foot setback along the side lot line of adjacent businesses and industries when cross-easements are provided to share parking. The Plan Commission may waive the separation between residential parking and business parking in the B-4 district when such waiver will serve to implement the Downtown Design and Development Plan. The Plan Commission also may waive the separation between adjoining lots in the B-2 district when such waiver will serve to implement the STH 164 Corridor Plan. Other appropriate buffering may be required by the Plan Commission when parking setback waivers are granted.

- G. **Surfacing.** All off-street parking areas, except in the A-1, CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4, Rd-1, and Rd-2 districts, shall be surfaced with an asphaltic or Portland cement pavement in accordance with the Village of Sussex standards and specifications so as to provide a durable and dust free surface; shall be so graded and drained as to dispose of all surface water accumulated within the area; and shall be so arranged and marked so as to provide for orderly and safe loading or unloading,

parking, and storage of self-propelled vehicles. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties. Surfacing of parking areas shall be completed before occupancy is granted. The Plan Commission may, however, permit a delay in surfacing, in any district except the B-4 Central Business District, provided that surfacing will be completed within 18 months following occupancy. When a delay is permitted, the Plan Commission shall require appropriate sureties to guarantee that the surfacing will be completed on schedule. If the applicant, occupant and/or owner fails to complete the required surfacing within the 18-month time limit, such failure shall constitute a zoning violation and the Building Inspector shall initiate the appropriate action to correct the violation pursuant to Sections 17.0302 and 17.0303 of this Ordinance.

- H. Landscaping. All public off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Ordinance shall be provided with accessory landscape areas totaling not less than fifteen (15) percent within the B-2 district, and seven and one-half (7 1/2) percent of the parking area in other districts. The minimum size of each landscape area shall not be less than 150 square feet and landscaped areas shall be distributed evenly throughout the parking area. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the Plan Commission. All plans for such proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six (6) feet. Landscaping for parking areas in the B-4 district shall also be consistent with the Downtown Design and Development Plan. Landscaping for parking areas in the B-2 district shall also be consistent with the STH 164 Corridor Plan.
- I. Curbs or Barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines; and a minimum of four (4) feet from a fence line, or a line of trees or other landscape material so as to prevent damage to the fence or landscaping.
- J. Parking Spaces for Use by Physically Handicapped Persons. All open off-street parking areas providing more than 25 parking spaces, except for parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the following minimum standards:
 - (1) One parking space shall be provided in parking areas containing 26 to 49 spaces.
 - (2) Two percent of the total number of spaces shall be provided in parking areas containing 50 to 1,000 spaces.
 - (3) In addition to the number of spaces required in subsection (2) above, one percent of each 1,000 spaces over the first 1,000 spaces shall be provided for physically disabled parking.
 - (4) The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be 12 feet by 18 feet.
 - (5) Parking spaces provided for the use of physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.

- (6) All parking spaces provided for the use of physically disabled persons shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such signs shall comply with the requirements of Sections 346.50, 346.503, and 346.505 of the Wisconsin Statutes. Additionally, the lines and markings on the pavement shall be in the same color blue as the sign required in this paragraph.

K. The Following Guide Specifies the Minimum Number Of Parking Spaces Required. The reference herein to "the work shift with the largest number of employees" means the maximum number of full-time or part-time employees present at the facility at any one time. For example, the largest work shift may be a particular day of the week, or a lunch or dinner period in the case of a restaurant. The reference herein to "maximum capacity" means the maximum number of persons which may be accommodated by the use as determined by its design or by applicable building code regulations, whichever is greater. In the case of structures or uses not specified herein, the number of spaces specified for a use which is similar shall apply. In developments involving the establishment of two or more uses on one lot or parcel, the number of spaces required for each use shall determine the total number of spaces required.

(1) Residential Uses

- a) Single-family dwellings, two family dwellings and mobile homes--two (2) spaces per dwelling unit.
- b) Multiple-family dwellings--two (2) spaces per dwelling unit plus one (1) guest parking space per five (5) dwelling units (10 percent guest parking). All parking except guest parking shall be provided in enclosed garages. Attached garages or underground parking is preferred.
- c) Housing for the elderly—one (1) space per dwelling unit.
- d) Community living arrangements and community-based residential facilities--one (1) space for each care provider residing at the facility, plus one (1) space for each three (3) persons receiving care.
- e) Bed and breakfast establishments and accessory apartments—one (1) space per bedroom.

(2) Retail sales and customer service uses, and places of entertainment, except as specifically set forth below--one (1) space per 150 square feet of gross floor area of customer sales and service, plus one (1) space per employee for the work shift with the largest number of employees. For this section gross floor area does not include storage or employee preparation areas. Other retail sales and customer service uses and places of entertainment:

- a) Financial institutions--one (1) per 200 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees. Financial institutions with drive-through service facilities shall provide sufficient space for four (4) waiting vehicles at each drive-through service lane.
- b) Funeral homes--one (1) space per four (4) patron seats of maximum capacity, or 25 spaces per chapel unit, whichever is greater.
- c) Grocery stores or supermarkets--one (1) space per 150 square feet of gross floor area of customer sales and service plus one (1) space per employee for the work shift with the largest number of employees.
- d) Motels and hotels--one (1) space per room or suite, plus one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per three (3) persons of maximum capacity of each

- public meeting and/or banquet room.
- e) Lodges and clubs--one (1) space per three (3) persons based on the maximum capacity of the facility.
 - f) Repair services--one (1) space per 300 square feet of gross floor area of customer sales and service, plus one (1) space per employee for the work shift with the largest number of employees.
 - g) Restaurant, standard--one (1) space per 100 square feet of gross floor area of customer sales and service, plus one (1) space per employee for the work shift with the largest number of employees.
 - h) Theaters, auditoriums and other places of public assembly--one (1) space per three (3) patrons based on the maximum capacity of the facility.
 - i) Personal services--one (1) space per 200 square feet of gross floor area of customer sales and service, plus one (1) space per employee for the work shift with the largest number of employees.
 - j) Convenience grocery stores--one (1) space per 100 square feet of gross floor area of customer sales and service
 - k) Restaurants, drive-through--one (1) space per 50 square feet of gross floor area of customer sales and service, plus one (1) space per employee for the work shift with the largest number of employees. Drive-through restaurants provide sufficient space for four (4) waiting vehicles at each drive-through service lane.
 - l) Taverns, dance halls, night clubs and lounges--one (1) space per 50 square feet of gross floor area of customer sales and service, plus one (1) space per employee for the work shift with the largest number of employees.
 - m) Motor vehicle sales establishments--two (2) customer parking spaces per salesperson for the work shift with the largest number of salespersons, plus one (1) employee parking space per employee (including sales persons) for the work shift with the largest number of employees.
 - n) Motor vehicle repair, maintenance and service stations--three (3) spaces per indoor service bay plus one (1) space per employee for the work shift with the largest number of employees.
 - o) Car washes--one (1) space per employee for the work shift with the largest number of employees. Car washes shall provide sufficient space for four (4) waiting vehicles at each washing stall and sufficient space for drying two (2) vehicles after each washing stall.
 - p) Animal hospitals--three (3) patron parking spaces per doctor, plus one (1) employee parking space for the work shift with the largest number of employees.
 - q) Plant nurseries and garden and lawn supply sales establishments--one (1) space per 200 square feet of gross floor area of inside sales or display, plus one (1) space per 500 square feet of gross outside sales or display area, plus one (1) space per employee for the work shift with the largest number of employees.
 - r) Shopping centers (gross leasable area of at least 30,000 square feet)--five (5) spaces per 1,000 square feet of gross leasable area.
 - s) Establishments within the B-4 Central Business District—one space for every 150 square feet of gross leasable area, however, this requirement may be decreased upon application to the Village of Sussex Plan Commission, if the Architectural Review Board finds that there is sufficient on-street or shared parking adjacent to the proposed business use. If a decrease is requested based upon shared parking adjacent to the proposed use, the Architectural Review Board may require proof of

legally binding agreements having been entered regarding that shared use.

- (3) Offices for this section gross floor area does not include storage or employee preparation areas.
 - a) Medical, dental and similar professional health service offices--five (5) patron parking spaces per doctor, plus one (1) parking space per employee for the work shift with the largest number of employees.
 - b) Government, professional and business offices--one (1) space per 250 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- (4) Commercial/Recreational Uses, except as specifically set for below: one (1) space per four (4) patrons based on the maximum capacity of the facility, plus one (1) space per employee for the work shift with the largest number of employees.

Specific Commercial/Recreational Uses:

- a) Bowling alleys--five (5) spaces for each lane, plus one (1) space per employee for the work shift with the largest number of employees.
 - b) Golf courses--ninety spaces per nine (9) holes, plus one (1) space per employee for the work shift with the largest number of employees.
 - c) Golf driving ranges--one (1) space per tee, plus one (1) space per employee for the work shift with the largest number of employees.
 - d) Indoor tennis, racquetball and handball courts--three (3) spaces per court, plus one (1) space per employee for the work shift with the largest number of employees.
 - e) Miniature golf courses--one and one-half (1 1/2) spaces per hole, plus one (1) space per employee for the work shift with the largest number of employees.
 - f) Skating rinks, ice or roller--one (1) space per 200 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees. For this section, gross floor area does not include storage or employee preparation areas.
 - g) Tennis courts--four (4) spaces per court, plus one (1) space per employee for the work shift with the largest number of employees.
 - h) Volleyball courts--fifteen (15) spaces per court, plus one (1) space per employee for the work shift with the largest number of employees.
- (5) Industrial and Related Uses. For this section gross floor area includes storage and preparation/manufacturing areas.
 - a) Manufacturing, processing fabrication and storage operations--one (1) space per employee for the work shift with the largest number of employees.
 - b) Wholesale business--one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per 2,500 square feet of gross floor area.
 - c) Warehouse--one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per 5,000 square feet of gross floor area.

- d) Mini-warehouse--one (1) space per 10 storage cubicles (distributed equally throughout the site), plus two (2) spaces at the project manager's office, plus one (1) space for each 25 small cubicles located at the project office.
 - e) Extractive and related operations--one (1) space per employee for the work shift with the largest number of employees.
- (6) Institutional and Related Uses For this section gross floor area does not include storage or employee preparation areas.
- a) Religious facility--one (1) space per three (3) seats based on the maximum capacity of the facility.
 - b) Libraries--one (1) space per 250 square feet of gross floor area or one (1) space per four (4) seats of maximum capacity whichever is greater, plus one (1) space per employee for the work shift with the largest number of employees.
 - c) Museums--one (1) space per 250 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - d) Rooming and boarding houses, fraternity and sorority houses, dormitories and rectories--one (1) space per bed.
 - e) Convents and monasteries--one (1) space per three (3) residents, plus one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per five (5) chapel seats if the public may attend.
 - f) Nursing homes--one (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.
 - g) Hospitals--two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor and each other employee for the work shift with the largest number of employees.
 - h) Schools:
 1. Elementary schools and high schools--one (1) space for each teacher and staff member, plus one (1) space for each 10 students 16 years of age and older.
 2. Colleges, universities, and trade schools--one (1) space for each teacher and staff member during the highest class attendance period, plus one (1) space for each two (2) students during the highest attendance period.
 3. Children's nursery schools or day schools--one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per six (6) students at the highest class attendance period.

L. Parking Modifications. The Village Plan Commission may reduce the parking requirements set forth in Section 17.0603(K) of this Ordinance when it is determined that a business or industry will need fewer spaces because employees will be working off-site, or because an industrial process is automated requiring fewer employees, or because of car-pooling, or because of the availability of public transportation. The Village Plan Commission may also reduce the parking requirements set forth in Section 17.0603(K) of this Ordinance if a traffic study at maximum site development finds that a lower parking requirement would be sufficient to meet the needs of the site and said modification is

consistent with the Design Standards and other duly approved plans. The Village Plan commission may also reduce the parking requirements set forth in Section 17.0603(K) of this Ordinance as to properties that are located in the B-2 and B-4 districts when it is determined that adequate parking is available upon such reduction, and that such reduction is consistent with the STH 164 Corridor Plan and the Village of Sussex Downtown Design and Development Plan.

17.0604 DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

- A. Driveways shall be at least three (3) feet from all side lot lines except in the B-2 and B-4 districts, Joint driveways in all districts except the B-2 and B-4 districts, are prohibited except as maybe permitted in A(1) below. Linkages between parking lots is desired in the B-2 and B-4 districts. To foster such linkages, no separation shall be required between parking lots in the B-2 and B-4 districts.

- (1) The Plan Commission may permit joint driveways in any business or manufacturing district where such grant is necessary for the safe and orderly development of the parcel.

- B. No More Than One Driveway Opening shall be permitted for any property except as otherwise authorized herein. The Village Plan Commission may permit multiple driveways or circular driveways in any district where such grant is necessary to prevent a traffic hazard that would otherwise be caused by a single driveway. A traffic hazard, for purposes of this subsection, exists in only the following limited circumstances:

- (1) Exiting the driveway requires backing out onto a State or County Highway or arterial street, and one of the following circumstances is present:
 - a) The sight distance where the driveway meets the roadway is less than 200 feet and the roadway has a posted speed limit of 25 mph or more.
 - b) The driveway is located within 36 feet of an intersection.

The Plan Commission may also permit multiple or circular driveways for reasons other than traffic hazards where lots have a frontage of t least 150 feet and at least 20 feet in separation exists between the driveway and the nearest property line.

Notwithstanding the foregoing, multiple or circular driveways shall not be permitted if they would violate any requirement of this Code or other applicable laws.

- C. All Vehicles Parked on Private Property, except in the A-1 district, shall be parked:
 - (1) Within an enclosed structure; or
 - (2) On an approved hard-surfaced parking lot; or
 - (3) On an approved driveway.
 - (a) Parking on a parking bay extending from a driveway is permitted provided that the parking bay shall accommodate only one (1) vehicle; shall be 14 feet in width; shall not be permitted to extend in front of a principal structure; and shall not be located closer than three (3) feet to a lot line.
 - (b) Parking on a driveway flair is permitted that the flair shall be 14 feet in width; the flair shall not be permitted to extend in front of a principal structure; and no flair shall be located closer than three (3) feet to a lot line.
 - (c) Only one (1) driveway parking bay or one (1) driveway flair shall be

permitted on a lot and said flair shall require a permit from the building inspector.

- (4) In the event that a property owner can prove that an existing driveway has a legal nonconforming right to continue, even though not approved pursuant to subsection (3), above, parking is restricted on that property to hard-surfaced parking areas.
- (5) Notwithstanding the foregoing, vehicles that are owned by collectors (as defined in Wisconsin Statutes Section 341.266(1)(a)), that are registered, used and stored in strict compliance with Wisconsin Statutes Section 341.266, are exempt from complying with any conflicting requirements of this section, but only to the extent that the requirements of this section directly conflict with Section 341.266, Wis. Stats.

- D. Openings for driveways shall provide adequate access to a public street. No driveway for a one- or two-family dwelling shall be less than 10 feet in width at the street right-of-way line, and no driveway for any other use shall be less than 24 feet in width at the street right-of-way line.

No driveway in the CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4, and SF-RD-3 districts shall exceed 26 feet in width anywhere in the street yard. Driveways may be widened in the side yard or rear yard, but in no case shall a driveway be constructed closer than three (3) feet to a side or rear lot line.

The Building Inspector may permit driveways to be wider than 26 feet, but no wider than 32 feet, provided that the driveway does not occupy more than 33 percent of the street yard area.

Residential driveways in excess of 32 feet in width or occupying more than 33 percent of the street yard area may be permitted only by the Plan Commission, provided that the Plan Commission finds that the wider driveway is necessary to the sound development of the parcel; and will not create or exacerbate an existing traffic problem.

The Plan Commission may require additional landscape buffers when wider driveways are permitted.

Driveways in all districts except the CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4 and SF-RD-3 districts shall not exceed 32 feet at the street right-of-way line.

- E. Surfacing. All driveways, except in the A-1 district, shall be surfaced with an asphaltic or Portland cement pavement or other approved hard surface in accordance with the Village of Sussex standards and specifications so as to provide a durable and dust free surface. Surfacing of driveways shall be completed before occupancy is granted. The Plan Commission may, however, permit a delay in surfacing, in any district except the B-4 Central Business District, provided that surfacing will be completed within 18 months following occupancy. When a delay is permitted, the Plan Commission shall require appropriate sureties to guarantee that the surfacing will be completed on schedule. If the applicant, occupant, and/or owner fails to complete the required surfacing within the 18-month time limit, such failure shall constitute a zoning violation and the Building Inspector shall initiate the appropriate action to correct the violation pursuant to Sections 17.0302 and 17.0303 of this Ordinance.
- F. Vehicular Entrances and Exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; or garages shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, religious facility, hospital, park, playground, library, public emergency shelter,

or other place of public assembly.

- G. Driveway Approaches. All driveway approaches in every District shall be surfaced with an asphaltic or Portland cement pavement in accordance with the Village of Sussex Standards and Specifications between the paved portion of the roadway and the road right of way boundary line. If a property's driveway is Portland cement pavement the approach shall also be Portland cement pavement unless the Village Engineer finds that a Portland cement paving material in the approach is not appropriate for site conditions and would lead to significant maintenance problems for the Village. For driveways in areas with rural cross sections at least a portion of the approach shall match the material of the roadway surface to protect from damage due to snowplowing and other maintenance activities. The extent of the approach needing to match the roadway material in rural cross section areas shall be determined by the Village Engineer based upon the site conditions to satisfactorily protect the Village equipment and road surface during maintenance activities.

17.0605 HIGHWAY ACCESS

No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- A. Arterial Streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
- B. Local Streets intersecting arterial streets within 50 feet of the intersection of the right-of-way lines.
- C. Access Barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- D. Temporary Access to the above rights-of-way may be granted by the Village Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

17.0606 JUNK VEHICLE STORAGE PROHIBITED

All vehicles stored in a parking lot, on a driveway, on a driveway flair, or in a driveway parking bay shall be licensed and in running condition. Vehicles which are for sale shall not be displayed within the street right-of-way.

17.0607 PARKING SPACES NOT TO BE USED FOR LONG TERM STORAGE.

Parking spaces required to meet the minimum parking requirements of Section 17.0603(K) of the Ordinances shall not be used for the long term storage of motor vehicles, recreational vehicles, boats, commercial or industrial inventory, or equipment. Parking spaces in residential developments shall not be used on a regular basis by persons not residing in that development. Parking spaces in commercial, industrial, and institutional districts shall not be used or leased to persons not using the principal use the parking spaces is accessory to unless prior approval for such shared or secondary use has been granted by the Village Plan Commission.

Designated areas within parking lots may be used for storage of recreational vehicles, boats, and/or equipment provided that the Village Plan Commission has granted approval for such secondary use and further provided that the minimum parking requirements of Section

17.0603(K) are met and maintained outside of the designated areas at all times.

17.0608 LIGHTING

Lighting shall be installed and maintained in accordance with the standards set forth herein:

No exterior lighting used for parking lots, drives or driveways, recreational facilities, product display, or security shall be permitted to spill-over on operators of motor vehicles, pedestrians, and uses of land in the vicinity of the light source. These requirements shall not apply to lighting placed in a public right-of-way for public safety.

- A. Type. Shielded luminaries, or luminaries with cutoff optics, and careful fixture placement shall be required so as to facilitate compliance with this section.
- B. Orientation. Exterior lighting fixtures shall be orientated so that the lighting element (or a transparent shield) does not throw rays onto neighboring properties. No lighting sources shall be visible from outside its premises. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. No horizontal throw via outward projecting lenses or optics shall be permitted contributing as a point glare source.
- C. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity to meet the standards set forth in the American National Standard Practice for Roadway Lighting and those standards set forth in the Illuminating Engineering Society of North America's Lighting for Parking Facilities.
- D. Intensity of Illumination. The intensity of illumination, measured at the property line, shall not exceed 0.2 footcandles.
- E. Location. Light fixtures shall not be permitted within required buffer yards.
- F. Flashing, flickering, or other distracting lighting which may distract motorists is prohibited.
- G. Nuisances. Lighting which creates or becomes a public nuisance is not permitted.
- H. Accent Lighting and low voltage lighting (12 volts or less) is exempt from these requirements.
- I. All lighting fixtures must be in compliance with the Village of Sussex lighting design standards as adopted and updated from time to time, including such standards as are described in the STH 164 Corridor Plan.
- J. Nonconforming Lighting. All lighting fixtures approved prior to the adoption of this subsection J, and which were in compliance with this Ordinance at that time, and which are rendered unlawful by amendments adopted at the time of adoption of this subsection J, shall be treated as and regulated as legal nonconforming uses. All lighting fixtures which were existing or approved immediately prior to the adoption of this Subsection J, and which had legal nonconforming rights at that time, shall continue to have such legal nonconforming rights as previously existed. (See Section 17.0900).

SECTION 17.0700 MODIFICATIONS

17.0701 GENERAL

The Village Building Inspector, in reviewing building permits, may grant modifications to the terms of this Ordinance as provided herein.

17.0702 HEIGHT

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

- A. Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Ordinance.
- B. Special Structures, such as elevator penthouses, grain elevators, automated storage and retrieval systems, radio and television receiving antennas, satellite dish antennas when mounted on the roof of a principal structure, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- C. Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- D. Solar Collectors and wind energy conversion systems (windmills) shall not exceed a height equal to their distance from the nearest lot line.
- E. Communication Structures, such as radio and television transmission and relay towers, aerials, and radio and television receiving and transmitting antennas, not including satellite dish antennas, shall not exceed in height three (3) times their distance from the nearest lot line.
- F. Agricultural Structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.
- G. Public or Semipublic Facilities, such as schools, religious facility, hospitals, monuments, sanitariums, libraries, and governmental offices and stations, may be erected to a height of 60 feet provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- H. Mineral Extraction Buildings and Structures, as authorized as part of a mineral extraction operation under a permit issued pursuant to Section 17.0506 (A)(3)(b) of this ordinance.

17.0703 YARDS

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- A. Uncovered Stairs, landings, and fire escapes may project into any yard but shall not exceed six (6) feet nor be closer than three (3) feet to any lot line.
- B. Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet. In addition, in the B-4 district, subject to Plan Commission approval, such architectural projections may extend more than two (2) feet into the street yard if the Plan Commission finds that the proposed architectural projection is consistent with the building design elements and with the Downtown Design and Development Plan.

- C. Off-street Parking is permitted in all yards of all districts provided that commercial and industrial parking shall not be located closer than 25 feet to a residential district.
- D. Landscaping and vegetation are exempt from the yard requirements of this Ordinance, provided that such landscaping and vegetation shall not interfere with the vision clearance triangle as set forth in Section 17.0601 of this Ordinance.
- E. Essential Services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- F. Mineral Extraction Operations, adjacent to property owned by railroads may project into any required yard under a permit issued pursuant to Section 17.0506(A) (3) (b) of this ordinance.
- G. The Plan Commission may waive the setback requirements from side and rear lot lines under a permit issued pursuant to Section 17.0506(A) (3) (b) of this ordinance when a quarry abuts another quarry and when appropriate cross easements have been executed.
- H. The Plan Commission may waive the setback requirements from side and rear lot lines for agricultural uses authorized under a permit issued pursuant to Section 17.0506(A) (3) (b) of this ordinance.

17.0704 ACCESSORY USE REGULATIONS

Accessory uses are permitted in any district as may be specified in the appropriate district regulations or herein. An accessory use building permit shall be required where specifically noted in this Section. Accessory uses are permitted only after their principal structure is present or under construction. The use and/or location requirements stipulated elsewhere in this Ordinance may be modified for accessory uses as follows:

- A. Accessory Uses and Detached Accessory Structures shall be permitted in the rear yard only, unless otherwise specified. Accessory structures shall not occupy more than 20 percent of the rear yard in all districts except the business and manufacturing districts where such uses and structures shall not occupy more than 50 percent of the rear yard area. When permitted in the side or front yard, accessory structures shall not occupy more than 10 percent of the yard area.
 - (1) Accessory Garages Upon the Issuance of a Building Permit. Accessory garages may be permitted only when there is not a garage attached to the principal structure. Accessory garages shall be located at least 10 feet from the principal structure; shall be placed on a concrete floor or pad; shall not exceed 625 square feet in footprint area, except in the B-4 district as described below, and except for garages accessory to certain historic homes as described below; shall be located not closer than five (5) feet to a lot line; and shall not exceed 15 feet in height. In the B-4 district, the Plan Commission may, at its discretion, permit an accessory garage that is larger than 625 square feet in footprint area when it determines that such a garage will allow sufficient open space, fits within the historical character of the downtown, includes substantial natural materials, is to be utilized for vehicle storage and/or storage of goods sold directly from the primary business on the property, that substantial landscaping surrounds the structure, that it has unique architectural design that adds to the historical character of the Central

Business District and that it is being proposed as part of the restoration of a property which contains an existing historical building. As to residential lots that are larger than 40,000 square feet in size that are improved with existing historically significant homes, as determined by the Plan Commission, the Plan Commission may, at its discretion, permit an accessory garage that is larger than 625 square feet in footprint area when it determines that such a garage will allow sufficient open space, fits within the historical character of the neighborhood where it is located, includes substantial natural materials, is to be utilized for vehicle storage and/or storage of items used in relation to the residential use of the property, has substantial landscaping surrounding the structure, has unique architectural design that adds to the historical character of the district in which it is located and is being proposed as part of the restoration of the property, provided however that the property owner must first record a deed restriction against the lot in a form that is subject to the approval of the Village Administrator, to prohibit the garage structure from being used for commercial purposes, and to prevent the size of the lot from being reduced through land division procedures or any other manner. No more than one accessory garage shall be erected on a lot in an Rs-1, Rs-2, Rs-3, Rd-1, or Rd-2 districts. On larger lots, the Plan Commission may, at its discretion, permit more than one garage when it determines that more than one garage is necessary to the efficient development of the property and that sufficient, usable open space areas remain on the lot.

- (2) Accessory buildings, such as garden or utility sheds, playhouses, or gazebos, upon the issuance of a building permit. Accessory buildings shall be located at least 10 feet from the principal structure; shall be placed on a pad of concrete, asphalt, wood, or metal; shall not exceed 250 square feet in area; shall be located not closer than five (5) feet to a lot line; and shall not exceed 15 feet in height. Any accessory building housing a motor vehicle shall be placed on a concrete floor or pad. No more than one accessory building shall be erected on a lot in an Rs-1, Rs-2, Rs-3, Rd-1, or Rd-2 Residential District. On larger lots, the Plan Commission may, at its discretion, permit more than one accessory structure or may permit a structure exceeding 250 square feet in area when it determines that more than one such structure or a larger structure is necessary to the efficient development of the property and that sufficient, usable open space areas remain on the lot.

In the B-4 district, subject to Plan Commission and Architectural Review Board approval, gazebos may be permitted in the side or front yard subject to a finding by both the Plan commission and Architectural Review Board that the proposed gazebo is consistent with the décor of the property and an integral part of the property.

In the M-1 district, subject to Plan Commission approval, gazebos may be permitted in the side or front yard subject to a finding by the Plan Commission the proposed gazebo is consistent with the décor of the property and an integral part of the property.

All other requirements, restrictions and regulations contained in this section, this Chapter, and the Code must be complied with.

- (3) Patios, constructed at or below yard grade, may be erected, without a building permit, adjacent to the principal structure, and shall be located not closer than three (3) feet to a lot line.

- (4) Decks located adjacent to a principal structure shall be located not closer to a lot line than the required side yard and rear yard requirements for the district in which they are located and shall require the issuance of a building permit. Freestanding decks or decks surrounding private swimming pools separated from the principal structure shall be located at least 10 feet from the principal structure and shall be regulated in the same manner as an accessory garage, tool shed, or gazebo.
- (5) Central air conditioning compressors are permitted with a building permit, provided that such use shall be located at least three (3) feet from a lot line. Where it is determined that it is impractical to locate a central air conditioning compressor in the rear yard, the Building Inspector may permit placement in the street or side yard provided that the air conditioning compressor is screened from view.
- (6) Accessory pet kennels may be placed in the side yard of any residential district only if the respective side yard is adjacent for the side yard's entire length to a neighboring rear yard or in the rear yard of any residential district upon the issuance of a building permit provided that the kennel is located not closer than three (3) feet from a lot line; that the kennel is enclosed by a fence not less than four (4) feet nor more than six (6) feet in height; and that no pet kennel shall exceed 300 square feet in area. All pet kennels located in a side yard must be screened to prevent view from all streets and neighboring properties.
- (7) One (1) accessory compost bin, constructed for the purpose and under the terms set forth in Section 11.10 of the Municipal Code of the Village of Sussex, may be placed in the rear yard in any residential district.
- (8) Swimming pools, as defined herein, are permitted in the A-1 district if accessory to a residential use, CR-1, CR-2 , TS-1, TS-2 Rs-1, Rs-2 , Rs-3, Rs-4, Rd-1, Rd-2, SF-RD-3 and Rm-1 districts upon the issuance of a building permit, and an electrical permit if applicable, provided that:
 - a. All swimming pools shall be surrounded by a fence (that is not merely a planting or hedge) not less than four (4) feet nor more than six (6) feet in height designed to prevent unguarded entry to the swimming pool. Sidewalls of above-ground swimming pools which are at least four (4) feet high above ground all around the swimming pool may be used in lieu of a fence but only if entry to the swimming pool or swimming pool deck can only be made by a tip up ladder that prevents unsupervised access by young children.
 - b. Access to swimming pools shall be controlled to prevent unguarded entry to the swimming pool. Access to in-ground swimming pools shall be controlled by a self-closing and self-latching gate and all such gates shall be kept securely closed and locked at all times when the owner is not present at the swimming pool. For an above-ground swimming pool, if a tip-up ladder is used to prevent unsupervised access by young children, such tip-up ladder shall be kept up in a position that prevents access by young children at all times when the owner is not present at the swimming pool.
 - c. The application for a building permit shall include a plat of survey drawn to scale showing the location of the swimming pool, the location of any fence, deck, patio and any accessory heating, pumping an filtering units that may be placed outside the swimming pool. The survey shall also

show the lot lines of the lot, the location of the residence on the lot, the location of any other structure(s) on the lot, the location of any electrical transmission lines on the lot and the location of residences and structures on neighboring lots.

- d. Swimming pools shall not be constructed directly under or over electric transmission lines or within 15 feet of such lines. The Plan Commission may permit a swimming pool to be located within 5 feet of an underground electric transmission line when the permit applicant has written approval from Wisconsin Electric Power Company. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or surrounding fence and in full compliance with all applicable aspects of the electrical code.
 - e. No water drained from swimming pools shall be discharged onto adjacent properties, without written consent of the adjacent property owner, or into a municipal sewerage system, or directly into a navigable body of water.
 - f. Equipment shall be provided by the owner for the disinfection of all swimming pool water. No gaseous chlorination shall be permitted.
 - g. Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located in compliance with the setback and yards requirements for a building in the district in which it is located and no closer than 10 feet to a lot line, whichever requirement is larger.
 - h. There shall be an unobstructed areaway around all swimming pools of at least three (3) feet in width.
 - i. No swimming pool shall be located closer than 10 feet to a principal building and shall be in compliance with the setback and yard requirements for a building in the district in which it is located and no closer than 10 feet to a lot line, whichever requirement is larger.
 - j. No areaway surrounding a swimming pool shall be located closer than three (3) feet to a lot line.
 - k. Swimming pools are accessory structures, subject to all provisions of this Ordinance that regulate accessory structures. In the event of a conflict between the requirements of this Section 17.0704(A)(8) and any other requirements of this Ordinance, the more restrictive shall apply.
 - l. Swimming pools, together with other accessory structures regulated by Section 17.0704(A) of this ordinance, shall not occupy more than 50 percent of the rear yard area.
 - m. The swimming pool must be intended to be used solely by the occupants of the principal use of the property on which the swimming pool is intended to be located and their guests. Operation of a business, including but not limited to swimming lessons, is prohibited unless allowed by the district regulations for the district in which the swimming pool is located and all approvals required by this ordinance and other applicable laws are granted.
 - n. All applicable Village of Sussex, County of Waukesha and State of Wisconsin codes, ordinances, regulations and rules must be strictly followed at all times, including but not limited to any setback requirements and sanitary and environmental regulations.
- (9) Children's swing sets, compost piles, and gardens are permitted without a building permit, provided that such uses shall be located at least three (3) feet from a lot line.

- (10) Relaxation/floating pools, as defined herein, are permitted in the A-1 district if accessory to a residential use, CR-1, CR-2 , TS-1 , TS-2, Rs-1. Rs-2 Rs-3 Rs-4, Rd-1, Rd-2, SF-RD-3, and Rm-1 districts without the issuance of a building permit, subject to issuance of an electrical permit if applicable, subject to the following:
- a. Access to relaxation/floating pools shall be controlled to prevent unguarded entry to the relaxation/floating pool. This shall be done by completely covering the relaxation/floating pool in a manner that is secure and prevents unauthorized access, or by any manner that would be required by this ordinance if this were a swimming pool.
 - b. No water drained from relaxation/ floating pools shall be discharged onto adjacent properties, without written consent of the adjacent property owner, or into a municipal sewerage system, or directly into a navigable body of water.
 - c. The relaxation/floating pool shall be located in compliance with the setback and yards requirement for a building in the district in which it is located and not closer than 10 feet to a lot line, whichever requirement is larger.
 - d. Relaxation/floating pools are accessory structures, subject to all provisions of this Ordinance that regulate accessory structures. In the event of a conflict between the requirements of this Section 17.0704(A) and any other requirements of this Ordinance, the more restrictive shall apply.
 - e. Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located in compliance for a building in the district in which it is located, and not closer than 10 feet to a lot line, whichever requirement is larger.
 - f. Relaxation/floating pools, together with other accessory structures regulated by Section 17.0704(A) of this ordinance, shall not occupy more than 50 percent of the rear yard area.
 - g. The relaxation/floating pool must be intended to be used solely by the occupants of the principal use of the property on which the relaxation/floating pool is intended to be located and their guests. Operation of a business, including but not limited to swimming lessons, is prohibited unless allowed by the district regulations for the district in which the relaxation/floating pool is located and all approvals required by this ordinance and other applicable laws are granted.
 - h. All applicable Village of Sussex, County of Waukesha and State of Wisconsin codes, ordinances, regulations and rules must be strictly followed at all times, including but not limited to any setback requirements and sanitary and environmental regulations.
- (11) Kiddie/Wading Pools as defined herein, are permitted in the A-1 district if accessory to a residential use, CR-1, CR-2 , TS-1, TS-2, Rs-1, Rs-2, Rs-3 , Rs-4, Rd-1, Rd-2 , SF-RD-3 and Rm-1 districts without the issuance of a building permit, and are not subject to the regulations of this ordinance that apply to swimming pools and relaxation/floating pools.

B. Accessory Uses Permitted in the Side or Rear Yard.

- (1) Private tennis courts and private volley ball courts accessory to a residential use may be placed in the side yard or rear yard in any residential district provided that the use is located not closer than three (3) feet to any side or rear lot line;

and provided that no lighting installed around a private recreation facility shall throw rays onto adjacent property. The Plan Commission may permit the construction of a fence around the court when it is determined that such a fence is needed for safety purposes or to prevent the court from being a nuisance to neighbors.

- (2) Private tennis courts and private volley ball courts accessory to a manufacturing or institutional use may be located in the side or rear yard of a manufacturing or institutional district provided that the use is located not closer than 10 feet to any side or rear lot line in a residential district; and provided that no lighting installed around an accessory recreation facility in a manufacturing or institutional district shall throw rays onto any adjacent property located in a residential district. The Plan Commission may permit the construction of a fence around the court when it is determined that such a fence is needed for safety purposes or to prevent the court from being a nuisance to neighbors.
- (3) Public tennis courts and public volley ball courts permitted as conditional uses pursuant to Section 17.0506(A)(2)(c) of this Ordinance may be located in the side or rear yard of a business district provided that the use is located not closer than 10 feet to any side or rear lot line abutting a residential district; and provided that no lighting installed around a public recreation facility shall throw rays onto any adjacent property located in a residential district. The Plan Commission may permit or require the construction of a fence around the court when it is determined that such a fence is needed for safety purposes or to prevent the court from being a nuisance to neighbors.

- C. Accessory Uses Permitted in Any Yard. The following accessory uses and structures may be placed in any yard without a building permit provided that such use does not interfere with the vision clearance triangle as set forth in Section 17.0601 of this Ordinance; shall not be located closer than three (3) feet to a side or rear lot line and shall not exceed 15 feet in height (except for flag poles): Basketball hoops, bird baths, flag poles (flag poles shall not exceed the height limitation for the district in which they are located), fountains, lawn furniture, religious statues, and wishing wells.
- D. Rummage Sales may be conducted in any district provided that the rummage sale does not exceed four (4) consecutive days in length and is not conducted more often than three (3) times per year. Rummage sales do not require the issuance of a building permit. Rummage sale signs shall be limited as provided in Section 17.0803(E) of this Ordinance.
- E. Fences are a permitted accessory use in any district and may be erected upon the issuance of a building permit provided that fences shall comply with the following requirements:
 - (1) Barbed Wire Fences and electric fences are prohibited in the Village of Sussex, except in the A-1 district. A-1 district fences are permitted up to the lot line and shall not exceed four (4) feet in height in the street yard or six (6) feet in height in the side yard or rear yard. All fences erected in a street yard of the A-1 district shall be "open fences" as defined in Section 17.1502 of this Ordinance.
 - (1) Residential Fences are permitted up to the lot line in the side and rear yards of residential districts, but shall not exceed a height of six (6) feet, and shall not extend into the street yard. Residential fences may be "solid fences" as defined in Section 17.1502 of this Ordinance. Residential fences shall be constructed in

such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. A plat of survey shall be submitted with each fence permit application showing the location of the fence with relationship to the property line. If a joint fence is to be constructed on the property line, a joint permit application shall be filed by all parties having a proprietary interest in the fence.

- (3) Ornamental Fences, as defined in Section 17.1502 of this Ordinance, are permitted in the street yard in any district, but shall not be erected in a street right-of-way and shall not exceed a height of 48 inches. Ornamental fences shall comply with the traffic visibility requirements set forth in Section 17.0601 of this Ordinance. Ornamental fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. A plat of survey shall be submitted with each fence permit application showing the location of the fence with relationship to the property line. If a joint fence is to be constructed on the property line, a joint permit application shall be filed by all parties having a proprietary interest in the fence.

Ornamental fences used to accent the front of a dwelling may be permitted in the front yard and may maintain 50 percent of its area open for the free passage of light and air rather than 75 percent as defined in Section 17.1502 of this Ordinance provided that such fence meets the setback requirement of the district in which it is located, occupies an area no larger than 15 feet by 15 feet, and is not more than 42 inches in height. Such accent fences typically frame a garden in front of a home and may be, but are not limited to, the picket fence type.

- (4) Security Fences or screening fences are permitted up to the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be "open fences" as defined in Section 17.1502 of this Ordinance when located in the street yard. This height restriction may be adjusted by the Plan Commission as part of a conditional use approval for screening outdoor storage under Section 17.0506(A)(15)(e) and 17.0506(A)(15)(f). Security fences may include up to four strands of barbed wire on the top of the fence provided that the barbed wire is at least 8 feet above grade with the vertical supports for the barbed wire slanting inward away from the property line. Security and screening fences shall comply with the traffic visibility requirements set forth in Section 17.0601 of this Ordinance. Security fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. A plat of survey shall be submitted with each fence permit application showing the location of the fence with relationship to the property line. If a joint fence is to be constructed on the property line, a joint permit application shall be filed by all parties having a proprietary interest in the fence.

- F. Antennas. The Village of Sussex recognizes that the development of various antennas, including earth station dish antennas, and their increased use poses questions of regulation not often addressed in municipal zoning ordinances. In developing antenna regulations, the interest of the antenna owner in the use of the device must be balanced with the interest of adjoining property owners and the general public so as to protect the health and safety of all citizens, as well as the aesthetic values embodied in this Ordinance. To this end, the following regulations are adopted. Antennas are permitted as accessory uses in any district subject to the

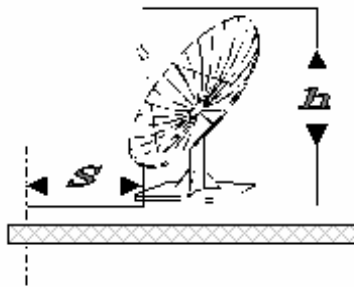
following regulations. Pursuant to the requirements of the Federal Communication Act of 1996, earth station dish antennas less than one meter (39.37 inches) in diameter in residential districts and earth station dish antennas less than two meters (78.74 inches) in other districts are exempt from the requirements of this section.

1. Terrestrial antennas and earth station dish antennas may be located in the rear yard or on the roof of the principal structure in all residential districts. Terrestrial antennas and earth station dish antennas may be located in the side and rear yard or on the roof of the principal structure in all agricultural, business, office, manufacturing, institutional, or park districts.
2. All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located, except as provided in Section 17.0702(E) of this Ordinance.
3. Ground-mounted earth station dish antennas shall not exceed 15 feet in height.
4. All terrestrial antennas shall be located not less than one (1) foot from a lot line for each three (3) feet of height above the surrounding grade. (See Illustration No. 3)
5. All earth station dish antennas shall be located not less than three (3) feet from a side or rear lot line. (See Illustration No. 3)
6. All antennas, including earth station dish antennas, shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.

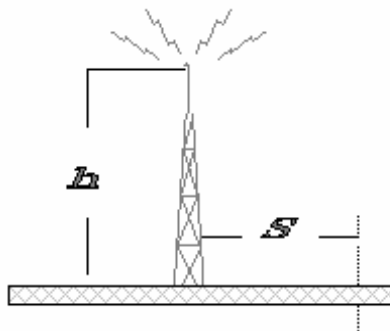
ILLUSTRATION NO. 3

MEASURING HEIGHT AND SETBACK OF ANTENNAS

EARTH STATION DISH ANTENNA

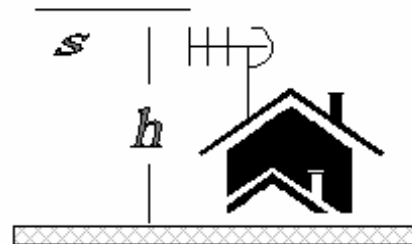


TOWER MOUNTED ANTENNA



s = setback
h = height

ROOF MOUNTED ANTENNA



7. All antennas, including earth station dish antennas, shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
8. Not more than one (1) terrestrial and one (1) earth station dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
9. Earth station dish antennas shall be located and designed to reduce their visual

- impact on surrounding properties.
10. No form of advertising or identification may be displayed on the dish or framework of any antenna other than the customary manufacturer's identification plates.
 11. All antennas, and the construction supports and installation thereof, shall conform to applicable Village building code and electrical code regulations and requirements. Appropriate permits shall be issued by the Building Inspector. Prior to the issuance of a permit for a building-mounted earth station dish antenna, the applicant shall submit a plan or document prepared by a registered professional engineer which certifies that the proposed dish antenna installation is structurally sound to accommodate wind load, snow load, and dead load.
 12. Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed two (2) days at any one location.
 13. The Zoning Administrator shall review and approve plans, including ground elevation, for location of all earth station dish antennas prior to the issuance of a permit.
 14. In the event the property owner of a parcel of land located in a residential district determines and documents that the placement of an antenna in a rear yard would prevent its use for its intended purpose, the property owner may apply to the Zoning Board of Appeals for a variance to allow the installation of the antenna in a side yard location. The procedure for issuing the variance shall follow the procedure set forth in Section 17.1205 of this Ordinance.

17.0705 ADDITIONS

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

17.0706 AVERAGE STREET YARDS

The required street yard, or setback, may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side, but shall in no case be less than 15 feet.

17.0707 CORNER LOTS

Structures shall provide a front street yard setback as required by this Ordinance on the street that the structure faces as established by the Zoning Ordinance. A second front street yard setback shall be provided on the site side of the structure abutting a public or private street. The second front street yard setback shall be the same setback as required in that local district. The remaining yards shall be a side yard and a rear yard. The building Inspector shall determine which yard is the street yard and which yards yard is the rear yard. The rear yard shall generally be the yard directly behind the front entrance to the structure and the side yard shall be the remaining yard.

Where a corner lot abuts an arterial street and an interior local street and the dwelling on the lot faces the local street, a an accessory building shed permitted by Section 17.0704 (A) (2) of this Ordinance may be permitted in the yard abutting the arterial street provided that all the conditions set forth in Section 17.0704 (A) (2) are complied with and further provided that no accessory building shed is placed, erected, or moved closer to the arterial street right-of-way than the minimum required street yard setback for a principle building for the district in which the lot is locate located, and the Plan Commission finds all of the following:

- (1) The rear yard has a slope of significant magnitude such that makes placing a an accessory building shed in the rear yard would result in grading that could adversely impact a neighboring property, and

- (2) The rear yard is of limited depth that makes placing a an accessory building shed in the rear yard difficult, and
- (3) The One or more of the neighboring properties on the arterial street have an accessory building sheds shed that have is/are an approximately equal distance from the arterial street as the requested location for the proposed she accessory building shed, and
- (4) The arterial street yard is of sufficient size to minimize the visual and other impacts of a an accessory building shed in the street yard.

17.0708 DOUBLE FRONTAGE LOT

Lots abutting two opposite streets shall provide the front yard setback required by the district in which the lot is located from each street upon which the lot abuts.

Where a double frontage lot abuts an arterial street and an interior local street; the dwelling on the lot faces the local street opposite the arterial street, any accessory structure permitted by Section 17.0704 of this Ordinance may be permitted in the yard abutting the arterial street provided that all the conditions set forth in Section 17.0704 are complied with and further provided that no accessory structure is placed, erected, or moved closer to the arterial street right-of-way than the minimum required street yard setback for the district in which the lot is located.

If the yard abutting the arterial street has been determined to be a side yard by the Village Building Inspector, no accessory structure shall be placed within the side yard.

17.0709 COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

Modifications to requirements of this Ordinance may be granted by the City Plan Commission for the purpose of complying with the requirements of Title II Public Services and Title III Public Accommodations and Commercial Facilities of the Americans with Disabilities Act. Such compliance may require the waiving of or modifications to setback and yard requirements; parking requirements; sign requirements; and site design and landscaping requirements. Modifications granted by the Plan Commission shall be limited to the minimum extent necessary to make structures and uses accessible and barrier free.

17.0710 TRIPLE FRONTED LOTS

Lots abutting three streets shall provide the street yard setback required by the district in which the lot is located from each street upon which the lot abuts.

Where a triple frontage lot abuts one or more local, arterial or collector street and the dwelling on the lot faces a local street, any accessory structure permitted by Section 17.0704 of this Ordinance may be permitted in the yard abutting an arterial or collector street on the opposite side of the lot from the local street that the dwelling faces, provided that all of the following requirements are satisfied:

- A. The condition set forth in Section 17.0704 must be complied with;
- B. No accessory structure shall be placed, erected, or moved closer to the local arterial or collector street right-of-way than the minimum required street yard setback for the District in which the lot is located;
- C. The dwelling shall be deemed to face the street on which the address is located for purposes of this Section 17.0710;
- D. Plan Commission approval is required before any accessory structure shall be located in a street yard pursuant to this Section 17.0710. In considering such request, the Plan Commission shall consider whether all requirements of this Section have been satisfied and whether the proposed accessory structure would be noticeable from to the front yard of any other property.

If the yard abutting an arterial or collector street has been determined to be a side yard by the Village Building Inspector, no accessory structure shall be placed within the side yard.

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SECTION 17.0800 SIGNS

17.0801 PURPOSE AND INTENT

The intent of this Ordinance is to promote the public health, safety, and welfare by creating a framework for a comprehensive and balanced system of signs, and thereby to facilitate an easy and pleasant communication system between people and their environment. With this purpose in mind, it is the intention of this section to establish standards for the construction, placement, type, size, materials, and maintenance of signs, and authorize the use of signs which are:

- A. Compatible with their surroundings;
- B. Appropriate to the type of activity to which each pertains;
- C. Legible in circumstances in which they are seen;
- D. Constructed of high end approved materials and placed or fastened and electronically connected in compliance with all applicable codes and ordinances.
- E. Adherence to the adopted Village of Sussex Design Standards.

17.0802 COMPLIANCE

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming to the provisions of this Ordinance.

17.0803 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

The following signs are permitted in all zoning districts without a permit, subject to the following regulations.

- A. Real Estate Signs, not to exceed eight (8) square feet in area in a residential district or 32 square feet in other districts, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No real estate sign shall be erected in a street right-of-way. Real estate signs shall be not closer than 10 feet to a side or rear lot line.
- B. Name, and Warning Signs not to exceed two (2) square feet located on the premises. Name and warning signs shall be not less than 10 feet from any street right-of-way, or any side or rear lot line.
- C. Home Occupation and Professional Home Office Signs not to exceed two (2) square feet in area and mounted flush against the dwelling.
- D. Election Campaign Signs provided that permission shall be obtained from the property owner, renter or lessee; and provided that such sign shall not be erected prior to the first day of the "election campaign period" as defined in Section 12.04 of the Wisconsin Statutes, and shall be removed within 4 days following the election. No campaign sign shall be erected in a street right-of-way. Campaign signs shall be not less than 10 feet from any side or rear lot line.
- E. Rummage Sale and Garage Sale Signs provided that no such sign shall be erected or placed within a street right-of-way and further provided that such signs are removed within 24 hours following the sale.
- F. Bulletin Boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises. Bulletin boards shall be not less than 10 feet from any street right-of way, or any side or rear lot line.
- G. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

- H. Official Signs, such as traffic control, parking restrictions, church and school directories, government building, and public notices.
- I. Flags. The display of the national flag of any country, or the official flag of any state, or a flag displaying a business or industrial logo is permitted in any district without a permit provided that such flag is setback at least 10 feet from the street right of way in any residential district; and provided that the area of the flag does not exceed 60 square feet. Display of larger flags or closer to the street right away may be permitted only after the issuance of a permit by the Village Plan Commission.
- J. Holiday Decorations. Are permitted on private property and shall not be placed within a street right-of-way and will not cause a hazard to traffic or adjoining properties. The Village of Sussex may display decorations on Village owned property.
- K. Seasonal Banners: that have been approved as a part of a recognition program for the Village of Sussex on Village owned property and approval for display made by the Village.

17.0804 SIGNS PERMITTED IN THE BUSINESS DISTRICTS (B-1, B-2, B-3, B-4, BP-1 and OP-1) WITHOUT A PERMIT

The following signs are permitted in the business districts without a permit, subject to the following regulations.

- A. Civic, Nonprofit or Special Event temporary signage, one such sign is permitted per business must follow the applicable sign ordinance for the type of sign to be displayed regarding size and location. Permission from the Building Inspector must be granted if signage is being placed in the right of way. A period of no more than 3 weeks will be allowed for this type of signage.
- B. Sandwich Board Signs, One such type sign permitted per business. Maximum sign face size shall be 12 square feet, with a base not exceeding 2.5 feet in width and height not to exceed 5 feet. Signs shall not be illuminated or have reflective surface. Signs shall be setback 2 feet minimum from curb face, and in an unobstructed area for pedestrian traffic. Sign shall also not be a hazard to traffic or adjoining properties and should not be placed in the right of way unless permission is granted by the Building Inspector. Sign must be removed at the end of business day
- C. Incidental Signs advertising special sales which are two (2) square feet or less in area, and erected for a period of two weeks or less, may be erected as wall signs, projecting signs, or ground signs. There shall be no more than five (5) incidental signs on any one premise and the signs shall not to be placed in the right-of-way.
- D. The temporary use of one on-premise portable sign for advertising the grand opening of a business in any district provided that the portable sign will not be located in any public right-of-way, will not be located any closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. A period of no more that 15 days will be allowed for this type of signage.
- E. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings. Window signs shall not cover more than 1/3 of any window area and do not require a permit.

17.0805 SIGN PERMIT

A sign permit shall be required for erecting a sign structure as regulated under this ordinance and for changing or replacing a sign structure except for sign structures under 17.0803 and

17.0804. Sign applications that meet a Plan Commission approved sign plan for a development site may be approved by the Building Inspector without Plan Commission approval. Maintenance work such as repainting does not require a permit. More extensive maintenance when the cost exceeds over 50% of the cost of the sign must be brought to the Building Inspector to determine if a permit is required.

Applications for a sign permit shall be made on forms provided by the Building Inspector and shall contain or have attached thereto the following information:

- A. Name, Address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- B. Name of Person, firm, corporation, or association erecting the sign.
- C. Written Consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
- D. A Scale Drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- E. A Scale Drawing indicating the location and position of such sign in relation to nearby buildings or structures.
- F. Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, reinspecting all wiring and connections to determine if the same complies with the Village Electrical Code.
- G. Additional Information as may be required by the Building Inspector or Village Plan Commission.
- H. Sign Permit Applications shall be filed with the Building Inspector, who shall review the application for its completeness and accuracy. If the application is complete and meets the design guidelines approval may be granted by the Building Inspector, at the Building Inspector's discretion. If the application is deemed not to meet the design guidelines the Building Inspector shall within 45 days of receipt of said sign application deny, in writing, the application. The applicant can appeal to the Plan Commission to review the permit and make the determination of approval or denial. A sign permit shall become null and void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

17.0806 SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS WITH A PERMIT

The following signs are permitted in any residential district and are subject to the following regulations.

- A. Community Entrance Monument Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development, shall be not less than 10 feet from a side or rear lot line. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.

17.0807 SIGNS PERMITTED IN ALL BUSINESS AND INDUSTRIAL DISTRICTS WITH A PERMIT

Signs are permitted in all business and manufacturing districts subject to the following

restrictions, and approval by the Building Inspector or Plan Commission, as specified. In addition, all signs in the "Downtown Design and Development" area shall be subject to review and approval of the Architectural Review Board:

- A. Commercial Monument Signs may be erected, and are encouraged, in the Village of Sussex Business and Industrial Districts. Commercial Monument Signs shall state only the name or identity of the development, businesses in the development, and the address. Monument signs shall not exceed 10 feet in height above the mean centerline street grade, except as follows: in the B1, B2-A, B-3 and B-4 districts, M-1, BP-1 and OP-1 district the Plan Commission may allow a monument sign to up to 15 feet in height above the mean centerline street grade upon finding that the following conditions exist: (1) the parcel, landscaping and grounds are of substantial size so that the sign is not overly obtrusive; (2) the parcel topography is such that in order to have the sign be no more than 10 feet above the mean centerline street grade, a sign would have to be 6 ½ feet in height from the ground, or less; or the sign is co-locating off premise and on-premise signage; (3) the sign is located not less than 15 feet from the road right-of-way; (4) landscaping at the base of the sign is determined to be substantial. In no case shall the sign be more than 10 feet in height from the ground. The advertising face of a monument sign shall not exceed 100 square feet in area on any side. The area of the base may be larger than the sign face as permitted by the Village Plan Commission. Monument Signs shall be located not less than 10 feet from a street right-of-way and not less than 5 feet from any other lot line. The number of Commercial Monument Signs shall be determined by the Plan Commission for appropriateness with traffic flow and adjacent uses.

- B. Directional Signs to identify parking lot entrances and exits, or direct customers to drive-through windows, may be placed adjacent to driveways provided that no directional sign shall be placed in the street right-of-way; shall be more than 5 feet in height; and no entrance/exit sign face shall exceed 30 inches in length or more than 8 square feet. Menu boards may be placed adjacent to driveways for drive-through facilities, provided that no menu board shall be more than six (6) feet in height and no more than six (6) feet in width. All signs shall be designed in a manner to minimize obstruction of motorists' vision. Directional Signs shall be of such design to match the architecture of the building and signs already on or proposed for the site. Directional Signs shall not include any marketing or advertising except that the sign may take advantage of a business's logo's and arrows to simplify messages and assist the driver/pedestrian in locating how to get to a facility.

- C. Electronic Message Signs are a special privilege sign granted under unique circumstances for orderly and pleasing development. The signs are intended to promote the effective display of brief messages in a clear and pleasing manner. These signs are permitted in the B-1, B-2, BP-1, OP-1 and M-1 Districts; and are permitted in the B-3 and B-4 Districts where the business and sign border Hwy. 74. In order for a permit to be issued the Plan Commission must find the following:
 - 1. The message sign is part of a ground sign and not more than 33% of the face of the ground sign. Electronic Message Signs that are time and temperature devices only may be allowed as a wall sign, projecting sign, or ground sign although no time and temperature device shall be located closer than 750 feet from another time and temperature device.
 - 2. The sign will not interfere with the visibility of any traffic signal.
 - 3. The character and design of the sign is compatible with the general area and building, and that the impact of such a sign will not visually impact any nearby residential areas
 - 4. The electronic message sign is an essential component of the operations of the

- business as determined by the sole discretion of the Plan Commission.
5. The petitioner has agreed in writing that all messages will be related to the company's sales information or for community events notification. The petitioner has further agreed in writing to immediately remove any message that is deemed by the Village Administrator not to be consistent with the limitations of message content in this section. The petitioner also must acknowledge in writing that the use of an electronic message sign is a special privilege granted under strict restrictions and any violation of those restrictions upon the Village's sole discretion may result in the privilege being revoked without cost to the Village.
- D. Ground Signs shall not exceed 10 feet in height above the mean centerline street grade, and shall not exceed 100 square feet in area on any sign face. Ground signs may have multiple sign faces provided that no two sign faces are visible from the same viewing point and connecting signs have an interior angle of less than 90 degrees between them. Except in the B-1, and B-4 Business Districts signs shall be not less than 10 feet from a street right-of-way and not less than 5 feet from a side lot line. No ground sign in a B-1 or B-4 district shall extend into the street right-of-way or beyond a side lot line. All ground signs shall be located a minimum of 10 feet from a rear lot line. A minimum setback of 5 feet may be allowed if the Plan Commission finds that excessive right-of-way, parking, or building configuration, make the normal minimum setback impractical and such a reduction would not hinder the safety of the area.
 - E. Marquee, Awning, or Canopy Signs affixed to the surface of a marquee, awning, or canopy is permitted provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. A marquee, awning, or canopy may extend into the street right-of-way, but shall not extend beyond a point one (1) foot back from the vertical plane formed by the street curbline. No marquee, awning or canopy sign shall extend into a required side or rear yard. A name sign not exceeding two (2) square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee, awning or canopy provided that the name sign is at least 10 feet above the sidewalk.
 - F. Pole Signs shall not exceed 20 feet in height above the mean centerline street grade, and shall not exceed 100 square feet in any area on any sign face. In addition, a pole sign may feature a reader board not exceeding 24 square feet in area above or below the main sign for the purpose of conveying changeable sales information. Pole signs may have multiple sign faces provided that no two sign faces are visible from the same viewing point and connecting signs have an interior angle of less than 90 degrees between them. Except in the B-1 and B-4 business districts, pole signs shall be not less than 10 feet from a street right-of-way and not less than 10 feet from a side lot line. No pole sign located in a B-1 or B-4 district shall extend into the street right-of-way or beyond a side lot line. All pole signs shall be located a minimum of 10 feet from a rear lot line. Pole signs and attendant reader boards shall not be less than five (5) feet above the sidewalk or mean street grade nor less than five (5) feet above a driveway or parking lot grade, unless it is determined by the Building Inspector that the distance should increase because the height creates a traffic hazard. No new pole sign shall be erected in the Village after August 1, 1997. Any modification to an existing pole sign is subject to being submitted to and receiving the approval of the Plan Commission prior to the modification being made.
 - G.. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premises; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a

height of 20 feet above the mean centerline street grade; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.

- H. Reader Boards are an aspect of a ground sign or placed against the exterior walls of buildings. Reader boards that are placed on an exterior wall are allowed provided that they are not internally illuminated, are constructed of woodlike materials and do not exceed 24 square feet for the purpose of conveying changeable sales information. Reader boards that are a part of a ground sign must receive Plan Commission approval under the same findings for electronic message signs.
- I. Roof Signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed 300 square feet in area on any side.
- J. Wall Signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premise, and shall not exceed 20 feet in height above the mean centerline street grade. The Plan Commission may permit more than one wall sign on a building when such multiple signs are deemed necessary to the orderly development of the building. A multi-tenant building may allow the end tenant to have a sign of same size or smaller as the front signage located on the building side wall. The aggregate area of all wall signs on any one premise shall not exceed 500 square feet. On buildings exceeding 50,000 square feet in area, the Plan Commission may permit signs exceeding 500 square feet in area and may specify a maximum number of signs.
- K. Combinations of any of the above signs shall meet all the requirements for the individual sign. The total number of signs on any one premise shall be limited as follows:
 - (1) Shopping centers may provide one ground sign displaying the name of the shopping center, lists of individual stores, hours of operation, and/or special sales information for each 500 feet of street upon which the shopping center abuts. The shopping center may also provide one wall sign and/or one canopy sign for each business, and, in addition the shopping center may provide an additional wall sign for end tenants, so that end tenants may have a sign on the front and side of such business. Additional wall signs may be provided in accordance with the requirements of Section 17.0807(J) above.
 - (2) Gasoline and/or service stations may provide one ground sign displaying the name of the station and the brand of gasoline sold. A gasoline and/or service station logo and the name of the establishment may also be affixed to an approved service island canopy. Signs affixed to service pumps shall not be included in the maximum sign count. Wall signs may also be provided as provided in Section 17.0807(J) above.
 - (3) Multiple tenant buildings may provide one ground sign displaying the name of the building and a list of tenants. In addition, each tenant may provide a wall sign displaying the name of the tenant business.
 - (4) For all other free standing businesses and industries, total signs shall be limited by the following table:

<u>Floor Area</u>	<u>Maximum Number of Signs Permitted</u>
0 - 5,000 sq. ft.	2
5,001 - 20,000 sq. ft.	3
20,001 - 50,000 sq. ft.	4

More than 50,000 sq. ft. 5

NOTE: Additional wall signs may be permitted in a manner consistent with the regulation set forth in Section 17.0807(J), above.

(5) Commercial Monument signs, Window signs, directional signs, awning, reader boards and canopy signs, and incidental signs shall not be subject to the limitation on numbers or square footage of signs.

M. Sign Setback Modifications. When the Plan Commission determines that there is excessive street right-of-way which will not be developed in the near future, and the sign setback required herein for such sign will unnecessarily interfere with the purpose of the sign, the Plan Commission may permit the sign applicant to measure the sign setback from a point 20 feet back from the curblineline or pavement edge of the street, provided that the sign applicant shall enter into a "hold harmless" agreement with the Village that at such time roadway improvements are scheduled, the Village may order the removal of the sign, and the applicant agrees to remove said sign not less than 90 days prior to the commencement of street construction or street improvement at no cost to the Village and without damage for loss of use of the sign. The sign may be replaced at another location on the property which is in full compliance with the sign regulations.

17.0808 SIGNS PERMITTED IN INSTITUTIONAL AND PARK DISTRICTS WITH A PERMIT

The following signs are permitted in the Institutional and Park Districts and are subject to the following regulation:

- A. Private Institutional and Park Name Signs when approved by the Village Plan Commission.
- B. Public Institutional and Park Name Signs when approved by the Village Plan Commission after review and recommendation by the Park Board.
- C. Any signs allowed under 17.0807 for Business and Industrial Districts when approved by both the Park Board and Plan Commission.

17.0809 OFF-PREMISE SIGNS

Off-premise signs are prohibited in the Village of Sussex with the following exceptions:

- A. Official signs may be off-premise
- B. Election campaign signs on private property may be off-premise
- C. Community Entrance Monuments when the Plan Commission finds that a Community Entrance Monument sign maybe within a street right-of-way after determining that the sign will not have an adverse impact on public safety.
- D. Commercial Monument, Ground, and Directional signs on lands zoned for Business, Industrial, Park, and Institutional purposes when approved by $\frac{3}{4}$ vote of the entire Plan Commission. The Plan Commission in its review shall consider the following items:
 - 1. The relationship of the proposed off-premises sign location to other off-premises signs, on-premises signs, existing man-made and natural features, and residential and agricultural zoned properties.
 - 2. The impact of the proposed off-premises sign on existing residences in the

surrounding area regardless of the zoning of the parcel on which said residences are located.

3. The relationship of the proposed off-premises sign on the development or redevelopment of the parcel on which it is proposed to be located and any traffic flow considerations. Signage shall only be located along a street or frontage road where traffic directly enters to gain access to the site.
4. The use of joint signage.
5. No off-premises sign shall be placed less than 100 feet from any residential or agricultural zoned lands nor shall an off-premise sign be located in an environmentally sensitive area.
6. No off-premises sign shall be located closer than 750 feet from any other off-premises sign. The Plan Commission may reduce this distance if they find a smaller distance to be necessary for the orderly development of a property.
7. Off-premises signs shall not be of the electronic message sign type unless such a sign is determined to be an appropriate and safe by the Plan Commission.
8. Off-premises signs may have only the following information on them: Name of business and or logo, Address of Business, and Directional Information to business location. In no way shall an off-premises sign include additional information such as, but not limited to advertising items, sales information, phone numbers, etc.
9. To encourage collocation of signage when a sign has multiple businesses on the same sign and when the sign is located on premises of one of those business the following procedure applies: The portion of the sign related to the on-premises business shall follow the rules for on premises signage, and the portion of the sign related to the off-premise business shall follow the off-premises rules.
10. Off-Premises signage must meet all restrictions of this code as they relate to setbacks, size, color, etc.

17.0810 TEMPORARY DEVELOPMENT SIGNS

Temporary development signs for the purpose of designating a new building or development, or for promotion of a subdivision may be permitted by the Building Inspector in any district for a limited period of time not to exceed one year. Such signs shall not exceed 48 square feet in area and shall not be less than 10 feet from a street right-of-way, or any side or rear lot line. The Building Inspector may grant an extension to the one-year limit when the reasonable development of a project requires such additional use of temporary signs. Off-premise temporary signs are prohibited.

The Village Building Inspector may permit the temporary placement of signs identifying contractors or financial institutions or products used on a development project provided that no such sign shall exceed 12 square feet in area; that not more than one sign per contractor is erected; and that the total number of contractor signs per lot does not exceed three. Contractor signs shall be removed within 10 days following occupancy of the building.

17.0811 BANNERS, PENNANTS, AND INFLATABLE ADVERTISING

- A. Banners and Pennants. The Village Building Inspector may permit the temporary use of banners and pennants in any business district for a period of not more than 30 days in any calendar quarter provided that the banner or pennants will not be located in the

street right-of-way and will not cause a hazard to traffic or adjoining properties. Banners shall not exceed 150 square feet in area. No new banner shall be displayed for at least 30 days following removal of the previous banner. Banners extending over the street right-of-way shall be permitted upon Plan Commission approval.

- B. Inflatable Advertising. The Village Building Inspector may permit the temporary use of inflatable advertising in any business district for a period of not more than 7 days in any calendar quarter provided that the inflatable shall be located at least 15 feet from the street right-of way or property line and will not cause a hazard to traffic, pedestrian or adjoining properties. The size shall not exceed 15 feet in height and 8 feet in width.

17.0812 FACING

No sign except those permitted in Sections 17.0803 and 17.0807 shall be permitted to face a residence within 100 feet of such residence.

17.0813 LIGHTING AND COLOR

- A. Interference with official signs. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- B. Interference with public safety. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- C. Lighting. Signs may be illuminated, but such illumination shall only be allowed to a degree of brightness necessary for adequate visibility from the roadway. Signs determined by the Village Zoning Administrator to be of greater illumination than necessary for adequate visibility shall be adjusted in accordance with instructions from the Village. Signs in residential districts shall not be illuminated except for Community Entrance signs. Internally illuminated signs in the B-4 district must be approved by both the Architectural Review Board as well as the Plan Commission. Adequate visibility shall mean those standards set by the Illuminating Engineering Society of North America.

Community Entrance and Commercial Monument signs are required to be externally lit unless a finding is made by the Plan Commission that allowing internal illumination would be compatible with the general area, and that the impact of such a sign will not visually impact any nearby residential areas

- D. Animation. Signs shall not revolve, flash, scroll, blink, chase, or otherwise be animated in nature. Flashing signs are those that change characters or blink more than once every eight (8) seconds. Electronic Message signs may fade over not less than three (3) seconds nor more than five (5) seconds to allow for the changing of messages, Pictures, characters, etc. may be part of an electronic message, but all images on an electronic message sign shall not be animated.
- E. Color and Material. Signs shall be designed to complement the architecture of the structure(s) they represent. Wherever possible, signs on multi-tenant buildings should be guided by an approved sign plan for the development with regards to size, font and color. Signs should have uniform letter coloring, size, and shape unless the Plan Commission finds that alternate color schemes appropriately complement the

architecture and use of the structure. Monument and ground signs shall be constructed of brick, dimensional building stone, larger wood beams or other decorative building materials, and often feature landscaped element(s) within the sign design. The sign cabinet for ground and monument signs may be of a metal or quality plastic material if the appearance is found to be consistent with the quality of the rest of the sign and the architecture of the development.

17.0814 CONSTRUCTION AND MAINTENANCE STANDARDS

Signs shall be constructed in such a manner that they will not be a hazard to neighboring properties and will withstand the forces of severe weather. Signs shall be maintained in a clean and sanitary manner, shall be repainted or repaired when necessary, and all accessory features of signs--such as lighting--shall be maintained in an operable condition. Signs shall not be permitted to become aesthetically offensive in appearance. Signs shall be secured to buildings, poles, and posts, and shall not be placed in a manner which interferes with the provision of public services such as electrical service, telephone service, gas service, and fire protection.

17.0815 EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure; and the provisions of Section 17.0900 of this Ordinance shall apply.

SECTION 17.0900 NONCONFORMING USES, STRUCTURES, AND LOTS

17.0901 EXISTING NONCONFORMING USES

The lawful nonconforming use of land without structures, or water; or a lawful nonconforming use in a conforming or nonconforming structure; or a lawful nonconforming use on a conforming or nonconforming lot which existed at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

- A. Only That Portion of the land or water in actual use may be so continued and the use may not be extended, enlarged substituted or moved; and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- B. Discontinuance. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.
- C. Abolishment or Destruction. When a structure containing a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent that the cost of repair would exceed 50 percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

17.0902 CHANGES AND SUBSTITUTIONS

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. The Zoning Board of Appeals may permit the substitution of a more restrictive nonconforming use for an existing nonconforming use. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use, the existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Zoning Board of appeals, use and become subject to all the conditions required by the Zoning Board of Appeals.

17.0903 CONFORMING STRUCTURES ON NONCONFORMING LOTS

The conforming use of a conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the lot area or lot width does not conform to the requirements this Ordinance.

- A. Additions and Enlargements to the structures or reconstruction of the structure is permitted if it conforms with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.

17.0904 NONCONFORMING STRUCTURES ON A CONFORMING OR NONCONFORMING LOT

The conforming use of a nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along streets, or the yard, height, parking, loading, and/or access provisions of this Ordinance.

- A. Additions and Enlargements to existing nonconforming structures are permitted if they conform with the established building setback lines along streets and the yard, height,

parking, loading, and access provisions of this Ordinance.

- B. Existing Nonconforming Structures with a conforming use which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and insofar as is practicable shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.
- C. Existing Nonconforming Structures may be moved and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.

17.0905 VACANT NONCONFORMING LOTS

The Building Inspector may issue a building permit for development of a lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance, but which is at least 50 feet wide and 7,200 square feet in area, may be used as a building site provided that the use is permitted in the zoning district in which it is located, provided that the lot is of record in the County Register of Deeds Office prior to the effective date of this Ordinance; and provided that the lot is in separate ownership from abutting lands.

- A. Multiple Lots. If two or more vacant nonconforming lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance.
- B. Yards. Vacant nonconforming lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Board of Appeals. A variance shall not be granted if the lot at any time was conveyed to another owner where the common ownership of adjoining lots existed unless a variance was granted for the conveyance.

17.0906 FLOODLAND NONCONFORMING USES

Refer to Chapter 14 Section 14.950.

17.0907 WETLAND NONCONFORMING USES

Notwithstanding Section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling, or expansion of a legal nonconforming structure, or any environmental control facility related to a legal nonconforming structure, located in the LCO Lowland Conservancy Overlay District and in existence at the time of adoption or subsequent amendment of this Ordinance is permitted pursuant to Section 61.351(5) of the Wisconsin Statutes.

SECTION 17.1000 SITE PLAN REVIEW AND ARCHITECTURAL CONTROL

17.1001 PURPOSE AND INTENT

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure without first obtaining the approval of detailed site and architectural plans as set forth in this section.

The Building Inspector shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, utilization of landscaping and open space areas as deemed appropriate for all development in the A-1 agricultural district, CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4 Rd-1 and Rd-2 residential districts.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, utilization of landscaping and open space, and the proposed operation in all districts except the A-1 agricultural district, CR-1, CR-2, TS-1, Rs-1, Rs-2, Rs-3, Rs-4, Rd-1 and Rd-2 residential districts. The Plan Commission will review all of the above plans for any district if a Conditional Use is required.

The Architectural Review Board shall review the site, proposed structures, architectural plans, parking, utilization of landscaping and open space, walkways, and site layout plans for compliance with design guidelines described in the Village Of Sussex Downtown Design & Development Plan, Village of Sussex Design Standards, and the STH 164 Corridor Plan, for proposed development projects within the B-1, B-2, B-3, B-4, BP-1, OP-1, M-1, I-1 SF-RD-3, and RM-1 districts. The Board shall document its review proceedings, and make appropriate recommendations regarding such reviewed projects for consideration by the Plan Commission.

17.1002 PRINCIPLES

To implement and define criteria for the purposes set forth in Section 17.1001, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

- A. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- C. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- D. The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 50 percent of a facade facing a street shall be finished with brick or decorative masonry material. Such masonry facing shall extend for a distance of at least 10 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.

- E. Building Scale and Mass. The relative proportion of a building to its neighboring buildings, to pedestrians and observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- F. Building Rooflines and Roof Shapes. The visual continuity of roofs and their contributing elements (parapet walls, coping, and cornices) shall be maintained in building development and redevelopment.
- G. Since the selection of building colors has a significant impact upon the public and neighboring properties, color shall be selected in general harmony with existing neighborhood buildings.
- H. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- I. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Village.
- J. No articles, goods, material, finished or unfinished product, incinerators, storage tanks, refuse containers, or like equipment shall be kept outdoors, exposed to public view, or exposed to view from adjacent buildings and property. Garbage and refuse containers shall be screened from the street and from neighboring facilities. The Plan Commission may permit the outdoor display of product or merchandise when it makes a finding that such display is essential to a business or industrial use.
- K. Buildings and uses shall serve to implement the recommendations of A Storm Water Management Plan for the Village of Sussex, dated October 1983, and as the plan may be amended from time to time.
- L. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- M. Buildings and uses shall provide adequate parking and loading areas. No loading dock or overhead door shall face upon a street right-of-way unless a determination is made by the Village Plan Commission to allow the same, as described herein.
 - (1) The Village Plan Commission shall not allow the same unless the Village Plan Commission first finds:
 - a. That the loading dock or overhead door is set back at least 75 feet from the street right-of-way; and
 - b. That adequate vehicle turn-around areas have been provided on the lot, such that no maneuvering of vehicles will take place within the street right-of-way in order to access the loading dock or overhead door.
 - (2) If the Village Plan Commission finds (1) (a) and (b), above, then the Village Plan Commission may allow the loading dock or overhead door to face the street right-of-way upon consideration of the following additional factors, without limitation by reason of enumeration:
 - a. Whether the loading dock or overhead door is set back sufficiently from the street right-of-way to adequately limit the adverse visual impact of the loading dock or overhead door;

- b. Whether the number of loading docks or overhead doors that are proposed to face the street right-of-way, due to their number, would create an adverse visual impact;
 - c. Whether the natural terrain and other existing features of the lot may affect the visual impact of the loading dock or overhead door; and
 - d. Whether the loading dock or overhead door will be appropriately screened with landscape berms or other landscaping.
- N. Buildings and uses shall be provided with adequate public services as approved by the appropriate utility.
 - O. Buildings and uses shall make appropriate use of open spaces and the Village Plan Commission may require appropriate landscaping and planting screens.
 - P. Buildings and signs within the designated B-4 Central Business District shall be designed and sited in accordance with design standards developed and adopted by the Community Development Authority.
 - Q. Development in the B-4 Central Business District shall provide adequate open space and landscaping in accordance with design standards developed and adopted by the Community Development Authority.
 - R. Development in all business and industrial districts shall provide adequate open space and landscaping. All landscaped areas shall provide a mix of climax trees, tall and medium deciduous trees, tall and medium coniferous trees, deciduous and coniferous shrubs, and grasses. The appropriate mix shall be determined by the Plan Commission.

17.1003 ADMINISTRATION

Plan data shall be submitted to the Building Inspector. The Building Inspector shall review all applications in the A-1, CR-1, CR-2, TS-1, Rs-2, Rs-2, Rs-3, Rs-4, Rd-1 and Rd-2 districts. The Building Inspector shall transmit all other applications and their accompanying plans in all other districts to the Plan Commission for their review. Plan data to be submitted with all plan review applications shall include the following:

- A. Site plan drawn to a recognized engineering scale.
- B. Name of project noted.
- C. Owner's and/or developer's name and address noted.
- D. Architect and/or engineer's name and address noted.
- E. Date of plan submittal.
- F. Scale of drawing noted on plan.
- G. Existing and proposed topography shown at a contour interval not less than two (2) feet.
- H. The characteristics of soils related to contemplated specific uses.
- I. Total number of parking spaces noted.
- J. The type, size, and location of all structures with all building dimensions shown.
- K. Indicate height of building(s).
- L. Existing and proposed street names indicated.
- M. Indicate existing and proposed public rights-of-way and widths.
- N. North arrow shown.
- O. Locate existing and general location of proposed sanitary sewers, storm sewers, and water mains.
- P. Locate any proposed storm water management facilities, including detention/retention areas.

- Q. Locate existing trees.
- R. Note location, extent, and type of proposed plantings.
- S. Note location of pedestrian sidewalks and walkways.
- T. A graphic outline of any development staging which is planned is required to be shown on the site plan.
- U. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.

17.1004 REVIEW AND FINDINGS

The Building Inspector shall review appropriate architectural and site plans within the review period set forth for a building permit in Section 17.0205 of this ordinance. The Plan Commission shall review referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Building Inspector or Plan Commission or Architectural Review Board, whichever is appropriate, shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this ordinance. The Building Inspector, Plan Commission or Architectural Review Board, whichever is appropriate, will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or traffic congestion, or otherwise endanger the public health or safety. The Plan Commission may require that a Developer's Agreement be entered into between the Developer and the Village as a condition of architectural and site plan approval.

17.1005 SURETIES

Time schedules may be imposed for the completion of buildings, parking areas, open space utilization, and landscaping. Occupancy to any structure prior to completion of improvements may only be authorized by the Plan Commission. Whenever improvement schedules are delayed, the Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation and the Building Inspector shall initiate the appropriate action to correct the violation pursuant to Sections 17.0302 and 17.0303 of this Ordinance.

17.1006 APPEALS

Any person or persons aggrieved by any decisions of the Building Inspector, Plan Commission, Architectural Review Board or Community Development Authority related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Village Clerk within 30 days after filing of the decision.

SECTION 17.1100 ARCHITECTURAL REVIEW BOARD

A. ESTABLISHMENT

There is hereby established an Architectural Review Board for the Village of Sussex.

B. MEMBERSHIP

- (1) The Architectural Review Board shall consist of 5 members, a Village Trustee, two members of the Plan Commission, and two citizen members who are not Village Board or Plan Commission members. Citizen members shall be persons of recognized experience and qualification in matters of architecture and design. The Board shall select its Chairperson on an annual basis.
- (2) The Village Trustee Member shall be elected in April for a one-year term by a 2/3 vote of the Village Board. Said term shall commence on May 1.
- (3) The non Trustee members shall be appointed in April by the Village President, subject to confirmation by the Village Board, to hold office for a term of three years beginning with the regular May meeting. The initial appointments shall be made with staggered terms to implement a rotation of member expirations. These initial appointments shall be for two years (2 appointments), and three years (2 appointments).
- (4) All vacancies on the Architectural Review Board shall be filled for the unexpired term in the same manner as appointments for the full term.
- (5) The Village Board shall establish compensation for services on the Architectural Review Board. Citizen members shall take the official oath of office as required by §19.01, Wis. Stats., which oath shall be filed with the Village Clerk.

C. ORGANIZATION

- (1) The Architectural Review Board meetings shall be held at the call of the chairman and shall be open to the public.
- (2) Minutes of the proceedings and a record of all actions shall be kept by the secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts.
- (3) Recommendations of the Board shall be made in writing and addressed to the Plan Commission and Village Board.

D. DUTIES

- (1) The Architectural Review Board shall review the site, proposed structures, architectural plans, parking, utilization of landscaping and open space, walkways, and site layout plans for compliance with design guidelines described in the Village Of Sussex Downtown Design and Development Plan, Village of Sussex Design Standards, and the STH 164 Corridor Plan. This shall occur for proposed development projects within all B-1, B-2, B-3, B-4, BP-1, OP-1, M-1, I-1, SF-RD-3, and RM-1 districts. The Architectural Review Board shall document its review proceedings, and make appropriate recommendations regarding such reviewed projects for consideration by the Plan Commission.

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SECTION 17.1200 ZONING BOARD OF APPEALS

17.1201 ESTABLISHMENT

There is hereby established a Zoning Board of Appeals for the Village of Sussex for the purpose of hearing appeals and applications, and for granting variances and exceptions to the provisions of this Zoning Ordinance.

17.1202 MEMBERSHIP

The Zoning Board of Appeals shall consist of five (5) members appointed by the Village President and confirmed by the Village Board.

- A. Terms shall be for staggered three-year periods.
- B. Chairman shall be designated by the Village President.
- C. Alternate Member. The Village President shall appoint a first alternate member and a second alternate member to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.
- D. One Member should be a Village Plan Commissioner and one member should be a registered architect, registered professional engineer, builder, or real estate appraiser.
- E. Secretary and the office of the Board of Appeals shall be the Village Clerk and the Village Clerk's office.
- F. Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- G. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.
- H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

17.1203 ORGANIZATION

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

- A. Meetings shall be held at the call of the chairman and shall be open to the public.
- B. Minutes of the proceedings and a record of all actions shall be kept by the secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- C. The Concurring Vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

17.1204 POWERS

The Zoning Board of Appeals shall have the following powers:

- A. Errors: To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by any administrative official.
- B. Variances: To hear and grant appeals for variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- C. Special Exceptions: To hear and decide applications for special exceptions to the parking requirements for offices set forth in Section 17.0603(K)(3) of this Ordinance on a case-by-case basis where it is determined that fewer parking spaces will be required because of the availability of shared parking; the availability of public transportation; the availability of car pools or van pools; the availability of alternative transportation such as walking or bicycles; or because the office operations has limited customer operations. The Board of Appeals may require the filing of signed agreements, parking studies, or evidence to support the reduced parking requirements.
- D. Interpretations: To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Plan Commission has made a review and recommendation.
- E. Substitutions: To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- F. Temporary Uses: To hear and grant applications for temporary uses in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses, and provided that the Village Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this Ordinance shall be required.
- G. Permits: The Board may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.
- H. Assistance: The Board may request assistance from other village officers, departments, commissions, and boards.
- I. Oaths: The chairman may administer oaths and compel the attendance of witnesses.

17.1205 APPEALS AND APPLICATIONS

Appeals of the decision of the Building Inspector or any administrative official concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the Village. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Building Inspector or any administrative official. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 17.0205 for a Building Permit.
- C. Additional Information required by the Village Plan Commission, Village Engineer, Zoning Board of Appeals, or Building Inspector.

17.1206 HEARINGS

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, shall give public notice thereof as specified in Section 17.1400 of this Ordinance, and shall give due notice to the parties in interest, the Building Inspector, and the Village Plan Commission. At the hearing the appellant may appear in person, by agent, or by attorney.

17.1207 NOTICE TO DNR

The Zoning Board of Appeals shall transmit a copy of each application for a variance to conservancy regulations in a shoreland or to floodland regulations, and a copy of all shoreland and floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to conservancy regulation in a shoreland or to floodland regulations, and a copy of all decisions to shoreland and floodland appeals, shall be transmitted to the DNR within 10 days of the date of such decision.

17.1208 WETLAND AND FLOODLAND MAPPING DISPUTES

- A. Wetland Disputes. Whenever the Board of Appeals is asked to interpret a LCO Lowland Conservancy Overlay District boundary where an apparent discrepancy exists between the Village's Final Wetland Inventory Map and actual field conditions, the Village shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the Board of Appeals shall direct the Village Plan Commission to initiate appropriate action to rezone the property within a reasonable amount of time.
- B. Floodland Disputes. Refer to Chapter 14 Section 14.960

17.1209 FINDINGS

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

- A. Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- B. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

- C. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- D. Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- E. Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- F. Additional Requirements in Floodland Districts: Refer to Section 14.900 to Section 14.990.

17.1210 DECISION

The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector, and Village Plan Commission.

- A. Conditions may be placed upon any building permit ordered or authorized by this Board.
- B. Variances, Substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- C. Applicants Receiving Variances in Floodlands. Pursuant to Federal Regulations [44 CFR Part 60.6(5)], applicants receiving variances shall be notified, in writing, by the Board of Appeals that increased flood insurance premiums may result from the granting of the variance. The Board shall keep a record of the notification in its file.

17.1211 REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

SECTION 17.1300 CHANGES AND AMENDMENTS

17.1301 AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board of Trustees may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Village Plan Commission.

17.1302 INITIATION

A change or amendment may be initiated by the Village Board or Village Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

17.1303 PETITIONS

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- A. Plot Plan drawn to a scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- B. Owners Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- C. Additional Information required by the Village Plan Commission or Village Board.

17.1304 REVIEW AND RECOMMENDATIONS

The Village Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.

17.1305 HEARINGS

The Village Board shall hold a public hearing upon each petition giving public notice thereof as specified in Section 17.1400 of this Ordinance, listing the time, place, and the changes of amendments proposed. The Village Board shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

17.1306 VILLAGE BOARD'S ACTION

As soon as possible after such public hearing, and after careful consideration of the Village Plan Commission's recommendations, the Village Board shall act on the petition either approving, modifying and approving, or disapproving of the same.

17.1307 FLOODLAND DISTRICT BOUNDARY CHANGES LIMITED

Refer to Sections 14.900 to Section 14.

17.1308 SHORELAND LCO AMENDMENTS

- A. Notice to DNR. The Village shall transmit a notice of any change (text or map) in the

LCO Lowland Conservancy Overlay District if such change affects land in the shoreland, as defined in Section 17.1300 of this Ordinance, to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:

- (1) A copy of every petition for a text or map change mailed within five days of filing with the Village Clerk.
 - (2) At least 10 days prior notice of any public hearing on a Shoreland LCO zoning amendment.
 - (3) Notice of a Village Plan Commission recommendation no later than 10 days following the recommendation.
 - (4) Notice of a Village Board decision no later than 10 days following the decision.
- B. Review Standards. No wetland in a Shoreland LCO District shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season streamflow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.
- C. DNR Objections. If the DNR has notified the Village Plan Commission that an amendment to the shoreland portion of the LCO District may have a significant adverse impact upon any of the criteria listed in Paragraph B above, that amendment, if approved by the Village Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed since written notice of the Village Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Village Board that it will adopt a superseding shore-land ordinance for the Village pursuant to Section 61.351 of the Wisconsin Statutes. If the Department does so notify the Village Board, the effect of this amendment shall be stayed until the Section 61.351 adoption procedure is completed or otherwise terminated."

17.1309 PROTEST

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20 percent or more of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

17.1310 SPECIAL REQUIREMENTS RELATING TO THE P-2 OPEN SPACE PRESERVATION DISTRICT.

- A. In addition to the other requirements and procedures described in this section, the following requirements must be met before changes can be made to the district boundaries of the P-2 district, and before amendments, changes, or supplements may be made to the regulations of the P-2 district.
 - 1. The Village Plan Commission may recommend changes to the district boundaries of the P-2 district, or amendments, changes or supplements to the regulations of the P-2 district only upon the favorable vote of at least three quarters (3/4) of the full membership of the Village Plan Commission, and failure to make a favorable recommendation shall constitute a recommendation against any such changes. The Plan Commission shall forward its recommendation and report to the Village Board of Trustees.
 - 2. After careful consideration of the Plan Commission's recommendations, the Village Board of Trustees may by ordinance, change the district boundaries of the P-2 district, or amend, change or supplement the regulations of the P-2 district only upon the favorable vote of at least three quarters (3/4) of the full membership of the Village Board of Trustees.
- B. The boundaries of the P-2 district may not be amended, changed or supplemented to include private lands within the district.

SECTION 17.1400 PUBLIC HEARINGS

17.1401 PUBLIC HEARINGS

Notice of any public hearing which the Village Board, Plan Commission, Architectural Board, or Zoning Board of Appeals is required to hold under the terms of this Ordinance shall specify the date, time and place of hearing, and the matter to be presented at the hearing. Pursuant to Chapter 985 of the Wisconsin Statutes, the notice shall be published as a Class 2 notice, to-wit:

The notice of public hearing shall be published in a newspaper of general circulation in the Village of Sussex at least once each week for two (2) consecutive weeks, the last publication of which shall be at least one (1) week before the public hearing.

Notice of the public hearing shall be mailed to all parties-in- interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition and the owners of all lands included in the petition and all lands lying within 200 feet of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

SECTION 17.1500 DEFINITIONS

17.1501 GENERAL DEFINITIONS

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Ordinance include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she". The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

17.1502 SPECIFIC WORDS AND PHRASES

Accessory Apartment

A dwelling unit located within a single-family dwelling unit intended for occupancy by another person or family. The accessory apartment is self-contained featuring a separate outside entrance, sleeping facilities, kitchen facilities, and bathroom facilities. The apartment usually occupies only a small portion of the single-family dwelling area and is often occupied by a parent or in-law.

Adult Bookstores

An establishment having as a substantial or significant portion of its stock in trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to "specified anatomical areas" as defined in this Ordinance, or an establishment with a segment or section devoted to the sale, rent or display of such material.

Adult Cabaret

A cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

Adult Entertainment

Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by emphasis on any actual or simulated "specified sexual activities" or "specified anatomical areas" as defined in this Ordinance.

Adult Mini-Motion Picture Theater

An enclosed building with a capacity of less than fifty (50) persons used for presenting material having its dominant theme, or distinguished or characterized by their emphasis on matters depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as defined in this Ordinance, for observation by patrons therein.

Adult Motion Picture Theater

An enclosed building with a capacity of fifty (50) or more persons used for presenting materials distinguished or characterized by their emphasis on matters depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as defined in this Ordinance, for observation by patrons therein.

Adult-Oriented Establishments

"Adult-oriented establishments" shall include, but is not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabarets." It

further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect.

Accessory Use or Structure

A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel, and serving a purpose customarily incidental to the principal use or the principal structure. (See also "minor structure")

Alley

A special public right-of-way affording only secondary access to abutting properties.

Antenna

A device used to receive or send broadcasts either as over the air signals from transmitters, including fixed television or radio signals, or microwave signals from earth orbiting communication satellites.

Antenna, Earth Station Dish

A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.

Antenna, Terrestrial

Any antenna designed to receive television and radio signals relayed from one ground location to another ground location. Such antennas are typically mounted on a tower or support on the rooftop of a structure, or on free-standing towers.

Art Studio

An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macramé, knitted goods, stitchery, or pottery. Art studios are also engaged in the creations of such art works and often offer instruction in their creation. These studios also are for the instruction of their craft (dance, martial arts). Within the context of this Ordinance, art studio does not include nude modeling and other pornographic exhibits.

Assembly

When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. Assembly shall not include the construction, stamping or reshaping of any of the component parts.

Baby Sitting

The act of providing care and supervision for fewer than four children. This definition does not apply when the baby sitter is related to the child, or when more than four children in one household are related.

Bars

Tavern, cocktail lounges and lounges where alcoholic beverages are served and where over 50% of the sales come from the sale of alcohol.

Basement

That portion of any structure which is below grade, or which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is greater than the

vertical distance from the grade to the ceiling.

Bed and Breakfast Establishment

Any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a twelve month period; is the owner's personal residence; is occupied by the owner at the time of rental; and in which the only meal served to guests is breakfast.

Boardinghouse

A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

Bond

See "Surety".

Buffer Yard

An area of land which may contain sufficient area and width, landscape plantings, earth berms, fencing, walls, or other visual and/or sound barriers intended to eliminate or minimize land use conflicts between adjacent land uses.

Building

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Height

The vertical distance measured from the average elevation of the finished lot grade within 20 feet of the structure to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Business Offices

A tenant space or building where persons conduct their recognized and legal operations and transact business with the public, and or other businesses. A business office is often associated with the exchange of ideas and services. A business office is also largely used for administrative functions of an organization. These offices house operations that would not be among the recognized professions. Examples of business offices include: advertising agency or an insurance office.

Channel

Those floodlands normally occupied by a stream, lake bed, or other body of water under average annual high-water flow conditions while confined within generally well-established banks.

Clinics

See "General Medical Services"

Clothing Stores

Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

Cold Storage.

Storage of goods—especially food—in a place kept cold by refrigeration for preservation purposes.

Commercial Day Care Center

A private establishment providing care and supervision for nine (9) or more persons under the age of seven where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes.

Community-based Residential Facility (CBRF)

A place where 3 or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A community-based residential facility is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.

Community Living Arrangement

The following facilities licensed and operated, or permitted under the authority of the Wisconsin Statutes: child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(6), and community-based residential facilities under Section 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. The establishment of community living arrangements is governed by Sections 46.03(22), 59.69(15), 60.63, and 62.23(7)(i) of the Wis. Stats.

Conditional Uses

Uses of a special nature as to make impractical their predetermination as a permitted use in a district.

Construction Services

Establishments engaged in the distribution, handling, and installation of construction materials. For the purpose of this Ordinance, construction services does not include retail sales of construction materials to the general public.

Construction Site Control Measure

A control measure used to meet the requirements of Section 17.1103 of this Ordinance.

Control Measure

A practice or combination of practices to control erosion and attendant pollution.

Control Plan

A written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of the Site Construction Erosion Control provisions of this Ordinance submitted by the applicant for review and approval by the City.

Department Store.

A retail store selling a wide variety of goods that are arranged in several departments or categories throughout the store.

Development

Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

Distribution Centers

Establishments engaged in the receipt, storage, and distribution of goods, products, cargo and materials. Distributors are involved in business-to-business sales and not retail sales.

Distributor

Establishments or places of business primarily engaged in selling merchandise, generally of a specific type or category, to retailers; to industrial, commercial, institutional, or professional business users; or acting as agents or brokers and selling merchandise to, such individuals or companies.

District, Basic

A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform (such as the Residential, Commercial, and Industrial District classifications).

District, Overlay

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

Drive-through Restaurant

A free-standing establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable containers; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises. Drive-through restaurants include those restaurants where drive-in service is provided whereby the customer orders and has food brought to their parked vehicle as part of the regular operations and all other restaurant operations whereby food is brought to a vehicle.

Driveway

A roadway providing access for vehicles to a parking lot, parking space, driveway flair, driveway parking bay, garage, dwelling, or other structure.

Driveway Flair

An extension to a driveway intended to provide a parking space adjacent to a garage or other structure. Driveway flair may also provide added width to a driveway.

Driveway Parking Bay

A parking module extending from a driveway to provide a parking space separated from the driveway.

Dryland Access

A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

Dwelling

A detached building, also called a duplex, designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Dwelling, Single-Family

A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family

A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.

Dwelling, Multiple-Family

A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.

Dwelling, Bi-Level

A two-level dwelling with one level above grade, and the other level half above grade and half below grade. The lowest level may or may not have exterior access. For the purpose of measuring living area, the Building Inspector will determine functional areas as set forth in the definition of "living area" and the first floor area will be considered to be the first level that is entirely above grade.

Dwelling, Tri-Level

A three-level dwelling with two levels above grade, and a third level half above grade and half below grade. The lowest level may or may not have exterior access.

Election Campaign Period

In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day that candidates would circulate papers were papers to be required, and ending the day of the election.

In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

Erosion

The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Essential Services

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Family

The body of persons related by blood, marriage or adoption, or not more than four (4) unrelated persons who live together in one dwelling unit as a single housekeeping entity.

Family Day Care Home

A dwelling licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes, where care is provided for not more than eight (8) children.

Fence, Open

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include chain link, picket, and rail fences.

Fence, Ornamental

A fence whose only purpose is to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 75 percent of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type.

Fence, Screening

A structure of bricks, planks, woven wire with screening inserts, or similar material erected as an enclosure, barrier, or boundary. A screening fence is erected for the purpose of preventing a view of equipment, materials, or products; may shield undesirable views; or may serve as a barrier to prohibit entry to a property at a given location. A screening fence may or may not form a complete enclosure.

Fence, Security

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. A security fence is erected for the purpose of preventing entry to a property by unauthorized persons and protecting equipment, materials, or products contained within the enclosure. A security fence may also be erected to screen equipment, materials, or products from unauthorized view.

Fence, Solid

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air and designed to conceal from the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave, louvered fences, and chain link with screening inserts.

Financial Service Institutions

Financial services institutions are banks, savings banks, savings and loan associations, credit unions, and trust companies as further defined and regulated by Chapter 404, Wisconsin Statutes, entitled "Uniform Commercial Code-Bank Deposits and Collections;" specifically excluding payday loan businesses, licensed lenders pawn brokers and community currency exchanges that are subject to licensure under Wisconsin Statutes Section 138.09, 138.10 or 218.05, and institutions similar thereto.

Flea Market

Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.

Flood

Refer to Chapter 14 Sections 14.990.

Flood Profile

Refer to Chapter 14 Section 14.990.

Flood Protection Elevation

Refer to Chapter 14 Section 14.990.

Floodlands

Refer to Chapter 14 Section 14.990.

Floodplain Fringe

Refer to Chapter 14 Section 14.990.

Floodproofing

Refer to Chapter 14 Section 14.990.

Floodway

Refer to Chapter 14 Section 14.990.

Food Service Contractors and Caterers

Food service contractors provide food services at institutional, governmental, commercial or industrial locations based on contractual arrangements with these type of organizations for a specified period of time.

Food Caterers provide single event based food services that are generally have equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premise site.

Foster Family Home

The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.

Frontage

The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

Garage, Private

A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

Garage, Public or Commercial

Any garage other than a private garage.

Garage Sale

See "Rummage Sale."

General Medical Services

A health care establishment providing basic and primary health care services on a routine basis with routine clients with no expectation of ambulance services; including, but not limited to the offices of physicians, mental health specialists, dentists, chiropractors, optometrists, therapists, cardiologists, podiatrists, general practitioners, family planning centers, home health care services, and blood donating center. There are no overnight stays of patients.

Gift Stores

Retail stores where items such as art, antiques, jewelry books, and notions are sold.

Group Assembly

A company of persons gathered together for any purpose for a period of two or more hours.

Hardware Stores

Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

Home Occupation

Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, and uses only household equipment, and for which no stock in trade is kept or sold except that made on the premises. A home occupation includes uses such as baby sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations or uses as barbering, beauty shops,

dance schools, real estate brokerage, or photographic studios.

Hospital and Ambulance Services

A health care establishment providing emergency medical services with the expectation of ambulance services; including, but not limited to hospitals, organ donation centers, ambulance services, and emergency rooms. Overnight stays of patients are common.

Housing for the Elderly

A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.

Junk or Salvage Yard

An area consisting of buildings, structures, or premises where junk waste and discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

Kiddie/Wading Pool

An above ground water pool that is designed to be no deeper than twenty four (24) inches at its deepest point, that does not exceed that maximum depth at any time, that is temporarily located on a lot, without electricity, filter, or heater, and that can easily be moved by hand in one piece when empty by an average adult person.

Land Developing Activity

The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

Land Disturbing Activity

Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading, but not including agricultural activities such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscape modifications.

Landowner

Any person holding title to or having an interest in land.

Land User

Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Living Area

The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Loading Area

A completely off-street space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot

For the purpose of this Ordinance a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that no such parcel shall be bisected by a public street and should not include any

portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.

Lot, Corner

A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See illustration No. 4.)

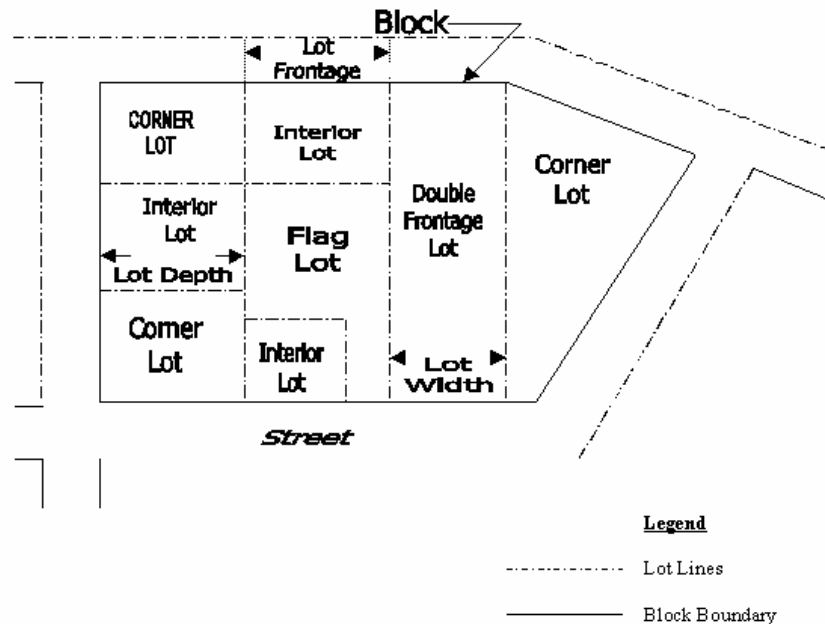
Lot, Double Frontage

A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. (See illustration No. 4.)

Lot Width

The width of a parcel of land measured at the setback line.

ILLUSTRATION NO. 4
ILLUSTRATION OF TYPICAL CORNER,
DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



Machine Shops

Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

Manufacturing

When used in describing an industrial operation, the making or processing of a product with machinery.

Marking Device

Establishments primarily engaged in manufacturing marking devices, such as stamps, embossing stamps, stamp pads, stencils, pen, pencil, markers and crayons.

Massage Therapy

See spa treatment services. An establishment or place of business where the primary or secondary function is to offer massage by a massage therapist licensed by the Village.

Minor Structures

Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences.

Motel

A series of attached, semi attached, or detached sleeping units for the accommodation of transient guests.

Navigable Water

Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]

For the purpose of this Ordinance, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Nonconforming Uses or Structures

Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendment thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements is considered a nonconforming structure and not a nonconforming use.

Nursing Home

A place which provides 24-hour services including room and board to 3 or more unrelated persons who because of their mental or physical condition require nursing care or personal care in excess of 7 hours per week. A nursing home is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.

Official Letter of Map Amendment

Official notification from the Federal Emergency Management Agency (FEMA), that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

Open Space

Land areas not occupied by buildings, structures, parking areas, streets, driveways, alleys, or other impervious surfaces.

Ordinary Highwater Mark

The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Outpatient and Advanced Medical Services

A health care establishment providing preventative and/or curative medical care, most often on a referred basis with limited expectation of ambulance services; including, but not limited to outpatient medical health and substance abuse center, dialysis centers, outpatient surgery/care centers, medical laboratories, and diagnostic imaging center. Patients are not anticipated to stay overnight and only in rare occasion/limited scope do so.

Outside Storage

Outside Storage is all areas where product, material, merchandise, or other goods are placed outside of a building or structure on a regular or temporary basis excluding garbage or waste product in an approved and enclosed dumpster. Outside Storage does not include the temporary and seasonal display and sale of merchandise, or goods when such use and area are a part of an approved outdoor sales permit.

Parking

The act of placing or leaving an automobile or other motor vehicle standing for a time on a street, driveway, in a garage, or in a parking lot. The placing or leaving of an automobile, motor vehicle, boat, trailer, or equipment on a street, driveway, parking lot, or in a garage for a long period—exceeding 24 hours—without moving would be termed “storage.”

Parking Lot

A structure or ground level premises containing 5 or more parking spaces for temporary storage of motor vehicles.

Parties in Interest

Includes all abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages.

Polystructure

An enclosure having a frame of steel or other materials which is covered with polyurethane, vinyl, canvas, or other flexible sheeting materials.

Processing

When used in describing an industrial operation, the series of continuous actions that changes one or more raw materials into a finished product. The process may be chemical as in the processing of photographic materials; it may be a special method such as processing butter or cheese; it may be a mechanical process such as packaging a base product.

Professional Home Offices

Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.

Professional Office

A tenant space or building where persons in a recognized profession use to conduct their professions. Such professions include, but are not necessarily limited to: clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artist, teachers, authors, and musicians.

Rear Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest

point of the principal structure. This yard is opposite the street yard or one of the street yards on a corner lot. (See Illustration No. 5)

Regional Flood

The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year there is a one (1%) percent chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.

Relaxation/Floating Pool

A structure above or below ground level, or combination thereof, designed to hold water that is more than twenty four inches and no more than 30 inches deep at its deepest point, that does not exceed that maximum depth at any time, to be used for recreation or relaxation purposes, such as a hot tub.

Religious Facility

A facility where religion is practiced or its supporting uses are (ex. Church, synagogue, temple).

Rummage Sale

The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four (4) consecutive days in length and are not conducted more often than three (3) times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this Section, are not rummage sales.

Runoff

The rainfall, snowmelt, or irrigation water flowing over the ground surface.

Seat

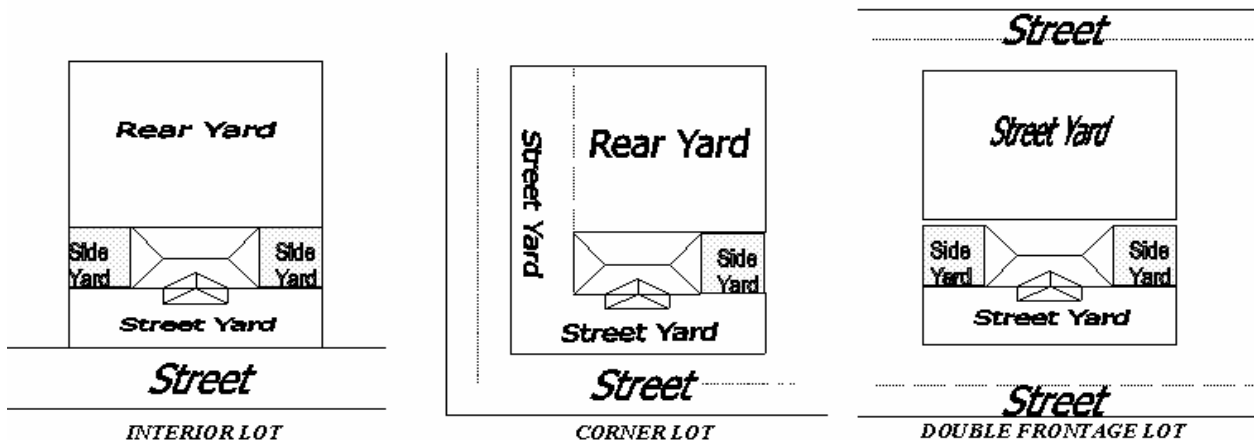
Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

Setback or Street Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots and double frontage lots have two (2) such yards. (See Illustration No. 5)

ILLUSTRATION NO. 5

LOCATION OF YARDS ON TYPICAL INTERIOR, CORNER, AND DOUBLE FRONTAGE LOTS



[ILLUSTRATION NO. 5]

Set of One-Year Design Storms

The rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12, and 24 hours that occur approximately once per year. The following are typical characteristics of these one-year storms in most of Wisconsin:

Storm Duration (hours)	Average Rain Intensity (inches/hour)	Total Rain (inches)
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

Shorelands

Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use.

Shore Yard

A yard extending from the ordinary highwater mark of a navigable body of water and a line parallel thereto through the nearest roofed or enclosed portion of the principal structure.

Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. (See Illustration No. 5)

Sign

Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

Sign, Awning

A sign that is mounted or painted on, or attached to an awning, canopy, or marquee. (See Illustration No. 6)

Sign, Copy

The message or advertisement, and any other symbols on the face of a sign.

Sign, Face

The area or display surface used for the message.

Sign, Ground

Any sign placed upon or supported by the ground independent of any other structure. (See Illustration No. 6). A monument sign is a specific ground sign for the purpose of delineating a neighborhood or a commercial development area.

Sign, Pole

A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is 10 feet or more above grade. (See Illustration No. 6)

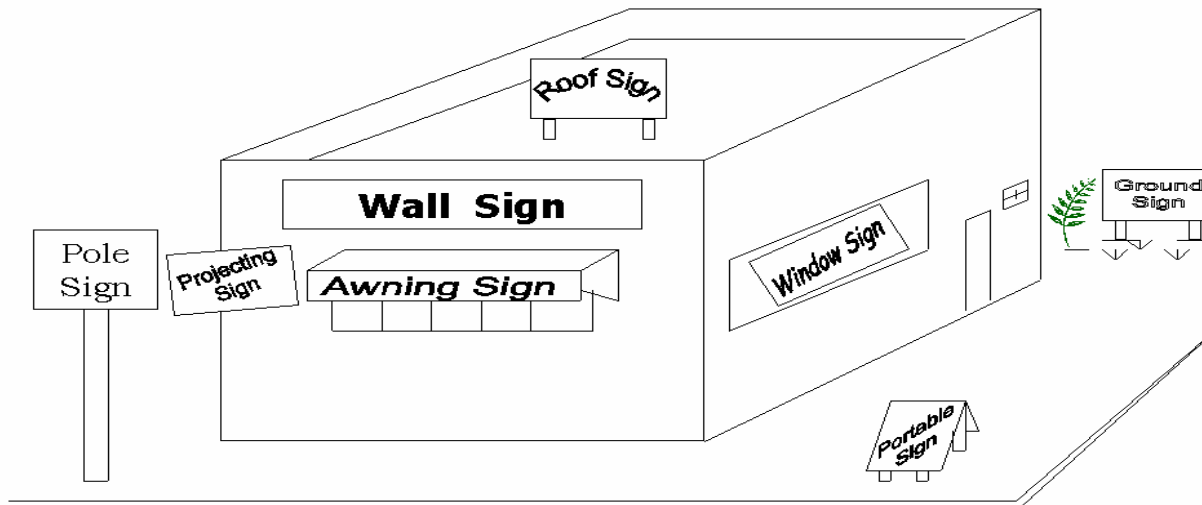
Sign, Portable

A sign that is not permanent, affixed to a building, structure, or to the ground. Such sign is sometimes mounted on wheels to make it transportable. (See Illustration No. 6)

Sign, Projecting

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (See Illustration No. 6)

ILLUSTRATION NO. 6
SIGN TYPES



Sign, Roof

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof (See Illustration No. 6)

Sign, Wall

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. (See Illustration No. 6)

Sign, Window

A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. (See Illustration No. 6)

Site

The entire area included in the legal description of the land upon which a land disturbing or land development activity is proposed in a land disturbing permit application.

Snack Stands/Mobile food services

Providing food services where patrons generally order or select items and pay before eating from motorized or nonmotorized carts or vehicles. Alcohol/beer/wine are not permitted for sale.

Spa Treatment Services

Spa services which includes massage therapy.

Specified Anatomical Areas

Specified anatomical areas are:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below the point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if opaquely covered.

Specified Sexual Activity

Specified sexual activities are the simulated or actual:

1. Showing of human genitals in a state of sexual arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

Street

A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

Street Right-of-Way

A strip of land acquired by dedication, easement, or reservation and intended to be occupied by a street, highway, road or alley. In accordance with Sections 80.01 and 80.08 of the Wisconsin Statutes, where no public record exists or where such public record has been lost or destroyed, the street right-of-way is presumed to be 66 feet wide.

Structure

Any erection or construction, such as buildings, prefabricated or prebuilt buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

Subdivision

A division of land that is subject to the definition of "subdivision" that is contained in Chapter 18 of the Village of Sussex Municipal Code, entitled Land Division Ordinance, including any amendments to that definition that may be made therein from time to time.

Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before

the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

Structural Alterations

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Surety

Whenever the terms "surety", "surety bond," or "bond" are used in this Ordinance, said term shall describe only an irrevocable letter of credit or a cash bond as approved by the Village Attorney.

Sustained Yield Forestry

Management of forested lands to provide annual or periodic crops of forest products.

Swimming Pool

A structure above or below ground level, or combination thereof, designed to hold water more than 30 inches deep at its deepest point, to be used for recreation or relaxation purposes. Also included in this definition is any water pool structure that is not a relaxation/floating pool or kiddie/wading pool as defined herein.

Townhouses

A group of single-family dwellings, also called row houses, having an unpierced common wall between each adjacent section and the end units having side yards.

Tree, Climax

A tree that would occupy the uppermost canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples of climax trees include hickory, red oak, pin oak, white oak, and sugar maple trees.

Tree, Conifer

A tree characterized by needle-shaped leaves, cones, and a resinous wood. These trees are often referred to as evergreens because they do not lose their foliage during the winter. Examples of tall conifer trees include fir, pines, spruces, and firs. An example of a medium conifer is the arborvitae.

Tree, Deciduous

A tree characterized by leaves, fruits, and/or flowers that fall off or are shed at specific seasons, especially winter. Examples of tall deciduous trees are red and silver maples, white and green ash, honeylocust, and linden. Examples of medium deciduous trees are birch and willow.

Turning Lane

An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Unnecessary Hardship

The circumstance where special conditions, which were not self-created, affect a particular

property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Variance

An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited by the Ordinance or allow floodland construction that is not protected to the flood protection elevation.

Warehousing

Establishments used primarily for the storage and handling of goods and materials.

Wetland

An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wholesaling

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot. (See Illustration No. 5)

APPENDIX A

SUMMARY OF AREA, SETBACK, AND HEIGHT REQUIREMENTS
VILLAGE OF SUSSEX, WAUKESHA COUNTY

District	Minimum Lot Size			Minimum Building Size			Minimum Open Space (percent)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height (feet)
	Total Area (square feet)	Area Per Family (square feet)	Lot Width At Building Line (feet)	Total Area (square feet)	Area Per Family (square feet)	First Floor Area (square feet)					
A-1	871,200 (20 acres)	871,200 (20 acres)	500	800	800	--	--	40	15	25	30
CR-1	43,560	40,000 (1 Acre)	150	2,200	1,600	1,600	80	50	30	50	50
CR-2	20,000	20,000	90 except 80 on cul-de-sac frontage	2,300 1 st. 2,600 bi, 2 & tri-level	2,300 2,600	1,600	50	40	20	25	50
TS-1	30,000	30,000	100	2,600 for 1, 2 & bi level 2,500 for tri-level	2,600 2,500	1,500 1,600	60	40	20	30	30
Rs-1	25,000	25,000	100	1,800	1,800	1,200	50	40	20	25	30
Rs-2	20,000	20,000	100	1,600	1,600	1,200	50	40	20	25	30
Rs-3	15,000	15,000	90	1,400	1,400	1,000	50	30	15	25	30
Rs-4	7,200	7,200	50	1,200	1,200	800	50	30	10	25	30
Rd-1	15,000	7,500	120	2,400	1,200	1,200	65	30	15	25	30
Rd-2	10,000	5,000	90	2,000	1,000	1,000	65	30	15 except 10 w/attached garage	25	30
SF-RD-3	20,000	5,000	120	1 bedroom 1,000 2 bedroom 1,200	1,000 1,200	--	60	30	30	25	30
Rm-1	12,000	W/attached/under parking Efficiency Unit - 2,500 One-Bedroom Unit - 3,000 Two-Bedroom or Larger Unit - 3,500 W/O attached/under parking Eff. & 1 Bedroom Unit-4,000 2 Bedroom Unit - 5,000	120	--	Efficiency Unit-350 One-Bedroom Unit-500 Two-Bedroom or Larger Unit - 750	1,000	50	30	25	25	30

APPENDIX A (continued)

SUMMARY OF AREA, SETBACK, AND HEIGHT REQUIREMENTS
VILLAGE OF SUSSEX, WAUKESHA COUNTY

District	Minimum Lot Size			Minimum Building Size			Minimum Open Space (percent)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Height (feet)
	Total Area (square feet)	Area Per Family (square feet)	Lot Width At Building Line (feet)	Total Area (square feet)	Area Per Family (square feet)	First Floor Area (square feet)					
B-1	5,000	--	60	--	--	--	25	25	15	15	30
B-2	12,500	--	80	--	--	--	25	40	--	25	45
B-3	10,000	--	75	--	--	--	25	40	15	25	30
B-4	Sufficient Area	--	Sufficient Width	--	--	--	As set forth in the "Downtown Design and Development Plan"	In no case shall the build-to line be less than 8 ft. or more than 30 ft. from the street right of way	10	15	45
BP-1	40,000	--	150	--	--	--	25	40	25	25	60
OP-1	40,000	--	150	--	--	--	25	40 Arterial 30 Other	25	25	60
M-1	15,000	--	100	Not to exceed 50 percent of lot area	--	--	20	40	10 on one side 40 on both sides	25	60
I-1	12,000	--	--	--	--	--	25	30	10	25	30
P-1	--	--	--	--	--	--	--	40	40	40	30
P-2	--	--	--	--	--	--	--	40	40	40	15