

ORDINANCE NO. 737

AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.0406(E)(2) ENTITLED "BUILDING HEIGHT AND AREA" IN THE TS-1 TRADITIONAL SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT; TO REPEAL AND RECREATE SECTION 17.1001 ENTITLED "PURPOSE AND INTENT" IN THE SECTION ENTITLED "SITE PLAN REVIEW AND ARCHITECTURAL CONTROL"; TO CREATE THE DEFINITION FOR "PERSONAL CARE AND WEIGHT LOSS FACILITY" IN SECTION 17.1502 ENTITLED "SPECIFIC WORDS AND PHRASES" IN ITS ALPHABETICAL ORDER AND TO REPEAL AND RECREATE SECTION 17.0807 (D) ENTITLED "SIGNS PERMITTED IN ALL BUSINESS AND INDUSTRIAL DISTRICTS WITH A PERMIT"; OF THE VILLAGE OF SUSSEX MUNICIPAL CODE.

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code Section 17.0406(E)(2) regarding Building Height and Area in the TS-1 Traditional Suburban Single Family Residential District; and

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code Section 17.1001 regarding Purpose and Intent to address review procedures of changes to existing structures in certain districts; and

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code Section 17.1502 to create a definition for Personal Care and Weight Loss Facility in Specific Words and Phrases; and

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code Section 17.0807 entitled "Signs Permitted in All Business and Industrial Districts with a Permit" to repeal and recreate subsection 17.0807 (D) regarding ground signs.

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on JANUARY 25, 2011, as required by Section 17.1305 of the Village of Sussex Zoning Ordinance, after providing due notice as required by Section 17.1400 of the Village of Sussex Zoning Ordinance; and

WHEREAS, following the public hearing, and upon due consideration of the recommendation from the Plan Commission, the Village Board finds that the public necessity, convenience, welfare and good zoning practice requires that the amendment to the zoning ordinance be granted as recommended by the Plan Commission;

WHEREAS, the Village Board Members are committed to aligning the Village of Sussex Zoning Code with opportunities to support growth that meet current needs without jeopardizing public safety or welfare.

NOW THEREFORE BE IT ORDAINED by the Village Board of the Village of Sussex, Waukesha County, Wisconsin, that:

SECTION 1. Section 17.0406 (E)(2)) entitled "Building Height and Area" in the TS-1 Traditional Suburban Single Family Residential District is hereby repealed and recreated to read as follows:

17.0406 E. Building Height and Area

- (2) The total minimum finished living area of a one-story shall be 2,200 square feet and a two-story or bi-level shall be 2,600 square feet.

SECTION 2. Section 17.1001 entitled Purpose and Intent of the section entitled Site Plan Review and Architectural Control is hereby repealed and recreated to read as follows:

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, Rs-1, Rs-2, Rs-3, and Rs-4 single-family residential districts, and the Rd-1 and Rd-2 two-family 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, the Rs-1, Rs-2, Rs-3, Rs-4, Rd-1 and Rd-2 residential districts.~~ the following districts M-1, I-1, OP-1, BP-1, B-4, B-3, B-2, B-1, RM-1, and SFRD-3. However if the architectural changes for an existing structure amount to less than 25% of the exterior of the building, review shall be made by the Architectural Review Board. The Plan Commission will review all of the above plans for any district if a Conditional Use is required and may review the architectural changes which amount to 25% or less of existing structures if the Architectural Review Board or Village Administrator deems the changes are important to the general planning of the community.

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 ~~Business Districts B-2A, B-3, B-4, and B-5, Business Office Parks BP-1, OP-1, and BOP-2,~~

and ~~SF RD-3 Single Family Attached Residence~~. **the following districts M-1, I-1, OP-1, BP-1, B-4, B-3, B-2, B-1, RM-1 and SFRD-3.** The Board shall document its review proceedings, and make appropriate recommendations regarding such reviewed projects for consideration by the Plan Commission.

SECTION 3. The following definition is hereby created and added to Section 17.1502 entitled "Specific Words and Phrases" in its alphabetical order:

Personal Care and Weight Loss Facilities

Establishments primarily engaged in providing non medical services to assist clients in attaining or maintaining a desired weight and said services are limited to spaces of 3,500 square feet or less.

SECTION 4. Section 17.0807 (D) in the section entitled "Signs Permitted in All Business and Industrial Districts with a Permit" is hereby repealed and recreated to read as follows:

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.

The Plan Commission may allow a ground sign to exceed the 10 feet in height above the mean centerline street grade, but never allow the sign itself to exceed 10 feet in height, with the following conditions and findings.

- 1. The ground sign would be restricted to 8 feet or less with the general height restrictions.**
- 2. The sign face shall not exceed 75 square feet in area.**
- 3. The Plan Commission determines there is no reasonable location for the ground sign to meet the general provision as outlined in above.**
- 4. The ground sign height would not hinder the safety of the area.**
- 5. The ground sign has met the Design Standards as determined by the Architectural Review Board.**

SECTION 5. SEVERABILITY

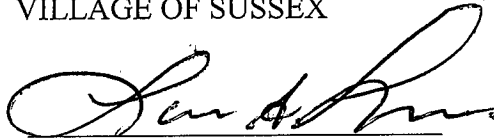
The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof of the ordinance which shall remain in full force and effect. Any other ordinances are hereby repealed as to those terms that conflict.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

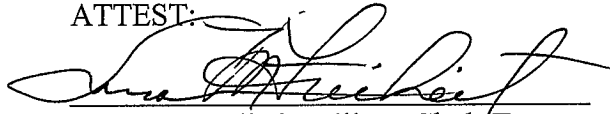
Dated this 25TH day of JANUARY, 2011

VILLAGE OF SUSSEX



Lawrence A. Lapcinski, Village President

ATTEST:



Susan M. Freiheit, Village Clerk-Treasurer

Published and/or posted this 2ND day of FEBRUARY, 2011