

ORDINANCE NO. 734

AN ORDINANCE TO AMEND AND RENUMBER SECTION 17.0603(G)
AND TO CREATE SECTION 17.0603(G)(2)
OF THE VILLAGE OF SUSSEX VILLAGE CODE TO ALLOW
SPECIAL EVENT NON-PAVED SURFACE PARKING IN
LIMITED AND RESTRICTED CIRCUMSTANCES

WHEREAS, the Village Plan Commission has initiated consideration of allowing parking for special events within the Village to be on non-paved surfaces in limited situations; and

WHEREAS, the Village Plan Commission commenced this zoning amendment matter pursuant to Section 17.1302 of the Village Code; and

WHEREAS, the Village Plan Commission of the Village of Sussex has made its report and recommendation that said zoning change be made to the Village Board; and

WHEREAS, upon due notice as required by Section 17.1305, the Village Board held a public hearing in this matter on JULY 13, 2010, pursuant to Section 17.1400 of the Village Code; and

WHEREAS, the Village Board of the Village of Sussex having carefully reviewed the recommendation of the Plan Commission of the Village of Sussex, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the Village of Sussex, is consistent with the Village of Sussex Comprehensive Plan, will not be contrary to the public health, safety or general welfare of the Village of Sussex is consistent with the Village of Sussex Master Plan, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same,

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 17 of the Village of Sussex Municipal Code entitled "Zoning Ordinance," Section 17.0603 entitled "Parking Requirements," subsection 17.0603(G) entitled "Surfacing" is hereby amended as follows, and renumbered to Section 17.0603(G)(1):

17.0603 G(1). 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, and as described in Section 17.0603(G)(2), 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.

SECTION 2: Chapter 17 of the Village of Sussex Village Code entitled "Zoning Ordinance," Section 17.0603 entitled "Parking Requirements," subsection 17.0603(G) entitled "Surfacing," subsection 17.0603(G)(2) entitled "Special Event Non-Paved Surface Parking," is hereby created as follows:

17.0603(G)(2) Special Event Non-Paved Surface Parking

Parking on non-paved surfaces for special events may be allowed by petition to and authorization from the Village Administrator with the following restrictions:

1. It must be a special event, meaning a one-time or infrequently occurring event outside the normal program/activities/or operations of the business or organization whose land/business is being used for the event.
2. The special event must be an approved use/activity per the plan of operation or conditional use for the property.
3. This exception is available for no more than: 16 events per calendar year, with each day constituting a separate event for purposes of this subsection, and no more than 10 consecutive days per calendar year.
4. The petition must be filed with the Village Clerk in written form at least one month prior to the event and describe/illustrate the duration, times, dates, and locations of the non-paved surface parking. The Administrator may require additional information from the petitioner. One petition may request up to the 16 events allowed for the year. The fee for said petition filing shall be

established by the Village Board as deemed appropriate from time to time and shall be paid at the time of filing.

5. The Administrator may restrict where and to what extent any non-paved surface parking may occur and will consider Police and Fire Department concerns for public safety, and the impact of the parking on neighboring properties. The Administrator may also establish any other restrictions and conditions as they deem necessary for the safety, welfare, and quality of the community.
6. The petitioner shall after conclusion of the non-paved surface parking restore the site to its previous condition so as to minimize any erosion that may occur and maintain the property in aesthetically pleasing manner.
7. If the Administrator finds that any special event has violated the terms of this ordinance, the Administrator shall have the authority to revoke any special event authorization that may have been granted for that location or that petitioner for the remainder of the calendar year and may decline issuance of special event non-paved surface parking approval for up to 1 year from the date of the violation. In the event the Administrator finds that a special event has violated the provisions of this ordinance more than once, the Administrator may decline issuance of special event non-paved surface parking approval for that petitioner or location for an indeterminate time period. In addition, the Administrator may deny any application if the Administrator finds that the application does not demonstrate compliance with this ordinance or that the public health, safety or welfare are not adequately protected. The remedies of this subsection are in addition to other such penalties and remedies as may apply.
8. The decisions of the Administrator regarding (a) whether the application demonstrates compliance with the ordinance, (b) whether the public health, safety or welfare are not adequately protected, (c) whether a violation occurred, or (d) whether to reject applications due to violations occurring more than a year prior to the current application, may be appealed to the Zoning Board of Appeals per Section 17.1204(A) by the procedure described in 17.1205.
9. Special event non-paved surface parking in Village Parks and on Village owned property is allowed as authorized by the Village Board and is not subject to the provisions of this ordinance.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and

effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

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

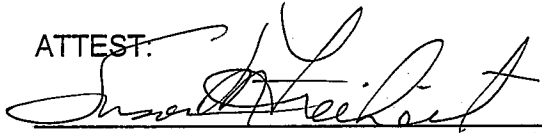
Dated this 13th day of July, 2010.

VILLAGE OF SUSSEX



Tony Lapcinski, Village President

ATTEST:



Susan Freiheit, Village Clerk

Published and/or posted this 21st day of July, 2010.

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