

ORDINANCE NO. 738

AN ORDINANCE TO CREATE SECTION 17.0418(A)(10) ENTITLED "HOUSING" IN "PERMITTED USES" IN THE B-3 BUSINESS HIGHWAY DISTRICT; TO REPEAL AND RECREATE SECTION 17.0418(F)(1) OF THE B-3 BUSINESS HIGHWAY DISTRICT ENTITLED "SETBACKS AND YARDS" ; TO REPEAL AND RECREATE THE TITLE OF SECTION 17.0419 B-4 CENTRAL BUSINESS DISTRICT TO B-4 CENTRAL MIXED USE DISTRICT; AND CHANGE REFERENCES OF B-4 CENTRAL BUSINESS DISTRICT TO B-4 CENTRAL MIXED USE DISTRICT 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 to create Section 17.0418(A)(10) entitled Housing within Permitted uses in the B-3 Business Highway to allow single family residential detached homes constructed prior to January 1, 2010; and

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code to repeal and recreate Section 17.0418(F)(1) of the B-3 Business Highway District regarding Setbacks and Yards; and

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code and the Village of Sussex Zoning Map to rename Section 17.0419 B-4 Central Business District to B-4 Central Mixed Use District; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on February 22, 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 17.0418 (A)(10) entitled "Housing" in "Permitted Uses" in the B-3 Highway Business District is hereby created to read as follows:

17.0418 (A)(10) Housing. Single-Family residential detached homes only if the use is constructed prior to January 1, 2010.

SECTION 2. Section 17.0418 (F)(1) of the B-3 Business Highway District is hereby repealed and recreated to read as follows:

Setback and Yards

(1) There shall be a minimum building setback of **30** feet from the right-of-way of all streets.

SECTION 3. The title of Section 17.0419 B-4 Central Business District is hereby repealed and recreated to read as follows:

17.0419 B-4 Central **Mixed Use** District

SECTION 4. All existing references to the B-4 Central Business District throughout Chapter 17 of the Village of Sussex Zoning Code and on the Village of Sussex Zoning Map are herein after changed to the B-4 Central Mixed Use District.

SECTION 5. SEVERABILITY

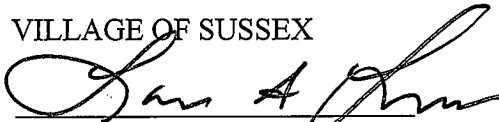
The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified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

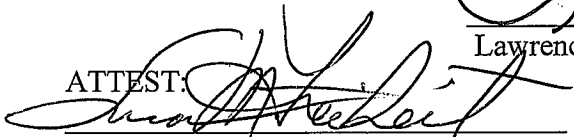
Dated this 22ND day of FEBRUARY, 2011

VILLAGE OF SUSSEX



Lawrence A. Lapcinski, Village President

ATTEST:



Susan M. Freiheit, Village Clerk-Treasurer

Published and/or posted this 2nd day of March, 2011