

ORDINANCE NO. 133-2024

AN ORDINANCE TO REPEAL AND RE-CREATE THE TEXT OF CHAPTER 111 ENTITLED “ZONING AND SHORELAND PROTECTION,” ARTICLE XII ENTITLED “DISTRICT REGULATIONS,” SECTION 111-347 ENTITLED “ESTATE RESIDENTIAL DISTRICT (R-1),” SUBSECTION (E) ENTITLED “BULK REGULATIONS (R-1),” SUBSECTION (1) “STANDARD DEVELOPMENT REQUIREMENTS,” SUBSECTION J OF THE ZONING CODE OF THE VILLAGE OF SUMMIT CODE OF ORDINANCES RELATED TO ROAD SETBACK

WHEREAS, pursuant to Section 111-386(b)(1) of the Village Code, the Village of Summit Zoning Administrator initiated a proposal to amend the regulations of the Village Code recommending amending the text of Chapter 111 “Zoning and Shoreland Protection” of the Village of Summit Code of Ordinances in order to reduce the required front/street setback for accessory structures in the R-1 Estate Residential District, and

WHEREAS, upon publication of the required “Notice of Public Hearing” pursuant to Section 111-387(b)(1)(a) of the Village Code and mailing of said "Notice of Public Hearing" to all parties-in-interest as required by Section 111-387(b)(1)(b) of the Village Code, the Plan Commission for the Village of Summit held a public hearing on June 20, 2024, as required by Section 111-386(b)(4) of the Village Code; and

WHEREAS, at the June 20, 2024 Plan Commission public hearing, the Village Zoning Administrator presented information on the proposed text amendments; and

WHEREAS, following the June 20, 2024 Plan Commission public hearing, the commissioners considered the information presented at the public hearing; and

WHEREAS, the Plan Commission recommended approval of the proposed changes, for Village Board consideration; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Village Board of the Village of Summit, 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 zoning text amendments on the health, safety and welfare of the community, hereby determine that the amendments will not violate the spirit or intent of the Village Code, and will not be contrary to the public health, safety or general welfare of the Village of Summit.

NOW, THEREFORE, the Village Board of the Village of Summit, Waukesha County, Wisconsin, DO ORDAIN as follows:

SECTION 1: Chapter 111 of the Village of Summit Municipal Code entitled "Zoning and Shoreland Protection," Article XII entitled "District Regulations," Section 111-347 entitled "Estate Residential District (R-1)," Subsection (e) entitled "Bulk regulations (R-1)," Subsection (1) "Standard development requirements," Subsection j is hereby repealed and recreated to read as follows:

- j. Accessory structure minimum front/street setback: 50 ft. from base setback line. Where an existing pattern of development exists less than the requirement listed above, refer to section 111-96(a)(5).

SECTION 2. SEVERABILITY.

The several sections and portions of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision 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 3. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 11 day of July, 2024.

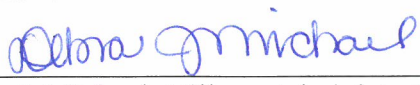
VILLAGE OF SUMMIT



Jack Riley, Village President



ATTEST:



Debra J. Michael, Village Administrator-Clerk/Treasurer

Published and posted this 10 day of October, 2024.

This instrument drafted by
Amy Barrows, Village Planner