

## ORDINANCE NO. 895

AN ORDINANCE TO REPEAL AND RECREATE SUB SECTION  
17.0704(A)(1) REGARDING THE HEIGHT OF ACCESSORY STRUCTURES  
IN THE B-4 CENTRAL MIXED USE ZONING DISTRICT  
OF THE VILLAGE OF SUSSEX MUNICIPAL CODE.

WHEREAS, the Village of Sussex Plan Commission has initiated a municipal code amendment to the Village of Sussex to repeal and recreate Section 17.0704(A)(1) regarding the height of accessory structures; and

WHEREAS, the Village Plan Commission discussed allowing accessory structures higher than 15 feet in the B-4 Zoning District and felt it was appropriate on a case by case basis; and

WHEREAS, the Village Board periodically reviews code sections for updates based upon requests from the public and to reflect modern times and practices; and

WHEREAS, the Village Board Members are committed to aligning the Village of Sussex Municipal Code with opportunities to support public desires without jeopardizing public safety or welfare; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on November 26, 2024; 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;

NOW, THEREFORE, the Village Board of the Village of Sussex, Waukesha County, Wisconsin, do ordain as follows:

**SECTION 1.** THEREFORE, Section 17.0704(A)(1) regarding the height of accessory structures is hereby repealed and recreated to read as follows with the text addition in red and underlined:

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, except in the B-4 district as described below. 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 and exceeds 15 feet in height, 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.

## **SECTION 2. SEVERABILITY**

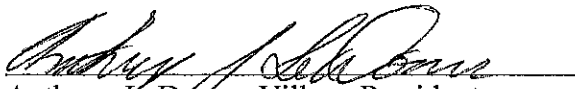
The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified 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 3. EFFECTIVE DATE**

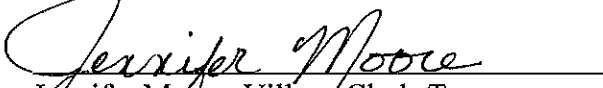
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 26<sup>th</sup> day of November, 2024.

VILLAGE OF SUSSEX

  
Anthony LeDorne, Village President

ATTEST:

  
Jennifer Moore, Village Clerk-Treasurer

Published and/or posted this 27<sup>th</sup> day of November, 2024.