

STATE OF WISCONSIN

VILLAGE OF SUSSEX

WAUKESHA COUNTY

ORDINANCE NO. 897

AN ORDINANCE TO REZONE
CERTAIN LANDS IN THE VILLAGE OF SUSSEX FROM THE
A-1 AGRICULTURAL ZONING DISTRICT WITH A
PDO PLANNED DEVELOPMENT OVERLAY
TO
SFRD-3 SINGLE FAMILY ATTACHED, P-1 PARK, AND
P-2 PARK WITH AN ISOLATED NATURAL RESOURCE AREA OVERLAY
WITH A PDO PLANNED DEVELOPMENT OVERLAY

WHEREAS: A petition has been filed by Neumann Development ("Petitioner") for the Rezoning of certain lands in the Village of Sussex to rezone said properties as described in Exhibit A attached hereto and incorporated herein ("Subject Properties"); and

WHEREAS: Said rezoning petition was submitted to rezone the subject property from the A-1 Agricultural Zoning District with a PDO Planned Development Overlay to the SFRD-3 Single Family Attached, P-1 Park, and P-2 Park with an Isolated Natural Resource Area Overlay with a PDO Planned Development Overlay as described on Exhibit A; and

WHEREAS: The existing Planned Development Overlay will be amended to reflect the proposed development of an additional 13 buildings of 2 townhome units each.

WHEREAS: The Petitioner has supplied all required data pursuant to the Village of Sussex Zoning Code; and

WHEREAS: Upon due notice as required by Section 17.1300 and 17.1400 of the Village Code, the Village Board held a public hearing on August 26, 2025, as required by Section 17.1305 of the Village Code; and

WHEREAS: The Plan Commission has reviewed the basis for approval described in Section 17.1300 of the Village Code and has found that the proposed rezoning is in keeping with the general welfare and good zoning practice of the Village of Sussex, subject to all terms and conditions of this zoning ordinance being satisfied; and

WHEREAS: The subject property is currently vacant and the property owner wishes to proceed with development the property which would require the subject property to be rezoned; and

WHEREAS: Adjacent properties to the west and south are also Zoned SFRD-3 and similarly developed; and

WHEREAS: The Village Plan Commission of the Village of Sussex has recommended to the Village Board of the Village of Sussex that said zoning change be made upon certain conditions; and

WHEREAS: The Village of Sussex has reviewed the basis for approval of the petition described in Section 17.1300, and concurs with the Village Plan Commission, and makes the same findings, subject to all terms and conditions of this zoning ordinance being duly satisfied as required herein; 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, 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, will not be contrary to the public health, safety or general welfare of the Village of Sussex, 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 and is consistent with the recommendation found in the Village of Sussex master plan.

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

SECTION 1: The subject property as described on **Exhibit A** is hereby rezoned to the SFRD-3 Single Family Attached, P-1 Park, and P-2 Park with an Isolated Natural Resource Area Overlay with a PDO Planned Development Overlay and the Zoning Map of the Village of Sussex is hereby amended, subject to the terms and conditions described herein.

SECTION 2: The Vista Run Planned Development Overlay is hereby amended to remove language referencing the Agricultural Zoning, adjusting the acreage of the zoning districts within the development, and adjusting the number of townhome buildings with 2 units from 9 to 22 to reflect the proposed development shown in **Exhibit B**.

SECTION 3: The above rezoning and zoning map amendment is conditioned upon the following conditions, which must be complied with or this ordinance is null and void:

1. Presentation Compliance. The subject property must be developed as a senior living facility following the approval and compliance of a Conditional Use Permit for a senior living facility on the subject property.
2. Special Assessment. The payment of outstanding special assessments owed on this property must be paid in full prior to starting any site work.
3. Professional Fees. Petitioner shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this rezoning petition, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at

meetings or other related professional services for this application, as well as to enforce the conditions in this conditional rezoning ordinance due to a violation of these conditions.

4. Payment of Charges. Any unpaid bills owed to the Village by the owner of subject lands or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village: shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional rezoning ordinance that is subject to all remedies available to the Village, including possible cause for termination of the conditional rezoning ordinance.
5. Acceptance. Subject to the petitioner approving in writing the issuance of the conditional rezoning ordinance, and that the petitioner understands and accepts the same, and that upon failure to satisfy these conditions, this conditional rezoning ordinance is void, and the same is deemed not to have been approved, and the Petitioner will therefore need to re-commence the application process for rezoning of the property.
6. One Year to Satisfy Conditions. Subject to the petitioner satisfying all of the aforementioned conditions within one year of the Village Board adopting this conditional rezoning ordinance. The Village Board may grant additional time solely at the discretion of the Village Board upon request for an extension by the Lot owner.

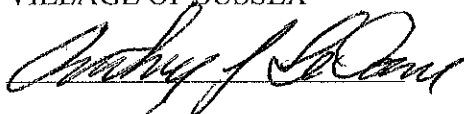
SECTION 4: The Village Engineer is hereby authorized and directed to note this rezoning on the Official Zoning Map of the Village of Sussex upon successful development of the property and satisfaction of all conditions in Section 2 of this Ordinance.

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 26th day of August, 2025.

VILLAGE OF SUSSEX



Anthony LeDonne
Village President

ATTEST: _____

Jennifer Boehm

Village Clerk-Treasurer

Published and/or posted this 26th day of August, 2025.