

**ORDINANCE NO. 48-2017****AN ORDINANCE TO REPEAL AND RECREATE SECTION 111-321(1) OF  
THE CODE OF ORDINANCES OF THE VILLAGE OF SUMMIT**

Whereas, on October 1, 2015 the Village Board of the Village of Summit did adopt a Municipal Code of Ordinance, including Chapter 111 – Zoning and Shoreland Protection; and

Whereas, Section 111-321(1) of the Municipal Code references Accessory dwellings and provides conditions under which this use may be considered; and

Whereas, Paul and Christine Kellerman presented a formal text amendment request under Section 111-386(b)(1) to the Plan Commission of the Village of Summit to consider modifications to Section 111-321(1); and

Whereas, the Plan Commission of the Village of Summit held a public hearing regarding proposed changes to Section 111-321(1) on May 18 as required by Section 111-386(b)(4); and

Whereas, following the public hearing, review and discussion by the Plan Commission of the Village of Summit on May 18 and June 15, 2017, the Commission did recommend a text amendment to the Village Board of the Village of Summit, as required by Section 111-386(b)(4); and

Whereas, the Village Board met to consider the Village Plan Commission recommendation on July 11, 2017.

Now, therefore, pursuant to Section 111-386(b)(5), and other applicable laws, the Village Board of the Village of Summit, Waukesha County, Wisconsin does hereby ordain as follows:

SECTION 1. Chapter 111 – Zoning and Shoreland Protection, Section 111-321(1) titled “Accessory Dwellings”, of the Code of Ordinances of the Village of Summit is hereby repealed and recreated as follows:

1. Accessory dwellings. A person may create an accessory dwelling in a single-family detached dwelling for use by family members, provided that:
  - (a) The accessory dwelling design has a separate and complete housekeeping unit with living, sleeping, cooking and bathroom areas that can be isolated from the remaining original dwelling unit.
  - (b) Only one accessory dwelling may be created within a single-family detached dwelling unit.
  - (c) The original single-family detached dwelling unit or the accessory dwelling shall serve as the owner's principal place of residence, except for bona fide temporary

absences.

- (d) The accessory dwelling structure design appears, to the degree feasible, as that of a single-family detached dwelling unit, and locates any new entrances to the sides and/or rear of the structure. The proposed additions and alterations to the existing structure shall conform to all applicable state, county and Village codes.
- (e) A deed restriction, in a form acceptable to the Village Zoning Administrator, shall be filed with the Waukesha County Register of Deeds, giving notice that the accessory dwelling unit exists as a Conditional Use Permit, does not create a duplex, and does not allow any commercial uses.

## SECTION 2. SEVERABILITY.

The several sections of this charter 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 charter ordinance. The remainder of the charter ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this charter ordinance are hereby repealed as to those terms that conflict.

**SECTION 3. EFFECTIVE DATE.** This charter ordinance shall take effect following its passage and publication.

Adopted this 11<sup>th</sup> day of July, 2017.

VILLAGE OF SUMMIT

  
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Jack Riley, Village President

ATTEST:

  
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Debra J. Michael, Village Clerk

