

Village of Menomonee Falls Ordinance No. 576-O-13

AN ORDINANCE AMENDING SECTIONS 122-1000, 122-1002, 122-1003, 122-1007, 122-1008 AND 122-1009 OF THE MUNICIPAL CODE PERTAINING TO MODIFICATIONS TO THE PLANNED DEVELOPMENT DISTRICT (PDD) No. 1 ZONING DISTRICT

WHEREAS, it is deemed to be in the best interest of the Village of Menomonee Falls that the Municipal Code of the Village of Menomonee Falls be further modified and amended in the manner hereinafter more particularly set forth;

NOW, THEREFORE, the Board of Trustees of the Village of Menomonee Falls does hereby ordain as follows:

Section 1. Section 122-1000(c) is hereby amended by deleting the language highlighted using the strikeout feature (~~delete~~) as follows:

(c) *Conditional Uses.*

1. Shall be required per Section 122-288(b)(4)a.3., ~~Section 122-288 (b) (4) b. 3.~~ and Section 122-288(b)(4)d.3. ~~and Section 122-562~~ of the Municipal Code.

Section 2. Section 122-1002(c) is hereby amended by deleting the language highlighted using the strikeout feature (~~delete~~) and adding the underlined language (addition) as follows:

(c) *Mixed residential district*

1. The Mixed Residential District shall meet the following site development requirements:

~~1. Acreage: 5.0 acres~~

~~b. Maximum Dwelling Units: 150 units~~

a. Maximum Non-Residential Land Use: 12,000 square feet of commercial/retail uses as permitted per Section 7.0-B.

db. Maximum Residential Density: 30.0 dwelling units per acre.

Section 3. Section 122-1003(c)(1) is hereby amended by deleting the language highlighted using the strikeout feature (~~delete~~) and adding the underlined language (addition) as follows:

(c) *Market Plaza*

1. Size & Location

~~1. The Market Plaza shall be a 12,000 to 20,000 square foot open space located at the northwest corner of the Commercial / Retail District and the northeast corner of the Mixed Residential District. Its boundaries shall be as follows:~~

~~That part of Parcel 1 of Certified Survey Map No. 9493, as said C.S.M. is recorded in the Waukesha County Register of Deeds Office as Document No. 2900117, as recorded on December 27, 2002, in Volume 87, on pages 1-15 inclusive, and located in the Northwest 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Southwest 1/4 of Section 13, Township 8 North, Range 20 East, Village of Menomonee Falls, County of Waukesha, State of Wisconsin. Described as follows:~~

~~Commencing at the southwest corner of Parcel 2 of said Certified Survey Map; thence North 01°13'51" West, along the westerly line of said Parcel 2, 500.00 feet; thence North 89°54'58" East, 501.43 feet; thence South 00°05'02" East, 133.72 feet; thence South 90°00'00" East, 450.69 feet; thence North 00°00'00" West, 8.83 feet to the Point of Beginning; thence North 25°30'11" West, 52.26 feet; thence North 00°00'00" West, 77.91~~

~~feet; thence North 38°11'09" East, 85.14 feet; thence South 51°48'51" East, 121.03 feet; thence South 38°11'09" West, 149.08 feet; thence South 90°00'00" West, 33.10 feet to the Point of Beginning.~~

Said lands as described contains 17,120 square feet or 0.39 acres

Section 4. Section 122-1007(b)(1)(c) is hereby amended by deleting the language highlighted using the strikeout feature (~~delete~~) and adding the underlined language (addition) as follows:

c. *Rear Setback*

- 1) 10'-0" minimum setback from all property lines.
- 2) Townhome buildings: ~~4'-2'~~2'-0" minimum setback from all roads.
- 3) Midrise buildings: 15'-0" minimum setback from all roads.

Section 5. Section 122-1008(b)(4)(d) is hereby amended by deleting the language highlighted using the strikeout feature (~~delete~~) and adding the underlined language (addition) as follows:

d. The primary materials that are NOT appropriate for use in the Mixed Residential District are:

- 1) Vinyl Siding;
- ~~2) Vinyl Windows;~~
- 3) PVC Siding/Trim Material;
- 4) Other materials not listed in Section 122-1008-B-4(ii) and not approved by the Village Architectural Control Board.

Section 6. Section 122-1009(h)(2)(a)(2) is hereby amended by deleting the language highlighted using the strikeout feature (~~delete~~) and adding the underlined language (addition) as follows:

2) *Shade Trees*

- i. 1 shade tree every 60 feet of street frontage.
- ii. Permitted species include: Thornless Honeylocust and cultivars, White Ash and cultivars, Ginko species, and Norway Maple and cultivars.
- iii. Minimum sizes (installed): ~~3~~2.5 inch caliper minimum.

Section 7. Except as specifically modified and amended by this ordinance, the Municipal Code of the Village of Menomonee Falls shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 8. This ordinance shall take effect and be in full force from and after its passage and publication.

Section 9. SEVERABILITY. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Adopted by the Board of Trustees of the Village of Menomonee Falls on the 16th day of December, 2013.

By _____
Randall R. Newman, Village President

Date Posted: 1/3/14 - 1/16/14

Attest _____
Janice Moyer, Village Clerk