

ORDINANCE
ADOPTING AN AMENDMENT TO CHAPTER 17, ZONING CODE,
OF THE VILLAGE OF WALES REGARDING
OPEN SPACE REGULATIONS

WHEREAS, the Village of Wales (“Village”) adopted Chapter 17, Zoning Code, to the Village Code of Ordinances for the purposes set forth in Section 17.01 which are incorporated herein by reference as if set forth in length herein; and

WHEREAS, the Village desires to amend Chapter 17 in accordance with Section 17.50 in order to revise and further define the Open Space requirements contained in Section 17.15(3) and to further establish Open Space requirements in Sections 17.33 and 17.34; and

WHEREAS, the Village Plan Commission properly noticed and held a meeting to review and consider this ordinance amendment and to provide its recommendations to the Village Board; and

WHEREAS, the Village properly noticed a public hearing on this matter by publication in a newspaper of general circulation in the Village once a week for two successive weeks preceding the date of the public hearing; and

WHEREAS, the Village Board, having a quorum present, held a public hearing on this ordinance amendment, and the Village Board reviewed and considered all of the comments and issues of this matter in full all in accordance with Chapter 17.

NOW THEREFORE, be it ordained, the Village Board of the Village of Wales hereby adopts the following amendments to Chapter 17:

SECTION 1. Section 17.15(3)(a) is repealed and recreated to read:

No building or structure shall be erected, structurally altered, or placed on a lot and no lot shall otherwise contain or be covered with materials that are impervious to surface water absorption so as to reduce the open area of such lot to less than that specified below by the regulations for that district, except as provided by § 17.10(5).

SECTION 2. Section 17.33 (B-1 Restricted Business District) is amended to add subsection 17.33(4)(c) as follows:

Open Space. No more than sixty-five percent (65%) of any lot shall be covered with buildings, structures, or other covering materials that are impervious to surface water absorption.

SECTION 3. Section 17.34 (B-2 Local Business District) is amended to add subsection 17.34(4)(c) as follows:

Open Space. No more than sixty-five percent (65%) of any lot shall be covered with buildings, structures, or other covering materials that are impervious to surface water absorption.

SECTION 4. Except as specifically amended herein, the provisions of Chapter 17 remain in full force and effect.

SECTION 5. In the event of a conflict between the amendments contained herein and any other provisions of Chapter 17 or the Code of Ordinances for the Village of Wales, the more restrictive provisions shall apply.

SECTION 6. All of the provisions set forth herein are severable. If a court of competent jurisdiction determines any provision herein is unenforceable, the remaining provisions shall be unaffected thereby and shall remain in and be given their full force and effect.

ADOPTED THIS 7th DAY OF JANUARY, 2002.

VILLAGE OF WALES

By: _____
Jeffery A. Flaws, President

ATTEST:

Gail E. Powell, Village Clerk