

ORDINANCE NO. 889

AN ORDINANCE TO REPEAL AND RECREATE SUB SECTION
17.0807(C)(1) REGARDING ELECTRONIC MESSAGE SIGNS
IN THE B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT
AND TO REPEAL AND RECREATE SUB SECTION 17.0704(A)
REGARDING EMERGENCY GENERATORS
OF THE VILLAGE OF SUSSEX MUNICIPAL CODE.

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex to repeal and recreate Chapter 17 Zoning Code Section 17.0807(C)(1) regarding electronic message signs in the B-1 Neighborhood Business Zoning District; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on _____, 2023, as required by Section 17.1305 of the Village of Sussex Zoning Ordinance, after providing due notice as required by Section 17.1400 of the Village of Sussex Zoning Ordinance; 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;

WHEREAS, the Village Board Members are committed to aligning the Village of Sussex Zoning Code with opportunities to support growth that meet current needs without jeopardizing public safety or welfare.

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

SECTION 1. Sub Section 17.0807(C)(1) regarding electronic message signs is hereby repealed and recreated to read as follows with the text addition in blue and underlined:

1. These signs are permitted for buildings in the B-1, B-2, B-3, B-4 BP-1, OP-1, OP-2, I-1 and M-1 Districts. The Plan Commission must find the following for a permit to be issued:

SECTION 2. Sub Section 17.0704(A) regarding Accessory Use and Structures Regulations is hereby repealed and recreated to add 17.0704(A)(18) and is to read as follows with the text addition in blue and underlined:

18. Emergency Generators

- a) Emergency Generators shall be permitted in rear yard only and shall meet the setbacks of the Zoning District in which they are placed. The Plan Commission may, at its discretion, permit an emergency generator in the side yard and may require additional screening to reduce the impacts of the emergency generator on adjacent properties.

- b) Emergency Generators located outdoors shall be within a manufacturer-provided enclosure to screen the generator equipment and reduce the noise emitted by the generator.
- c) Testing of the emergency generators shall only take place between the hours of 9:00 am and 4:00 pm.
- d) Emergency Generators located in the RM-1, B-1, B-2, B-3, B-4, BP-1, OP-1, M-1, Q-1, and I-1 Zoning Districts shall require Site Plan Review by the Plan Commission and Architectural Review Board prior to the issuance of a building permit. If the property on which the emergency generator will be installed is adjacent to a residentially zoned property, a noise study will need to be provided to the Plan Commission that demonstrates the noise levels at the property line meet the requirements as described in Section 9.07(9) of the Municipal Code.

SECTION 3. 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 3. EFFECTIVE DATE

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

Dated this _____ day of _____, 2023.

VILLAGE OF SUSSEX

Anthony LeDonne, Village President

ATTEST:

Jennifer Moore, Village Clerk-Treasurer

Published and/or posted this _____ day of _____, 2023.