

ORDINANCE NO. 742

AN ORDINANCE TO REPEAL AND RECREATE
SECTION 17.0807(C) ENTITLED "SIGNS PERMITTED IN ALL BUSINESS AND
INDUSTRIAL DISTRICTS WITH A PERMIT"; TO REPEAL AND RECREATE
SECTION 17.0813 (C) ENTITLED "LIGHTING AND COLOR"; AND TO CREATE
SECTION 17.0506 (A)(16) ENTITLED "ELECTRONIC MESSAGE SIGNAGE"; 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 Chapter 17 Zoning Code Section 17.0807 entitled "Signs Permitted in All Business and Industrial Districts with a Permit" to repeal and recreate Subsection 17.0807 (C) regarding Electronic Message signs; and

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code Section 17.0813 entitled "Lighting and Color" to repeal and recreate Subsection 17.0813 (C) regarding Lighting; and

WHEREAS, the Village of Sussex Plan Commission has initiated a zoning code amendment to the Village of Sussex Chapter 17 Zoning Code Section 17.0506 entitled "Conditional Uses" to create Subsection 17.0506 (A)(16) regarding Electronic Message Signage; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board held a public hearing on MAY 24, 2011, 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 BE IT ORDAINED by the Village Board of the Village of Sussex, Waukesha County, Wisconsin, that:

SECTION 1. To repeal and recreate Subsection 17.0807 (C) regarding Electronic Message Signs is hereby repealed and recreated to read as follows:

- C. Electronic Message Signs are a special privilege sign granted under unique

circumstances for orderly and pleasing development. The signs are intended to promote the effective display of brief messages in a clear and pleasing manner. ~~These signs are permitted in the B-1, B-2, B-3, BP-1, OP-1 and M-1 Districts; and are permitted in the B-3 and B-4 Districts where the business and sign border Hwy. 74. In order for a permit to be issued the Plan Commission must find the following:~~

These signs are permitted for single tenant buildings in the B-2, B-3, BP-1, OP-1, and M-1 Districts, and in the B-4 where the business and sign border Hwy 74. The Plan Commission must find the following for a permit to be issued:

1. The message sign is part of a ground sign and not more than 33% of the face of the ground sign. Electronic Message Signs that are time and temperature devices only may be allowed as a wall sign, projecting sign, or ground sign although no time and temperature device shall be located closer than 750 feet from another time and temperature device.
2. The sign will not interfere with the visibility of any traffic signal.
3. The character and design of the sign is compatible with the general area and building, and that the impact of such a sign will not visually impact any nearby residential areas
4. The electronic message sign is an essential component of the operations of the business as determined by the sole discretion of the Plan Commission.
5. All messages will be related to either the ~~company's~~ **organization's** sales information or for community events notification. ~~The petitioner has further agreed in writing to immediately remove any message that is deemed by the Village Administrator not to be consistent with the limitations of message content in this section. The petitioner also must acknowledge in writing that the use of an electronic message sign is a special privilege granted under strict restrictions and any violation of these restrictions upon the Village's sole discretion may result in the privilege being revoked without cost to the Village.~~

These signs are a conditional use under Section 17.0506 (A)(16) in the B-1 and I-1 Districts, and for multi-tenant buildings in the B-2, B-3, BP-1, OP-1, and M-1 Districts, and in the B-4 where the business and sign border Hwy 74.

SECTION 2. To repeal and recreate Subsection 17.0813 (C) regarding Lighting is hereby repealed and recreated to read as follows:

- C. Lighting. Signs may be illuminated, but such illumination shall only be allowed to a degree of brightness necessary for adequate visibility from the roadway. Signs determined by the Village Zoning Administrator to be of greater illumination than necessary for adequate visibility shall be adjusted in accordance with instructions from the Village. Signs in residential districts shall not be illuminated except for Community Entrance signs. Internally illuminated signs in the B-4 district must be approved by ~~both the Architectural Review Board as well as the Plan Commission.~~ Adequate visibility shall mean those standards set by the Illuminating Engineering Society of North America.

Community Entrance and Commercial Monument signs are required to be externally lit unless a finding is made by the Plan Commission that allowing internal illumination would be compatible with the general area, and that the impact of such a sign will not visually impact any nearby residential areas

SECTION 3. To create Subsection 17.0506(A)(16) entitled "Electronic Message Signage" in Section 17.0506 entitled "Conditional Uses" is hereby created to read as follows:

(16) Electronic Message Signage. In addition to the requirements for an electronic message sign as stated in Section 17.0807 (C) the following criteria must be met:

- (a) In the B-1 Neighborhood Business and I-1 Institutional districts, the message sign is part of a ground sign and not more than 25% of the face of a ground sign. The Plan Commission must make the finding the sign is reasonably located and screened from residential view so as not impact the safety or welfare of any residential properties.
- (b) Multi-tenant buildings shall only be allowed one electronic message sign and it must be part of the monument or ground sign. A written plan must be submitted and shall include who is responsible for the content of the sign and how the tenants will be able to advertise on the message sign.

SECTION 4. SEVERABILITY

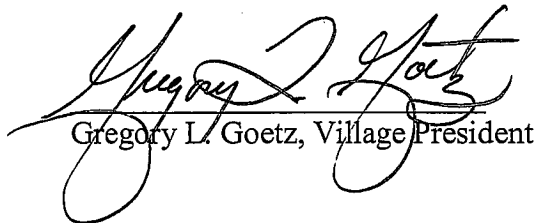
The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified 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 5. EFFECTIVE DATE

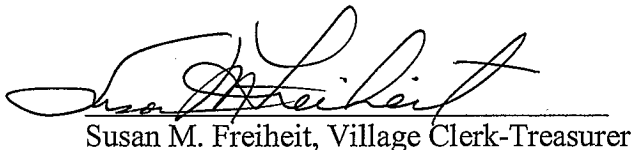
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 24th day of May, 2011

VILLAGE OF SUSSEX


Gregory L. Goetz, Village President

ATTEST:


Susan M. Freiheit, Village Clerk-Treasurer

Published and/or posted this 1st day of June, 2011