



Meeting Date: October 24, 2011
Agenda Item: # 8-9

Mission Statement

Provide quality services in a modern, courteous and cost-efficient manner.

VILLAGE PLAN COMMISSION STAFF REPORT

REPORT TO: President Burt McIntyre and Village Plan Commission

REPORT FROM: Dave Wiese, Director of Community Development

AGENDA ITEM: **The Village of Howard Plan Commission will hold a public hearing at 5:40 p.m. on October 24, 2011 in the Village Hall Board Room at 2456 Glendale Avenue concerning a proposed amendment to Section 50-1296 of the Zoning Ordinance pertaining to the realignment of nonconforming signs due to state highway projects**

RECOMMENDED ACTION BY PLAN COMMISSION

It is recommended that the Plan Commission open the public hearing and ask the applicant (staff) to explain the request in detail. Subsequently, the Plan Commission should invite comments from the public and then close the public hearing. After the public hearing is closed, the Plan Commission should review the request. If satisfied with the proposal, the Plan Commission should recommend approval to the Village Board with any specific conditions as may be necessary to address concerns voiced by the public, staff or Commission members. **THIS WILL BE A RECOMMENDATION TO THE VILLAGE BOARD FOR THE NOVEMBER 14, 2011 VILLAGE BOARD MEETING.**

BACKGROUND INFORMATION

With the passing of the recent state budget, the State Statutes were amended with regard to highway projects that affect non-conforming signs. The State of Wisconsin now requires the following:

SECTION 2233m. 84.30 (5r) of the statutes is created to read:

84.30 (5r) SIGNS NONCONFORMING UNDER LOCAL ORDINANCES THAT ARE REALIGNED BECAUSE OF STATE HIGHWAY PROJECTS. (a) In this subsection, "realignment" means relocation on the same site.

(b) If a highway project of the department causes the realignment of a sign that does not conform to a local ordinance, the realignment shall not affect the sign's non-conforming status under the ordinance.

(c) If in connection with a highway project of the department the department proposes the realignment of a sign that does not conform to a local ordinance, the department shall notify the governing body of the municipality or county where the sign is located and which adopted the ordinance of the sign's proposed realignment. Upon receiving this notice, the governing body

may petition the department to acquire the sign and any real property interest of the sign owner. If the department succeeds in condemning the sign, the governing body that made the petition to the department shall pay to the department an amount equal to the condemnation award, less relocation costs for the sign that would have been paid by the department if the sign had been realigned rather than condemned. Notwithstanding s. 86.30 (2) (a) 1. and (b) 1., 1g., and 1r., if the governing body fails to pay this amount, the department may reduce the municipality's or county's general transportation aid payment under s. 86.30 by an equal amount.

Off-premise signs are prohibited in the Village and have been since March 1989. Existing off-premise signs are considered legal, nonconforming signs. Currently, the rules for nonconforming signs set forth in Section 50-1296 prohibit any such sign from being relocated or replaced. The new state regulations would require the Village to pay to the Department of Transportation an amount equal to the cost of the acquisition. The Village of Howard does not have the financial means to pay for acquisition. There are several signs that may be impacted by the S.T.H 29/U.S. 41 reconstruction project. Staff is recommending the following ordinance amendment.

RECOMMENDATION

ORDINANCE NO. 2011 - 19

AN ORDINANCE AMENDING SECTION 50-1296 OF THE ZONING ORDINANCE PERTAINING TO THE REALIGNMENT OF NONCONFORMING SIGNS DUE TO STATE HIGHWAY PROJECTS

WHEREAS the Village Clerk published a notice of public hearing regarding such proposed amendment to the Zoning Ordinance and a public hearing was held at the Village Hall on October 24, 2011, at 6:40 P.M., whereupon the Plan Commission heard all interested persons and/or their agents and attorneys; and

WHEREAS the Village Board of the Village of Howard has received a written recommendation and findings of the Village Plan Commission regarding such proposed amendment to the Zoning Ordinance;

NOW THEREFORE the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that the Zoning Ordinance be amended as follows:

SECTION 1 Section 50-1296 is hereby amended to read as follows (italicized wording added):

Sec. 50-1296. Permitted nonconforming signs.

All nonconforming signs existing on the effective date of the ordinance from which this article is derived are permitted, provided such signs complied with all applicable ordinances and regulations at the time of initial erection or subsequent alteration, and such signs were covered by sign permits, if required. Such nonconforming signs shall be permitted as long as the following conditions are met:

- (1) The sign is not structurally modified or altered, *except as specifically permitted in subsection (3) below, and except where such work results in, or has the effect of, bringing such sign more in compliance with the provisions of this article. For the purposes of this article, normal maintenance or changing of copy shall not be considered a modification or alteration.*
- (2) The sign is not relocated or replaced *except as specifically permitted in subsection (3) below.*
- (3) *If a highway project of the department of transportation causes the realignment of a nonconforming sign per Section 84.30(5r) of the Wisconsin State Statutes, such sign may be relocated on the same site as long as no modifications or alterations are made to the sign other than those necessary to move the structure. Such realignment or relocation of the sign shall not affect its nonconforming status under this ordinance.*

SECTION 2 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3 This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 24th day of October, 2011.

Burt McIntyre, Village President

ATTEST:

Christopher A. Haltom, Clerk

DATE OF PUBLICATION: 10/28/2011

EXISTING VILLAGE OF HOWARD ZONING CODE REGULATIONS

- *Section 50-1220 defines an “Off Premise Sign” as “a sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.”*
- *Section 50-1220 defines a “Nonconforming Sign” as “a sign which does not comply with the regulations set forth in this article.”*
- *Section 50-1259 requires that “All off-premises billboard signs are prohibited in the village.”*
- *Section 50-1296 sets forth regulations for nonconforming signs and requires that “All nonconforming signs existing on the effective date of the ordinance from which this article is derived are permitted, provided such signs complied with all applicable ordinances and regulations at the time of initial erection or subsequent alteration, and such signs were covered by sign permits, if required. Such nonconforming signs shall be permitted as long as the following conditions are met:*
 - (1) The sign is not structurally modified or altered, except where such work results in, or has the effect of, bringing such sign more in compliance with the provisions of this article. For the purposes of this article, normal maintenance or changing of copy shall not be considered a modification or alteration.*
 - (2) The sign is not relocated or replaced.*