



Meeting Date: July 18, 2011
Agenda Item: # 9-10

Mission Statement
Delivering quality services in a courteous,
cost-effective and efficient manner

VILLAGE PLAN COMMISSION STAFF REPORT

REPORT TO: President Burt McIntyre and Village Plan Commission

REPORT FROM: James Korotev, Director of Code Administration

AGENDA ITEM: A public hearing at 6:35 p.m. concerning a proposed amendment to the Zoning Ordinance pertaining to the restoration or reconstruction of nonconforming structures that are damaged or destroyed.
THIS WILL BE A RECOMMENDATION TO THE VILLAGE BOARD FOR THE August 22, 2011 VILLAGE BOARD MEETING.

ACTION REQUESTED: Approval of the proposed amendment.

POLICY ISSUE

Does the Village wish to amend current Zoning Ordinance regulations pertaining to the restoration or reconstruction of nonconforming structures that are damaged or destroyed?

RECOMMENDED ACTION BY PLAN COMMISSION

It is recommended that the Plan Commission open the public hearing and invite comments from the public. Subsequently, staff recommends that the Plan Commission close the public hearing, review the proposed ordinance and recommend approval to the Village Board with any corrections or changes as necessary to address concerns of the public, Plan Commission or staff.

POLICY ALTERNATIVE(S)

The Plan Commission can take one of the following actions:

- Approved the proposed ordinance amendment
- Disapprove the proposed ordinance amendment
- Table the proposed ordinance amendment for action at a later date
- Send the proposal back to staff for additional review and consideration

BACKGROUND INFORMATION

At its meeting of 5/31/11, the Village of Howard Board of Appeals recommended that the Village amend its Zoning Ordinance to reflect recent changes in the State Statutes, which permit a nonconforming structure that is damaged on or after March 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation to be restored or rebuilt to its size, location, and use that it had immediately before the damage or destruction occurred. The attached proposed ordinance addresses the recent changes in State Statutes.

ATTACHMENTS

I Proposed Ordinance #2011-14

ORDINANCE NO. 2011-14

AN ORDINANCE CREATING SECTION 50-292 OF THE ZONING ORDINANCE PERTAINING TO THE RESTORATION OR RECONSTRUCTION OF NONCONFORMING STRUCTURES THAT ARE DAMAGED OR DESTROYED

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 July 18, 2011, at 6:35 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 50-292 is hereby created to read as follows:

Sec. 50-292. Restoration of Nonconforming Structures A nonconforming structure which is damaged on or after March 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored or rebuilt to its size, location, and use that it had immediately before the damage or destruction occurred, except that it may be constructed larger in size to the extent required to comply with applicable state or federal requirements. Such reconstruction shall start within one (1) year from the date of damage or destruction and diligently pursued to completion.

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 25th day of July, 2011.

Burt McIntyre, Village President

ATTEST:

Robert Bartelt, Administrator/Clerk

DATE OF PUBLICATION: 7/29/2011