

ORDINANCE NO. 2023-06

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 17.08 7. B. OF THE TOWN OF DELAFIELD MUNICIPAL CODE CONCERNING THE PROCEDURE FOR ISSUANCE OF SIGN PERMITS

WHEREAS, Section 17.08(7)(B) of the Town of Delafield Municipal Code requires Plan Commission approval of certain sign permits; and

WHEREAS, with the hiring of a Town Administrator, some administrative functions of the Town government are better handled by the professional administration than by the Town's governing bodies, for more efficient operations and to provide a more efficient service to Town residents; and

WHEREAS, the Town Board hereby intends to delegate to the Town Code Enforcement Officer, who is under the supervision of the Town Administrator, the power to approve the issuance of sign permits; and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, as required by Wisconsin Statutes Section 62.23(7)(d), the Town Board and Town Plan Commission held a joint public hearing to consider input regarding the proposed ordinance on February 7, 2023; and

WHEREAS, following the joint public hearing, the Town Plan Commission recommended to the Town Board that the ordinance be adopted; and

WHEREAS, the Town Board finds that ordinance to allow the Town staff to issue sign permits is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendments on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the zoning amendments will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the

neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning Code" Section 17.08 entitled "Signs," subsection 7. entitled "Permits, Requirements and Procedures," subsection B. entitled "Procedure," is hereby repealed and re-created as follows.

B. Procedure.

~~1. Initial Review. All applications for sign permits shall be reviewed initially by the Code Enforcement Officer, who may issue permits for temporary signs and such other signs which pursuant to this chapter can be issued without review by the Plan Commission. The Code Enforcement Officer shall have the authority to deny such permits if the proposed signs do not comport with the requirements of this chapter, and shall otherwise issue the sign permits.~~

~~2. Plan Commission. Should the Code Enforcement Officer conclude, in his discretion, that the Plan Commission should review an application for a sign permit, or should this chapter require such review for a particular sign, the application will be forwarded to the Plan Commission for review at its next regularly scheduled meeting subject to established agenda length limits. The Plan Commission may vote to approve or deny the application based on the following factors:~~

~~a. The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of said area.~~

~~b. The proposed sign conforms to the location, size and style requirements set forth in this chapter.~~

~~c. The proposed sign conforms to the Town's long-range planning for the area as set forth in the Town's Master Plan as that term is defined in Section 62.23(3), Wis. Stats., and Comprehensive Plan per Section 66.1001, Wis. Stats., or relevant portions thereof.~~

~~d. The Plan Commission may establish guidelines, with the confirmation of the Town Board, which further define and interpret this chapter. Those guidelines, if any, shall be made available to all sign applicants.~~

SECTION 2: SEVERABILITY.

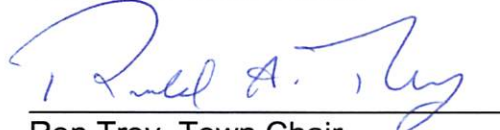
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

Dated this 14th day of February, 2023.

TOWN OF DELAFIELD



Ron Troy, Town Chair

ATTEST:



Dan Green Town Administrator-Clerk/Treasurer

Dan Green Town Administrator-Clerk/Treasurer

This ordinance posted or published 2/15/2023.