

ORDINANCE NO. 2024-01

Ordinance to Amend Chapter 70, Section 70.103 of the Village of Pewaukee Code of Ordinances to Allow for Administrative Exceptions

SECTION I

WHEREAS, pursuant to the terms of Chapter 70 SIGNS as presently written, any/all requests for Sign Code waiver must be processed through the Village Planning Commission for consideration and possible approval; and

WHEREAS, the Planning Commission recognizes that past waivers granted are commonly given in order to mitigate bonafide visibility disadvantages, typically having to do with, for instance but not necessarily limited to, topography, visual encumbrances, excessive setback from the public way, and similar, or that the architectural scale of a proposed wall sign is substantially more consistent with the scale of a particular façade or portion of a façade than a Code compliant sign area would be; and

WHEREAS, the Planning Commission believes that the Village Administrator could as well manage the review, consideration, and possible approval of such waivers through special exception; and

WHEREAS, the Plan Commission, after reviewing the proposed amendment at its February 8, 2024 meeting, has recommended approval of said changes to the Village Board.

SECTION II

NOW, THEREFORE, the Village Board does hereby the Village of Pewaukee Sign Code to read as follows:

Chapter 70, Section 70.103 Appeals

Sec. 70.103.1 - Appeals.

The Planning Commission may, in its judgment, waive or modify the provisions of this Chapter where it would further the public interest and uphold the purpose of this chapter as put forth in section 70.100. Such waiver or modification may be based on, among other things, site-specific hardships such as topographic or architectural aberrations, traffic safety, accessibility and visual encumbrances or limitations.

Note: The Board of Zoning Appeals shall not have authority or jurisdiction over the provisions of the Sign Code.

Section 70.103.2 – Administrative Exceptions

The Sign Code Administrator (SCA) may, in his/her judgement, waive or modify the provisions of this chapter as to over-area and/or over-height signs as follows:

- (1) To the extent an applicant for Sign Permit requests a sign(s) that is not compliant with the permitted area or height standards for signs as setforth in this Chapter 70; and
- (2) To the extent the applicant presents in writing (and/or by similar supporting documentation) with such Permit application, a clear and convincing case that there are visibility disadvantages, typically having to do with, for instance but not necessarily limited to, topography, visual encumbrances, excessive setback from the public way, and similar, or that the architectural scale of a proposed wall sign is substantially more consistent with the scale of a particular façade or portion of a façade than a Code compliant sign area would be, and
- (3) To the extent it is determined that the requested Administrative Exception would mitigate this disadvantage, then

- (4) The SCA may consider and approve an Administrative Exception as to the area or height of any proposed sign as follows:
 - a. Such Administrative Exception shall not exceed a 100% increase in the sign area or height of signs.
- (5) The SCA shall take care to document and affix to the related Sign Permit, a statement summarizing the basis on which any Administrative Exception has been granted or denied; and
- (6) In the event a request for Special Exception is not granted by the SCA, the Sign Permit applicant retains the right to pursue a Sign Code waiver or modification at the Planning Commission level, reference Section 70.103.1 above.

SECTION III

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION IV

The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the ordinance.

SECTION V

This ordinance shall take effect upon passage and publication or posting as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending ordinance therein.

Passed and adopted this 20 day of February 2024 by the Village Board of the Village of Pewaukee.

APPROVED:



Jeffrey Knutson, Village President

Countersigned:



Cassie Smith, Village Clerk