

January 26, 2004

To the Honorable Common Council
Zoning, Neighborhoods and
Development Committee
City of Milwaukee

Dear Committee Members:

Attached is File No. 031137 being an ordinance relating to zoning regulations for freestanding signs. This ordinance provides that, a legal nonconforming freestanding sign which is not an abandoned sign and which is located on a lot abutting an arterial street may be replaced with a new nonconforming freestanding sign if the following conditions are met:

1. There is a reduction in the total number of freestanding signs on the lot.
2. The total display area of all freestanding signs does not exceed 2.5 times the amount permitted in the regulations for the zoning district in which the sign is located.
3. The height of the new sign exceeds neither the height of the sign it is replacing nor 2 times the sign height limit for the zoning district in which it is located.

If any one, but only one, of these conditions will not be met, the person desiring permission to replace the nonconforming sign may apply to the board for a special use permit to allow a new nonconforming sign. This change from requiring signs not meeting the size or height standards to apply for a special use rather than a variance is also a significant change. The legal test needed for a variance is much more limiting than that of a special use. If this amendment is passed the number of special use cases going before the Board of Zoning Appeals will increase significantly.

The Zoning Code Technical Committee reviewed this ordinance on January 7, 2004. The committee expressed concerns that this amendment, because of its very limited application, may set a dangerous precedent by attempting to deal with a unique situation with an ordinance amendment that will apply city wide. Rather, the committee felt that if there were problems with the sign standards they should be addressed through substantive amendments to the standards. As a result, the committee forwarded the proposed ordinance amendment to the Zoning, Neighborhood and Development Committee without recommendation. It also suggested that in the event that Common Council decides to pass this amendment, a 6-month or one-year "sunset clause" should be added to minimize the duration and applicability of the legalized nonconformity.

A public hearing was held on January 26, 2004 at which time no objections to the proposed changes were expressed.

Based on this information, the City Plan Commission, at its regular meeting of January 26, 2004 recommended that this ordinance be placed on file.

Sincerely,

Patricia S. Algiers
Executive Secretary
City Plan Commission of Milwaukee

Attachment
File
ZTXLTR.031137.doc