

Memo

To: Plan Commission

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: ACTION RE: AMENDMENT OF SIGN CODE – SECTION 11.28 OF ZONING ORDINANCE

Date: 17 February 2016

Staff brought forward the idea to amend the Village Sign Code in November 2015 in response to requests made by several business owners to allow for flexibility within the sign code for multi-tenant businesses.

In addition to providing flexibility in sign area requirements for businesses in multi-tenant buildings, staff is proposing a few additional amendments highlighted in the attached document. The proposed amendments include area requirements, display timing, and illumination standards for LED message signs, as well as an addition to the non-conforming standards, a provision allowing for flexibility in sponsor signs for parks, and allowing signs to be evaluated in the PDD process.

The attached document includes the pages with the proposed changes and gives explanation behind some of these changes. The complete sign code was emailed to the Plan Commission and will be presented on the projector at the meeting.

The Plan Commission is asked to review and discuss the proposed amendments and recommend adoption by the Village Board.

encompass the extreme limits of all of the writings, representations, emblems, colors, or other displays, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets these or other Ordinances and is clearly incidental to the display itself.

(b) Computation of Height. The height of a sign shall be computed as the distance from the natural or curb grade, whichever is higher, at or below the base of the sign, to the top of the highest attached component of the sign. Natural grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the natural grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the natural grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(c) Computation of Maximum Total Permitted Sign Area for a Zone Lot. The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula in the appropriate section of this Ordinance.

3. Number of Signs. All signs or sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.

4. Wind Pressure. All signs shall be erected and maintained so as to withstand a wind pressure of not less than 30 pounds to the square foot; and when a sign is erected or maintained on any wall of a building it shall be securely fastened or anchored to sure wall or building, and all fasteners or anchors used shall be metal and be maintained free from rust or defects of any kind.

5. Placing Signs on Public Property ~~(Right of Way)~~ or in the Public Right of Way. No signs other than signs approved by the Village Board ~~or exempted by the Village Board as mentioned in subsection (g) of this ordinance~~ shall be erected on any public property; provided directional signs may be erected upon Village Streets under the following conditions, once approval has been obtained;

a. The signs direct the reader to the location of a public facility attended principally by out-of-town patrons, to a facility operated by a non-profit entity and attended principally by out-of-town patrons, to a facility relating to the public health, safety or welfare, to scenic or historic trails, or to general business or industrial districts;

b. The signs are fabricated, erected and maintained by the entity requesting the sign;

- c. The entire cost of the signs is borne by the entity requesting the signs;
- d. The signs are installed at locations in the public right of way where they would not constitute a traffic hazard;
- e. The signs conform to the manual on uniform traffic control devices; ~~and~~
- f. The maximum number of directional signs permitted under this section shall be 3 for each entity; except that the limitation provided hereby shall not apply to signs directing the reader thereof to scenic or historic trails; ~~and~~

g. All permanent park signs, facility naming signs, and general locations for temporary advertising signs shall be approved by the Village Board.

i. Temporary advertising signs installed in public parks shall be approved by the Parks Department, provided that each individual sign does not exceed 32 sq. ft.

6. Placing Signs on Private Property. No sign shall be placed on any private property without owner's consent.

7. LED Message Center. Signs of this nature are permitted only as an ancillary part of a permanent monument sign as defined in this ordinance, making up not more than 40% of such signs. ~~LED message centers are~~ to contain static text, graphic displays and pictorial representations which can change every ~~15 minutes on the quarter hour~~ 10 seconds. The sign may not flash, scroll or otherwise depict movement. On-premises LED message centers may also be subject to state or federal regulations ~~when located near a state or federal regulated roadway. This sign shall be included in the calculation for the total allowable square footage of signage on the building site.~~

Comment [TF1]: The Parks Department would like to add sponsor signs in parks (e.g. along the fences in baseball diamonds). The proposed amendment would allow for these signs without having to continually get Board approval for each individual sign. The Parks department would need Board approval of the locations of for the signs.

Comment [TF2]: The proposed amendment would not allow LED message centers to occupy the entire sign area.

Comment [TF3]: The original intent of the current requirement is unknown. However, the current requirement can prohibit such signs. The village should consider what the intent is for this ordinance. 10 second intervals prevents extensive flashing when driving by, but might make it more financially practical to invest in such a sign.

H. PROHIBITED SIGNS

The following types of signs are prohibited in the Village of Allouez:

1. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind actions.
2. No sign or other advertising structure as regulated by this ordinance shall be erected or continued to be displayed at the intersection of any street or any public right-of-way in such a manner as to obstruct free and clear vision; or at any location, where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.
3. No motor vehicle displaying a sign containing the name of any business, product, service or event, or a sign that it is for sale, or a phone number or address, shall be parked in a non-

designated or not Village approved parking stall in a business parking lot or area fronting on a public street or alley.

4. No sign shall be placed on any utility pole, light pole, telephone pole and traffic control sign pole, except for utility identification, governmental or similar purposes.

5. No signs shall be erected, allowed or permitted in the public right-of-way, except for permanent signs, including signs erected by a governmental agency, or a franchised public utility company, or a temporary sign of a contractor doing authorized or permitted work within the public right-of-way, and providing safety alert or warning.

6. It shall be unlawful for any person to continue in operation, erect or maintain any attraction device or sign which contains a beacon of any type.

7. It shall be unlawful to use a vehicle or trailer as a sign in circumvention of this ordinance, except that magnetic signs only may be allowed on the roof or the side of the vehicle as long as no other structural support is added to the vehicle.

8. It shall be unlawful for any person to erect or maintain an attraction device or sign, or to continue in operation an attraction device or sign, which revolves, rotates, or otherwise moves.

9. Neon tubing or strands of fluorescent lighting exposed to view or not covered with an opaque cover of plexiglass or other similar material, is prohibited. Pennants may not be used. (See Section 11.28.I (1)).

Comment [TF4]: Exposed LED light strands are a new trend.

10. Blanketing of signs is prohibited.

Comment [TF5]: This is often done temporarily, but should be prohibited altogether.

~~1011.~~ No person, firm, or corporation shall erect or display any form of temporary advertising device or temporary sign for commercial or business purposes without first obtaining a sign permit from the Building Inspector.

a. Applications for a temporary advertising device or sign shall be made on a form provided by the Building Inspector and shall be accompanied by a permit fee as set forth in Section 8.15.A (1) of this Code.

b. The term of a temporary sign permit shall not exceed 30 consecutive days from the date of issuance and must be wholly within any one calendar year, at the end of which term such permit shall expire and any sign or advertising device allowed by said permit shall be removed.

c. No person, firm, or corporation shall erect or display more than one temporary advertising device or temporary sign in any one calendar year. Each tenant within a multi-tenant property shall be allowed one temporary sign per calendar year. Multi-tenant businesses are properties with more than one tenant leasing or owning a portion of a building or operating from that location.

d. Each face of a temporary advertising device or temporary sign shall not exceed 32 square feet in area, and the total area of such device or sign shall not exceed 64 square feet. The maximum height of a free-standing temporary sign is restricted to 8 feet.

e. The failure to remove a sign or advertising device upon expiration of the sign permit shall be a violation of this ordinance, and each day of violation thereafter shall be considered a separate offense.

f. Any such sign or device shall not contain more than two faces, each of which shall be on a different side of the sign or device.

g. All signs not expressly permitted under this ordinance or exempt from regulations hereunder in accordance with the previous sections are prohibited in the Village. Such signs include, but are not limited to, billboards, inflatable signs, tethered balloons, pennants except those exempt per Section 11.28.I (1) below, portable signs, and home occupation signs.

I. EXEMPTIONS

1. Pennants may not be used, except for the following:

- a. To designate an "open house" on the day of such event only, and provided that such event lasts only one day and the pennant is removed on the day of the event;
- b. To control ingress and egress to undeveloped property or to designate in restricted areas thereon; or
- c. To designate area (not buildings) under construction or repair, access to which is restricted for purposes of public safety.

2. A temporary sign used by or for a religious or charitable organization to advertise a function or event which provides an economic benefit solely to such an organization is subject to the provisions of Section 11.28.H (~~1211~~) above, except as follows:

- a. Such sign shall not contain more than two faces, each of which shall be on a different side of the sign;
- b. Each face of such sign shall not exceed 32 square feet in area, and the total area of such sign shall not exceed 64 square feet.
- c. No more than one sign shall be on any one lot or parcel, and shall not be present from more than 30 consecutive days; and no one organization shall have more than one sign on the same lot or parcel during any one calendar year where the fee is waived. If the organization wishes to place more than one sign in any calendar year, the organization must pay the standard temporary sign fee; and

n. Temporary Window Signs. A sign attached to the inside surface of a ground floor window in a business, commercial or industrial district. The total area of all such signs on any one lot or parcel shall not exceed 50% of the total window area of the window to which it is attached, and shall not be placed on a door window or any other window needed to be clear for pedestrian traffic.

o. On-Premise Temporary Signs. A temporary sign may not exceed 4 square feet in area and must pertain to a fund drive or event of a civic, philanthropic, educational, or religious organization. Any such sign may be posted not more than 30 days before said event and must be removed within 7 days after the event. Such a sign may not be displayed more often than 90 days after the last display of such a sign.

J. EXISTING SIGNS

For the purpose of this Section, a non-conforming sign shall be defined as a sign existing at the effective date of this ordinance but which could not now be built or erected under the terms of this or any other Village ordinance. All on-site and off-site non-conforming signs not otherwise prohibited by the provisions of this Ordinance shall be removed or shall be altered to conform to the provisions of this ordinance when the nature of the business conducted on the premises changes, the cost of repair and maintenance exceeds 50 percent of the replacement cost of a new nonconforming sign, or the sign is changed or modified either in shape or size. No non-conforming sign may be enlarged or altered in a way which would increase its non-conformity.

Comment [TF6]: Our current language will only see a 90% turnover in 40 years. The proposed added language might decrease this time without making it overly burdensome on a business owner. The Façade Improvement Program could be utilized for businesses located in the TID.

K. DESIGN STANDARDS

1. "A" and "B" Residential District Zones. No signage is allowed in "A" and "B" Residential District zones, except as follows and only for those services if properly allowed or legally offered on the premises. Exceptions shall not be construed as relieving the owner of such signs from the responsibility of complying with other applicable provisions of this ordinance. The exemptions shall apply to the requirement for a sign permit only, and no sign permit shall be required for the erection of the following signs, unless otherwise required:

a. All types of signs listed in 11.28.I.

b. Home Improvement Signs. On-site home improvement signs may be placed in the yard where and when said improvements are being made. No sign shall be placed on any tree or rock. Home improvement signs shall be a freestanding sign not exceeding 6 non-illuminated square feet and may be placed during construction, but must be removed no later than 14 calendar days after construction is completed.

c. Garage/Yard/Rummage Sale Signs. The following regulations shall control garage, yard, and rummage sale signs.

i. Size and Type. All signs shall be no longer than 8 square feet, placed on a single or double stake or other freestanding manner.

a. All signs permitted in Section 11.28.I, under the conditions specified.

b. Advertising and Business Signs. Advertising and business signs having as their sole purpose the advertisement of a business being conducted on the same premises, but only if the size, type and location of such signs first shall have been reviewed by the Building Inspector and found to be in compliance with Section 11.28 and all other provisions contained in this ordinance. Any application for such sign shall be filed in writing with the Building Inspector for the Village of Allouez and shall set forth the name and the post office address of the applicant, the type of sign, the dimensions, the locations and the type of illumination or lighting, if any. Sign types and requirements are as follows:

i. Roof Signs. Any sign erected or maintained upon the roof or coping of any building shall not extend above the top most surface of the roof or coping upon which the sign is erected or maintained. If a sign exceeds six square feet in dimension and contains, or is proposed to contain, open space of at least one-half of its front area through which wind may pass and space underneath as above provided, the Building Inspector shall permit said sign to be erected if he/she shall find upon examination that the building or coping of any building upon which the sign is or is proposed to be, built will safely support a structure twice the weight of the sign, and if the applicant otherwise complies with the section. No roof sign shall be constructed or maintained on a frame building unless the building is structurally capable of carrying the same. Total square footage of all roof, canopy and wall signs on a lot shall not exceed a ratio of 72 square inches of sign area of each lineal foot of lot frontage.

ii. Wall Signs. Wall signs shall not project more than 18 inches from the surface upon which they are mounted. Where a building houses more than one business, wall signs shall be limited in number to one wall sign per business. Total square footage of all wall, canopy and roof signs on a lot shall not exceed 15% of the front frontage of the building. ~~a.~~In multi – tenant buildings each tenant is allowed 15% of their frontage.

iii. Monument Sign/Freestanding Sign.

1. All monument signs shall meet the area and height requirements set forth in Table 1 below. Area and height computations shall be calculated based on the formulas set forth in Section 11.28(G)(2) of this ordinance.

12. Every sign shall be located back of the street right-of-way, and shall be set back from the street curb line a distance at least equal to the height of the sign.

Comment [TF7]: Table makes the changes easier to interpret.

23. Every sign shall be set back a minimum of 50 feet from any residential district.

4. Any sign within 30 feet of an intersection or 15 feet of a driveway must be designed and installed so as not to cause a vision problem for vehicular traffic.

~~4. No sign shall exceed 64 square feet in total area, not including the structure or standard on which the sign is supported. Double faced signs shall not exceed 32 square feet per side.~~

~~5. A sign shall not project higher than 8 feet, as measured from preconstruction grade at the base of the sign.~~

5. All single-tenant monument signs shall include the street address for the property mounted on the base of the sign (minimum 5-inch numbering).

~~6. All monument signs shall be mounted on a decorative base at least two feet high and constructed of the same or similar materials as the principal building, e.g. stone, decorative block.~~

67. A landscape area shall extend a minimum of 2 feet from the face of the sign, and shall fully cover the base that contacts the ground.

78. Where any sign is proposed to be externally illuminated using ground mounted fixtures (i.e. floodlight), landscape plantings or other natural obstructions shall be installed in such a manner so as to entirely shield the light source from the surrounding view. Landscape plantings shall be of the type that will ensure effective yearlong screening.

Comment [TF8]: This was something called for in the corridor study and will establish a consistent them in the village.

Table 1. Monument Sign Area and Height Requirements

<u>Building Type/Area and Number of Tenants</u>	<u>Maximum Sign Area</u>	<u>Maximum Sign Height</u>
<u>1-2 tenants</u>	<u>32 sq. ft. per side</u> <u>(64 sq. ft. total)</u>	<u>8 feet</u>
<u>3+ tenants and building < 25,000sqft</u>	<u>48 sq. ft. per side</u> <u>(96 sq. ft. total)</u>	<u>10 feet</u>
<u>3+ tenants and building 25,000 - 50,000sqft</u>	<u>48 sq. ft. per side</u> <u>(96 sq. ft. total)</u>	<u>10 feet</u>
<u>3+ tenants and building 50,000 - 100,000sqft</u>	<u>64 sq. ft. per side</u> <u>(128 sq. ft. total)</u>	<u>12 feet</u>
<u>3+ tenants and building > 100,000sqft</u>	<u>64 sq. ft. per side</u> <u>(128 sq. ft. total)</u>	<u>12 feet</u>

iv. Outdoor Menu Board. Outdoor menu boards are only allowed on zone lots which have previously been approved for restaurants or car washes with drive-thru windows, and under the following conditions:

~~81.~~ Only one outdoor menu board shall be permitted, per order window or wash bay, on a lot.

~~92.~~ Display surface area shall not exceed 24 square feet.

~~103.~~ If the sign is lighted it may be lighted by internal illumination only.

~~114.~~ The outdoor menu board lettering may not be legible from any distance off the zoned lot for which it is approved.

v. Changeable copy/reader board signs are allowed as defined in Section 11.28.D definitions.

vi. LED Message Center. Signs are allowed as defined in Section 11.28 D definitions.

4. Off Premise Signage. Off premise advertising and business signs which advertise goods, product, facilities, or services not necessarily on the premises where the sign is located, or directing persons to a different location from where the sign is located. In addition to meeting all other applicable sections of Section 11.28, the installation of off premise signs in the Village of Allouez shall meet the following requirements.

a. The maximum size is 32 square feet, and the maximum height is 8 feet.

b. This should be considered for directional purposes only.

c. The installation of an off premise sign shall require prior approval of the Village Board. The Village Board shall hold a public hearing on an application within forty days from receipt of an application by the Village Clerk Treasurer. Written notice of the time, place, and purpose of the hearing shall be mailed by regular U.S. mail, postage pre-paid, at least ten days before the hearing, to the applicant, to property owners abutting on the street in the block opposite the block in which the proposed advertising sign is to be located, and if the location is on a corner, to the property owners of the other corner.

d. The Village Board may approve a proposed off premise sign if such sign in contents and appearance conforms to the general comprehensive plan of orderly growth and development of the Village, the special characteristics of the Village, and the locality where such advertising signs have been proposed, and the federal requirements for signs provided in Section 11.28.G (4-5) of this ordinance. In making its decision the Village Board shall also be guided by the evidence and testimony presented at the public hearing.

5. Planned Development Districts. In the Planned Development Districts, all exterior signs are prohibited except for the following, but only if the Planned Development District, including such signage, has received the final approval of the Village Board:

a. Signs which are permitted in the underlying zoning as defined in Section 11.03 of this Code.

b. Signs which are permitted in a District (other than a Planned Development District) which permits the use which is the principal and/or primary intended use of the Planned Development District in which the sign is to be placed.

c. Signs which are not permitted in a District in accordance with this ordinance may be allowed through the Planned Development District process, if the sign is part of a larger development plan going through the process, and not the sole reason for the Planned Development District, and if the Plan Commission agrees and recommends to the Village Board that the sign is consistent with unique intended use proposed for the development, the sign does not negatively affect the safety and well-being of the neighboring properties, is consistent with the purpose and spirit of the Comprehensive Plan, and follows all the guidelines for a Planned Development District defined in Section 11.25 of this Code.

Comment [TF9]: Allows for a developer to be creative in the development process, but only if approved by the Plan Commission and the Village Board.

L. ILLUMINATION STANDARDS

1. In addition to complying with the provisions of this ordinance, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the Village Electrical Code. No person may erect a sign with exposed electrical wires.

2. The use of unshielded lighting, including exposed incandescent light bulbs hung or string on poles, wires or any other type of support intended to illuminate a sign or other advertising device is expressly prohibited.

3. No sign shall be illuminated, either internally or externally, between the hours of 10:00 P.M. and sunrise, except that an on-site sign may be illuminated during those hours, that the business to which it pertains, is open and operating.

4. All sign lighting shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, upon surrounding properties, and into the sky.

5. In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60 foot candles at 2 feet away from the geometric center of the sign.

6. All LED electronic message centers shall have the capacity to be dimmed and shall not exceed 3 watts. They are only permitted as part of a permanent sign. This sign shall be included in the calculation for the total allowable square footage of signage on the building site. All LED message centers shall be equipped with photosensitive equipment which automatically adjusts

the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. No such sign shall be illuminated that is greater than necessary for adequate visibility. Message center signs that are found to be too bright shall be modified with the order of the Village.

Comment [TF10]: A nit is a unit to measure illumination, where as a watt is a unit to measure power. 500 nits is approximately the brightness of a smartphone. 1700 nits is approximately the brightness of the projector.

M. LANDSCAPING STANDARDS – Should meet all standards as specified in the Site Plan Review Code (11.29(10))

N. LOCATION STANDARDS

1. Location in paved areas. No signage may cause a reduction in required or previously existing off-street parking spaces, or in any manner interfere with the use of such off-street parking spaces.

O. MAINTENANCE AND REMOVAL OF SIGNS

1. All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.

2. Duty of Village Board Inspector to Enforce.

a. The Village Building Inspector shall have the power and duty to enforce the provisions hereof.

b. The remedies and sanctions in this section for a violation of, or for failure to comply with, the provisions of this Code, whether civil or criminal, or for sign removal, shall be cumulative and shall be in addition to any and all other remedies provided by law.

3. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements hereof, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Village shall have the right to recover from the owner or person placing the sign the full costs of removals and disposal for such sign.

4. Removal of Certain Signs. In the event a business ceases operation for a period of time in excess of 30 days, the sign owner, lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby, provided, however, that this requirement shall not apply where under the provisions of this ordinance an existing conforming sign may be altered to advertise a new business or product sold thereby, and there is evidence that a new business will be in operation on the premises within 30 days. Upon failure of the sign owner, lessee or property owner, to comply with this Section, the Building Inspector shall issue a written notice to the sign owner and any lessee, and to the property owner, which notice shall state that such sign shall be removed within 10 days. If the sign owner, lessee, or property owner, fails to comply with such written notice to remove, the building Inspector is