

Memo

To: Plan Commission, Village Board

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: ACTION RE: AMENDMENT TO ARTICLE IX OF CHAPTER 475 OF THE VILLAGE ORDINANCES, SIGNS

Date: 28 September 2017

At the May 2nd Village Board meeting, the Village Board reviewed a sign exception from Lamar Signs to place the multiple message signs at their existing billboard location on Monroe Avenue. Upon review, the Board determined that the request being made did not fit within the parameters of the sign exception process and denied the request. Lamar then asked if the Board would consider reviewing amendments to allow for such signs. The Board said they would be interested to hear what the company had in mind, but made no promises (see attached).

Staff received several example sign ordinances from Lamar Signs of municipalities that allow for billboards. The proposed language has been taken from the Town of Grand Chute Sign Code and modified slightly to fit Allouez. The amendment caps the number of billboards in the village and only allows for new billboards, by removing existing billboards. Proposed language is in blue and existing Allouez Sign Code is in black.

The Plan Commission received and reviewed the proposed amendment. The Plan Commission did not vote on the amendment, but instead made the recommendation not to amend the sign code because the sign code amendments in 2009 and 2016 did not allow for billboards.

Village Board is asked direct staff and Plan Commission on whether or not to continue working on language to amend the sign code to allow for billboards in Allouez. If the Board wishes to move forward with amending the sign code, then the amendment will go back to the Plan Commission for a vote on the language.

May 2, 2017 (Village Board Meeting)

SIGN EXCEPTION REQUEST FROM LAMAR ADVERTISING SIGN FOR BILLBOARD SIGN LOCATED AT 1224 S MONROE AVENUE (on the Allouez/Green Bay Border)

Atwood / Harris moved to open for public comment. Motion carried.

Don Snyder, General Manager of Lamar Outdoor explained the request to replace their static face billboard with a digital LED face and its benefits.

Discussion:

- Digital allows them to display alerts (Amber, Silver, Severe Weather, etc), promote community events and utilize for public service
- Lighting (would be lit 24/7)
- Sign Variance Criteria / this request does not meet any of the criteria to consider approval
- On-Premise vs Off-Premise
- Ordinance and hearing would be needed to change the code / could consider making code change for billboards only
- Billboard vs Sign

Harris / Genrich moved to return to regular order of business. Motion carried.

Dart / Harris moved to deny the request to change the sign. Motion carried (Kopish voted nay).

Harris / Atwood moved to open for public comment. Motion carried.

Don Snyder asked if the Board would be open to language recommendations for changing the code regarding billboards.

Atwood / Genrich moved to return to regular order of business. Motion carried.

CONSENT AGENDA

Genrich / Dart moved to:

a. Approve operator's licenses for:

- Anne Wanek, 157 Hilltop Dr, Green Bay, WI 54301
- Bridgett L. Krumpos, 2974 S. Huron Rd, Green Bay, WI 54311
- Cheryl J. Swetlik, 1435 Crystal Lake Cr, #6, Green Bay, WI 54311
- Dick Vanlangendon, 520 E. Mission Rd, Green Bay, WI 54301
- Jamie Fleming, 606 Chantilly Rue, Green Bay, WI 54301
- Karen Jakubowski, 1268 Reber Street, Green Bay, WI 54302
- Kathryn M. Scheuneman, 733 S. Clay Street, Green Bay, WI 54301
- Krista Simpson, 1686 Shawano Ave #1, Green Bay, WI 54303
- Nickie J. Moran, 814 N. Irwin Ave, Green Bay, WI 54302
- Nicole B. Dirden, 6521 Morrison Rd, Green Bay, WI 54115
- Shawn Pinkert, 1300 S. Webster Ave, Apt: 202, Green Bay, WI 54301

§ 475-70 **Definitions.** (No definition of *BILLBOARD* currently)

BILLBOARD

A wall or freestanding sign larger than 32 square feet, displaying either a static or digital electronic message that attracts attention to a business, product, service, entertainment, or activity conducted, sold, or offered at a location other than the premises on which the sign is located.

OFF-SITE SIGN

A sign 32 square feet or smaller, which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same premises where such sign is displayed. The term "off-site sign" shall include an outdoor advertising sign on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

§ 475-75 **Prohibited signs; temporary signs.**

- A. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind actions.
- B. No sign or other advertising media 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 control sign, signal or device; or which makes use of the word "stop," "look," "drive-in," "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse drivers of vehicles.
- C. No motor vehicle displaying a sign containing the name of any business, product, service or event, or a sign advertising that the vehicle is for sale, or a phone number or address, shall be parked in a nondesignated or not Village-approved parking stall in a business parking lot or area fronting on a public street or alley.
- D. 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.
- E. 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.
- F. It shall be unlawful for any person to place in operation, erect or maintain any attraction device or sign which contains a beacon of any type.
- G. It shall be unlawful to use a vehicle or trailer as a sign in circumvention of this article, except that magnetic signs only may be allowed on the roof or the sides of vehicles as long as no other structural support is added to the vehicle.
- H. 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.
- I. Stretched and guyed fabric signs, pennants and flags may not be used. (See § 475-76A.)
- J. 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.

- (1) 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 Chapter 225, Fees and Charges, of this Code.
- (2) 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.
- (3) 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.
- (4) 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 freestanding temporary sign is restricted to eight feet.
- (5) The failure to remove a sign or advertising device upon expiration of the sign permit shall be a violation of this article, and each day of violation thereafter shall be considered a separate offense.
- (6) 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.
- (7) All signs not expressly permitted under this article 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 § 475-76A or § 475-85 below, portable signs, and home occupation signs.

§ 475-76 Exemptions.

A. Pennants are permitted only as follows:

- (1) To designate a residential open house for a property contracted to a licensed real estate agent for sale or for a residential property for sale by the occupant owner of such property, on the day of such event only, and provided that such event does not exceed 12 continuous hours and the pennant is removed on the day of the event;
- (2) To control ingress and egress to undeveloped property or to designate restricted areas thereon; or
- (3) To designate area (not buildings) under construction or repair, access to which is restricted for purposes of public safety.

§ 475-85 Billboards.

- A. **Purpose.** The purpose of this section of the Sign Code is to provide minimum standards to protect the life, health, safety, property, welfare, convenience, and enjoyment of the general public by regulating and controlling the location, use, lighting, and maintenance of billboards. The provisions of this section are intended to promote the development and maintenance of an attractive visual environment, while facilitating the communication of messages to the general public. A further purpose of this section is to mitigate the aesthetic impact of digital multiple message signs on the visual environment.
- B. **Permitted locations.** Billboards shall be permitted only on lots or development areas located in the Commercial district or on state or village-owned land.
- C. **Existing billboards.** Billboards and associated sign faces existing as of October 1, 2017, are subject

to characterization as nonconforming in accordance with the provisions of § 475-77, and will represent the maximum number of such signs permitted within the Village of Allouez. As of October 1, 2017, the number of billboards was 3, and the number of billboard faces was 5.

D. General requirements for billboards.

- (1) No more than one sign, including those with back-to-back sign faces, is permitted on the same lot. In the case of a sign to be wall-mounted, only one sign face is permitted on the same lot.
- (2) Maximum sign size is 250 square feet per sign face if located along any local, county or state roadway, 300 square feet per sign face if located on a limited access freeway or expressway, and 200 square feet if wall-mounted.
- (3) Maximum sign height is 30 feet, measured as the distance from the street center line elevation (at a point perpendicular to the sign) to the top of the highest attached component of the sign structure.
- (4) Minimum front yard setback is 15 feet, measured from the property line to the outermost physical extension of the sign. No sign may be erected within 100 feet of a signalized intersection or within 50 feet of all non-signalized intersections, unless erected on or against an existing building.
- (5) Signs may not be located within 800 feet of any residential zoning district boundaries in the village, unless the face of the sign is directed away from residential property at an angle greater than 135 degrees.
- (6) Signs may not be located within 800 feet of any historic district or individual property or structure located on the state or National Register of Historic Places.
- (7) No sign may be built within 2,000 feet of an existing sign as viewed from any main travel direction of the same street. Spacing will be measured in a lineal direction along or across the street, freeway or expressway.

E. Digital multiple message sign operation. Digital multiple message signs must meet all the requirements of this section and applicable State of Wisconsin regulations, including the following:

- (1) The time in which the message remains in a fixed position can be no less than eight seconds before changing to the next message.
- (2) The transition time, or the time it takes to change to the next message, must be one second or less.
- (3) No sign shall interfere with the visibility or the operation of any traffic signal or railroad control device.
- (4) Movement, flashing, blinking, scrolling and/or animation on any part of the sign is prohibited.
- (5) Audio speakers and all forms of pyrotechnics are prohibited.
- (6) Signs 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 and 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.
- (7) The Village of Allouez Public Works Department will be provided key access to turn off a sign in the case of hazardous glare, interference with the visibility or effectiveness of a traffic signal or

railroad control device, or other hazard caused by the sign.

- F. Mitigation of digital multiple message signs. Since the maximum number of billboards permitted in Village of Allouez is capped and fixed at the number in the current sign inventory at any point in time, and because digital multiple message signs display more messages than a traditional static billboard, in order to receive approval for a new multiple message sign, mitigation through reduction of sign inventory must be provided, as follows:
- (1) The mitigation credit is one new digital multiple message sign permitted in exchange for the permanent removal of two existing billboards.
 - (2) Each sign face is considered to meet the definition of a sign for the purposes of determining the mitigation credit.
 - (3) An existing billboard must be a minimum 200 square feet in size to qualify for a mitigation credit.
 - (4) The signs to be removed as part of mitigation must be in locations acceptable to and approved by the Village of Allouez as part of the conditional use permit for the new digital multiple message sign.
 - (5) A new digital multiple message sign installed in the same location as an existing nonconforming static billboard may be allowed, upon approval of a conditional use permit, without the necessity of a variance that might otherwise be required.
 - (6) A demolition permit is required for the removal of each sign being removed in mitigation of a new digital multiple message sign. A sign permit for the new sign will not be issued until all conditions of the associated demolition permit(s) have been met.
 - (7) If the new digital multiple message sign is not installed within one year after the issuance of a sign permit, said permit will be revoked and the conditional use permit for the sign will automatically expire.