

GENERAL ORDINANCE NO. 13-09

AN ORDINANCE  
AMENDING CHAPTER 13,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO DIGITAL BILLBOARD REGULATIONS  
(TA 08-07)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 13-304, Green Bay Municipal Code, is amended by adding and/or amending the following definitions:

**13-304. Sign definitions.** This section defines sign types and sign-related words listed in Chapter 13-2000, Signs. General definitions are listed in Section 13-302. Definitions of land uses listed in this ordinance are listed in Section 13-303.

Changeable copy sign: Any on-premise sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Such sign shall not include any sign considered to be an animated sign. A readerboard sign is to be considered a changeable copy sign.

Multiple message sign: A “billboard sign” or “off-premise advertising sign” which automatically changes message or copy electronically or by the movement or rotation of panels or slats. This includes, but is not necessarily limited to, signs known as tri-vision billboards, electronic variable message signs, and digital billboards.

Video Display Sign: (Cr. GO 2-08) An on-premise sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement; the presentation of pictorials or graphics displayed in a progression of frames, which give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or band of light, or expanding or contracting shapes.

**SECTION 2.** Section 13-2013, Green Bay Municipal Code, is repealed and recreated as follows:

**13-2013.** Off-premises advertising signs.

(a) Background. In enacting this chapter, special notice has been taken of the often competing viewpoints of citizens and the sign industry, particularly that portion of the industry engaged in billboard operations. Frequently, the citizens' right to an unobstructed view has been pitted against the right of the sign industry and its clients to do business, promoting a "winner takes all" situation in resolving conflicts. This chapter has been designed to protect and accommodate both concerns. In arriving at these compromises, every possible consideration has been afforded the public interest, individual property and business rights, and the need for signs and outdoor advertising. Compromise obviously implies mutual concessions and/or losses. It

also suggests mutual gains and benefits. It is further the intent of this chapter that its burdens and benefits be fairly and rationally distributed among all parties involved.

(b) Purpose. This chapter is enacted to provide minimum standards to protect the life, health, safety, property, welfare, convenience, and enjoyment of the general public by regulation and controlling the design, quality of materials, construction, erection, location, electrification, lighting, use, and maintenance of all outdoor advertising signs and sign structures. The purposes of this chapter are to make Green Bay safer by eliminating or reducing safety hazards, to contribute to the development and maintenance of an attractive visual environment while facilitating the communication of messages to the public, and to protect the safety and efficiency of the city's transportation network.

(c) Permitted locations. Off-premises advertising signs shall be permitted only in the following locations, meeting the spacing requirements of this chapter:

- (1) The C1 General Commercial and C2 Highway Commercial Districts.
- (2) The LI Limited Industrial District and the GI General Industrial.

(d) Prohibited locations. Off-premises advertising signs shall be prohibited in the following locations even when located within the permitted zones, as listed in Chapter 13-2013 (c):

- (1) Off-premise signs shall not be located within the front yard setbacks where such setbacks are established.
- (2) For purposes of preserving the publicly-adopted redevelopment of the central business district, including significant public pedestrian-scale improvements and amenities, off-premise signs shall not be permitted within the boundaries of the central business district identified on Map "A" or the first parallel public street, whichever is greater. See map at end of chapter.
- (3) For purposes of public safety of users of waterways and to provide for the beautification of areas contiguous to various water courses within the city, no off-premise signs shall be located closer than 500' from the waterway shore bank (bulkhead or floodway line) of a river, bay, or waterfront identified on Map "C" or the first parallel public street, whichever is greater. See map at end of chapter.
- (4) For purposes of preserving the natural value and views of the many unique historic and natural areas within the city, no off-premise signs shall be located closer than 500' from the established historic districts and natural areas identified on Map "D" or the first parallel public street, whichever is greater. See map at end of chapter.

(e) Exceptions to prohibited locations. The restrictions identified in Chapter 13-2013 (d) shall not apply to the following areas:

- (1) Area west of the Fox River to Broadway.
- (2) Area immediately adjacent and advertising to West Mason Street (Tilleman Bridge structure).
- (3) Area adjacent to and north of the East River, to include both sides of Main Street between the alley west of Webster Avenue easterly to Elizabeth Street.
- (4) Off-premise signs may be mounted on or flat against a wall of an intermediate building which prevents said signs from being directed toward said river, bay, historic, or natural area identified in Chapter 13-2013 (d), provided said signs shall be removed if and when said intermediate building is removed.

(f) Existing signs. Existing off-premises advertising signs that do not meet the size and location standards may remain in place and not be considered nonconforming uses. However, a new sign may not be permitted unless it replaces the existing sign that does not meet the size and location standards. All new signs shall meet the requirements of this chapter.

(g) Spacing limitations. Off-premises advertising signs shall maintain the following separation distances:

(1) Off-premise signs shall not be located within fifty (50) feet of residential district boundaries, school property, or public parks and parkways (including those so designated on the Official Map) if said signs are perpendicular to or facing away from such uses. This distance increases to two hundred (200) feet if signs are facing (oriented with message side parallel) said uses. These distances also increase for multiple message signs per Section 13-2013 (i).

(2) No sign built within 100 feet of an intersection shall have less than 10 feet of underclearance, unless erected on or against an existing building. Off-premise business signs shall not be located within the front yard setbacks where such setbacks are established.

(3) A minimum of three hundred fifty (350) feet between off-premise signs, as viewed from any main travel direction of the same street, and in the same direction, except for signs adjacent to freeways and expressways. Spacing shall be measured in a lineal direction on the same side of the street. "Back-to-back" mounting of such signs is acceptable, as are signs mounted on or flat against opposite parallel walls of a building.

a. Off-premise signs adjacent to freeways and expressways shall be spaced a minimum of seven hundred fifty (750) feet apart, measured in a lineal direction on the same side of the freeway or expressway.

(h) General requirements.

(1) Off-premise signs shall be considered a principal use of the property on which they are located and shall not project over the right-of-way.

(2) No more than two off-premise signs are permitted on the same zoning lot. Furthermore, such off-premise signs shall be limited to one sign for each of two approach directions of traffic.

(3) Signs shall not exceed seven hundred (700) sq. ft. in total area per sign face or 300 sq. ft. if applied directly to walls.

(4) Signs shall not exceed thirty (30) feet in height. Sign height shall be measured from average height at road grade elevation to the highest point of the sign.

(i) Multiple message sign operation. Multiple message signs are permitted as a conditional use. To be considered for a conditional use permit, such signs must meet all regulations of this chapter and the following:

(1) Standards for multiple message signs

a. The ~~lower rotation transition time, or the time it takes~~ to change ~~the~~ message (electronically, via lower rotation, or other means), shall be one second or less.

b. The time the message remains in a fixed position shall be ~~six-eight~~ seconds or more, and movement or animation is prohibited ~~both pursuant to Wis. Trans. 201.15(4). If such operation malfunctions, sign is to stop rotation and remain in a stationary position.~~

c. Audio speakers and all forms of pyrotechnics are prohibited.

- d. Electronic multiple message signs (digital billboards) shall be equipped with automatic dimming capability, and light produced by such signs shall not exceed 0.3 foot candles over ambient light levels. The ambient light reading is taken at least 30 minutes past sunset with the sign turned off or displaying all black copy. The fully lit reading is taken with the sign displaying all white copy. Measurement of light levels should be taken perpendicular to the face of the sign, and the following distances should be used as guidelines to determine where to take measurements:

  - i. 100 square foot or smaller sign to be measured 100 feet from source
  - ii. Greater than 100 to 350 square foot sign to be measured 150 feet from source
  - iii. Greater than 350 to 650 square foot sign to be measured 200 feet from source
  - iv. Greater than 650 to 700 square foot sign to be measured 250 feet from source
- e. Spill-over light exceeding 0.2 foot candles as measured at a residential property line is prohibited.
- (2) Mitigation of multiple message signs. Since the maximum number of off-premise signs permitted in the City is fixed at the number in the current sign inventory, and because multiple message signs can display multiple messages, a new multiple message sign (whether new construction or sign replacement) shall be mitigated. In addition to meeting the requirements of subpar. (j), a new multiple message sign must earn at least 5 mitigation points per sign face. One or more existing billboards will be removed as part of the mitigation process. ~~One mutually agreed to existing billboard will be removed from a location with equal to or greater traffic volumes for each television sign conditionally approved.~~

  - a. Mitigation points can be earned in the following ways. Note that points are assessed and required per sign face.

    - i. Five (5) points per sign face for the removal of a billboard that is nonconforming due to location in the CBD, a natural area, or a historic district
    - ii. Four (4) points per sign face for the removal of any other nonconforming billboard
    - iii. Three (3) points per sign face for the removal of a conforming billboard that is capable in its existing structural condition of safely supporting a multiple message sign of the same area as the existing sign face
    - iv. Two (2) points per sign face for the removal of any other existing billboard that is not capable in its existing structural condition of safely supporting a multiple message sign of the same area as the existing sign face
    - v. One (1) additional point per sign face for the removal of a billboard visible from a street or highway with a functional classification of Interstate, Freeway, or Principal Arterial
    - vi. No points are awarded for the replacement of an existing billboard (While a digital billboard may be approved where an existing static sign has been removed from a conforming location, this sign removal does not count

toward the required mitigation points. The points must be obtained from other sign sites.)

- b. A mitigation plan shall be submitted for review by the Planning Department, and more than one new multiple message sign may be included in a single mitigation plan. The cumulative points earned for sign removal may be applied to multiple signs within a single mitigation plan and sign permit application. However, any excess points remaining are not carried over or “banked” for future applications. In other words, mitigation points will not be tracked beyond a single sign project which may involve multiple new signs. The reason for this is to avoid conflicts between mitigation points and the existing cap on the total number of allowable off-premise signs.
  - c. If the cumulative result of a sign project and mitigation plan is a net reduction in signs, then the maximum allowable number of off-premise signs for the City as a whole will be reduced immediately. This means that signs removed under a mitigation plan can only be replaced with the multiple message sign(s) being mitigated. They cannot be replaced with other signs in the future.
- (3) Permitted locations of multiple message signs**
- a. Sign message must be directed to a state or federal highway, or a designated connecting highway, as mapped by the Wisconsin Department of Transportation in accordance with Ch. 84.02(12), Wis. Stats.
  - b. Signs with a variable message face visible to drivers approaching an intersection where drivers must also watch for cross traffic, bikes, and/or pedestrians must be located at least 500 feet comply with the following setbacks from any street that intersection as measured from the street right-of-way line where drivers must also watch for cross traffic, bikes, and/or pedestrians.

    - i. 100 square foot or smaller sign to be set back at least 100 feet
    - ii. Greater than 100 to 350 square foot sign to be set back at least 150 feet
    - iii. Greater than 350 to 650 square foot sign to be set back at least 200 feet
    - iv. Greater than 650 to 700 square foot sign to be set back at least 500 feet
  - c. Such signs shall not be located within one hundred (100) feet of residential district boundaries, school property, or public parks and parkways (including those so designated on the Official Map) if said signs are perpendicular to or facing away from such uses. This distance increases to four hundred (400) feet if signs are facing (oriented with message side parallel) said uses.
- (4) Hazard abatement.**
- a. If the Director of Public Works or his/her designee finds that an electronic multiple message sign (digital billboard) is causing interference with the visibility or effectiveness of a traffic signal or control, the sign shall be turned off without delay.
  - b. If the Director of Public Works or his/her designee finds that an electronic multiple message sign (digital billboard) is malfunctioning in a fashion that creates a hazardous glare or other traffic hazard, the sign shall be turned off without delay.

- c. In such a situation, the owner of the sign must then meet with City staff to determine how to rectify the situation, and the sign shall not be turned back on without City staff approval.
- d. Each sign owner is to maintain up-to-date contact information with the Department of Public Works for such purposes. The contact information is to provide 24-7 (24 hour per day, 7 days per week) access to a person or persons that is/are available at all times to respond to a hazardous sign situation.
- (5) Standard conditions of approval. The following are the minimum conditions of approval that shall be applied to the conditional use permit. Other appropriate conditions of approval may also be required by the Plan Commission and City Council.

  - a. A site plan and applicable permit applications (sign permit, electrical permit, building permit) shall be required for erecting a new multiple message sign or for converting an existing static display sign to a multiple message sign.
  - b. The sign permit application shall not be valid unless approved by the Director of Public Works or his/her designee (Traffic Engineer).
  - c. A mitigation plan shall be submitted for review and approval by the Planning Department.
  - d. If the US Department of Transportation, Federal Highway Administration concludes before June 1, 2010 that digital billboards or their particular operation are detrimental to traffic safety, then the hazard posed by this sign shall be resolved. If the hazard can be effectively resolved by adjusting the brightness, length of display, or other such performance issue, then this shall be allowed as the course of action. If the hazard cannot be effectively resolved by adjusting the performance of the sign, then the sign shall be removed and may be replaced with an approvable sign.
  - e. The Department of Public Works shall be provided with the means to turn off a digital billboard in the case of hazardous glare, interference with the visibility or effectiveness of a traffic signal or control, or other traffic hazard caused by the sign.

(j) Inventory of off-premise signs. The inventory of all existing and permitted off-premise signs and sign sites shall be the number of signs and sign sites then legally permitted or in existence as of August 19, 1986, **or as updated under this section,** and shall represent the maximum number of off-premise signs and sign sites permitted within the City of Green Bay.

- (1) All off-premise signs and sign sites authorized as of August 19, 1986, but not constructed as of August 19, 1987, shall be removed from the inventory of off-premise outdoor advertising signs and shall correspondingly reduce the number of signs permitted within the City of Green Bay.
- (2) Any sign removed after August 19, 1986, which is not replaced in compliance with this ordinance or any sign ordered to be removed by order of a court of competent jurisdiction after August 19, 1986, shall be removed from the inventory and correspondingly reduce the number of signs and sign sites permitted within the City of Green Bay. **Based on an updated inventory as of March 1, 2009, the maximum number of signs and sign sites permitted was 85.**

- (3) Any replacement sign, pursuant to this subsection, shall comply with all applicable ordinances for the location and construction of said sign.
  - a. Any sign(s) removed pursuant to this subsection may be replaced by a sign that does not exceed the cumulative square footage of the sign(s) that it is replacing.
  - b. Any sign replaced shall be reconstructed within one year after the issuance of the wrecking permit for the sign(s) that it is replacing.
  - c. In no event shall the replacement of a sign(s) result in more sign site(s) than the number of sign sites identified in the inventory of August 19, 1986, or as updated under this section.
- (4) Any sign acquired by the City of Green Bay or any other governmental authority may be replaced by the sign owner within one year after the date that the City acquires the sign.
  - a. For purposes of this subsection, the date of acquisition in condemnation cases shall be the date on which the jurisdictional offer is issued for the acquisition of that sign.
  - b. In all other cases, the date of acquisition shall be the date on which the property owner accepts the government body's offer to purchase such sign.
  - c. No sign shall be replaced pursuant to this subsection unless the owner has complied with all applicable ordinances for the location and construction of said sign.

(k) Application for a permit. The application for off-premise sign permits shall contain all information, drawings, and specifications necessary to fully advise the Inspection Department of the City of Green Bay of the type, size, shape, location, zone, construction, and materials of the proposed sign and the building structure or premises upon which it is to be placed. No building permit shall be issued for a replacement sign until all conditions of the wrecking permit have been fully complied with.

(l) Additional information needed. When applying for a billboard permit, the billboard operator/owner shall, in addition to the above, furnish the following information at the time of permit application:

- (1) The location of the proposed sign in relation to the property lines and any building, fence, or other structure on the property on a site plan.
- (2) The location of the proposed sign in relation to the property lines and any building, fence, or other structure on the property on a site plan.
- (3) The distance to the nearest off-premise outdoor advertising sign.
- (4) An affidavit from the property owner authorizing erection of the sign or an executed lease agreement without disclosing the terms of the lease or the lease rent.
- (5) A professional engineer's certificate.

**SECTION 3.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 4.** This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this 5<sup>th</sup> day of May, 2009.

APPROVED:

/s/ James J. Schmitt

Mayor

ATTEST:

/s/ Chad J. Weininger

Clerk

bc

First Reading: 4/21/09

Effective Date: 5/9/09