CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
Amending Zoning Code Section 78-810(1)(c) of the Stoughton Municipal Code			
Committee Action:	Planning Commission recommends approval 0 – 6 (failed)		
Fiscal Impact:	None		
File Number:	O-20-2018	**Date Introduced:**	June 26, 2018

The Common Council of the City of Stoughton do ordain as follows:

Sec. 78-810 – General Construction Standards

All signs constructed, erected, remodeled, relocated or expanded shall comply with the following standards:

(1) *Banners, pennants, streamers and strings of lights.* No banners, pennants, streamers, strings of lights or any other similar sign shall be permitted, except:

(a) For churches, schools, civic and nonprofit organizations.

(b) For residential requirements see section 78-811.

(c) For business and industrial districts, provided that banners, pennants, streamers and strings of lights are affixed to the front wall and that lights do not flash. Strings of lights may also be affixed to vegetation. <u>Pennants with a maximum size of 10 square feet in area shall be allowed for each private light pole in the planned business district. Pennants shall be replaced or removed when faded or damaged in any way.</u> Banners must comply with the requirements of front wall signs per subsection 78-814(1). Banners and other similar temporary signs for the front wall are exempt when placed for no more than 30 days.

(d) For the Main Street Historic District: one avenue banner up to 10 square feet in area is allowed for each private light pole. An avenue banner is attached at the top and bottom of the banner to the light pole. Avenue banners shall be removed or replaced within 30 days of notice when faded to the point of illegibility or when damaged in any way.

This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted:_____

Mayor Approved: _____

Published:_____

Attest:_____

_____
Tim Swadley, Mayor

_____
Holly Licht, City Clerk

CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

Date: June 7, 2018

To: Planning Commissioners and Common Council

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the June 11, 2018 Planning Commission Meeting and June 26 and July 10, 2018 Council Meetings.

Request by Tom Fohr of Kunes Country Buick GMC of Stoughton, 1423 US Highway 51 to amend the zoning ordinance to allow pennant type signs to be placed on private light poles in the planned business district.

This request is to allow the pennant or flag type signs to remain on the light poles within the planned business district. Historically, the City has not allowed these types of signs because:

- Anything that flaps in the wind can be distracting for motorists;
- Over time these types of signs tend to rip and fade and end up being unattractive;
- We believe most residents do not want these types of signs in the community;
- US Highway 51 is the gateway to our community so these types of signs are a reflection on the community.

Banners and pennant type signage is allowed for non-profit institutions such as schools and churches. If these are to be allowed within the planned business district, consideration may need to be given to the number of signs. Each site does also have a maximum amount of signage per site of 300 square feet which may also limit the numbers.

The ordinance, applicant information and pictures are provided. A public hearing and recommendation to Council is necessary.

NOTICE OF PUBLIC HEARING

The City of Stoughton Planning Commission will hold a **Public Hearing** on **Monday, June 11, 2018** at **6:00 o'clock p.m.,** or as soon after as the matter may be heard, at the **Public Safety Building, Second Floor, 321 S. Fourth Street,** Stoughton, Wisconsin, 53589, to consider a proposed ordinance amendment to the City of Stoughton Municipal Code of Ordinances section 78-810(1)(c). This proposed amendment is being requested to allow pennant type signs to be placed on private light poles in the planned business district within the City of Stoughton, Dane County, Wisconsin.

For questions regarding this notice please contact Michael Stacey, Zoning Administrator at 608-646-0421

Michael Stacey
Zoning Administrator

Published May 24, 2018 and May 31, 2018 Hub

City of Stoughton Application for Amendment of Zoning Regulations (Requirements per Section 78-902)

Applicant Name: Kunes Country Buick GMC of Stoughton

Applicant Address: 1423 Hwy 51, Stoughton, WI 53589

Applicant Phone and Email: Tom Fohr - (262) 903-5313 - tfohr@kunescountry.com

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Zoning Ordinance text *and* by the City to process said application. Parts II and III are to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City when processing said application.

I. Record of Administrative Procedures for City Use

Application form filed with Zoning Administrator Date: 5/9/18

II Application Submittal Packet Requirements for City and Applicant Use

Prior to submitting the complete application as certified by the Zoning Administrator, the Applicant shall submit a draft application for staff review, followed by one revised final application packet based upon staff review and comments. The application shall include the following:

- ☑ **(a) A copy of the provisions of the current Zoning Ordinance which are to be amended.**
- ☑ **(b) A copy of the text which is proposed to replace the current text.**
- ☑ **(c) Written justification for the proposed text amendment**
  - ☑ Indicating reasons why the Applicant believes the proposed text amendment is in harmony with the recommendations of the City of Stoughton Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 78-902(4)(c)1.-5.

III Justification of the Proposed Zoning Ordinance Amendment for Applicant and City Use

1. How does the proposed Official Zoning Ordinance amendment further the purposes of the Zoning Ordinance as outlined in Section 78-005?

   We believe that, when executed uniformly, this amendment will enhance the businesses of Stoughton while not distracting from the purposes and protections described in Section 78-005.

2. How does the proposed text amendment further the purposes of the general Article and specific Section in which the amendment is proposed to be located?

   Since 78-810 specifically does not restrict the use of pennants for churches, non-profits and schools, and also provides for pennants with controls and restrictions in the Main Street Historic District, we believe that a similar provision for businesses is appropriate.

3. Which of the following has arisen that are not properly addressed in the current zoning text (Check One)?

- ☒ The provisions of the Zoning Ordinance should be brought into conformity with the Comprehensive Plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.)
- ☐ A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
- ☐ New methods of development or providing infrastructure make it necessary to alter the Zoning Ordinance to meet these new factors.
- ☐ Changing governmental finances require amending the Zoning Ordinance to meet the needs of the government in terms of providing and affording public services.
- ☒ Explain if necessary:

While we understand and appreciate the need for standards and appreciate a city not allowing "tacky" signage, we believe that the absolute restriction of banners is prohibitive and would like the Zoning Administrator to consider this controllable and limited amendment.

4. If the proposed text amendment is concerned with the provisions of Articles II and/or III: how does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?

n/a

IV. Final Application Packet Information for City Use

Receipt of final application packet by Zoning Administrator	Date: _____
Notified Neighboring Property Owners (within 300 feet)	Date: _____
Notified Neighboring Township Clerks (within 1,000 feet)	Date: _____
Class 2 legal notice sent to official newspaper by City Clerk	Date: _____
Class 2 legal notice published on _____ and _____	Date: _____

KUNES COUNTRY
Faith • Family • Giving Back
1423 Hwy. 51 • PO Box 276 • Stoughton, WI 53589 • 608.873.5661

May 9, 2018

City of Stoughton Application for Amendment of Zoning Regulations

II – (a) – THE CURRENT ZONING ORDINANCE WHICH WE ARE REQUESTING TO BE AMENDED:

Sec. 78-810. - General construction standards.

All signs constructed, erected, remodeled, relocated or expanded shall comply with the following standards:

(1) *Banners, pennants, streamers and strings of lights.* No banners, pennants, streamers, strings of lights or any other similar sign shall be permitted, except:
(1) For churches, schools, civic and nonprofit organizations.
(2) For residential requirements see section 78-811.
(3) For business and industrial districts, provided that banners, pennants, streamers and strings of lights are affixed to the front wall and that lights do not flash. Strings of lights may also be affixed to vegetation. Banners must comply with the requirements of front wall signs per subsection 78-814(1). Banners and other similar temporary signs for the front wall are exempt when placed for no more than 30 days.
(4) For the Main Street Historic District: one avenue banner up to 10 square feet in area is allowed for each private light pole. An avenue banner is attached at the top and bottom of the banner to the light pole. Avenue banners shall be removed or replaced within 30 days of notice when faded to the point of illegibility or when damaged in any way.

II – (b) – OUR PROPOSED CHANGE TO THE CURRENT TEXT

(3) For business and industrial districts, provided that banners, streamers and strings of lights are affixed to the front wall and that lights do not flash. Strings of lights may also be affixed to vegetation. Pennants shall be allowed on permanent poles located on the business property and owned by the business provided that the pennants advertise one uniform message throughout the property. Pennants shall be removed or replaced within 30 days of notice when faded to the point of illegibility or when damaged in any way. Banners must comply with the requirements of front wall signs per subsection 78-814(1). Banners and other similar temporary signs for the front wall are exempt when placed for no more than 30 days.

II – (c) – JUSTIFICATION OF THE PROPOSED TEXT AMENDMENT

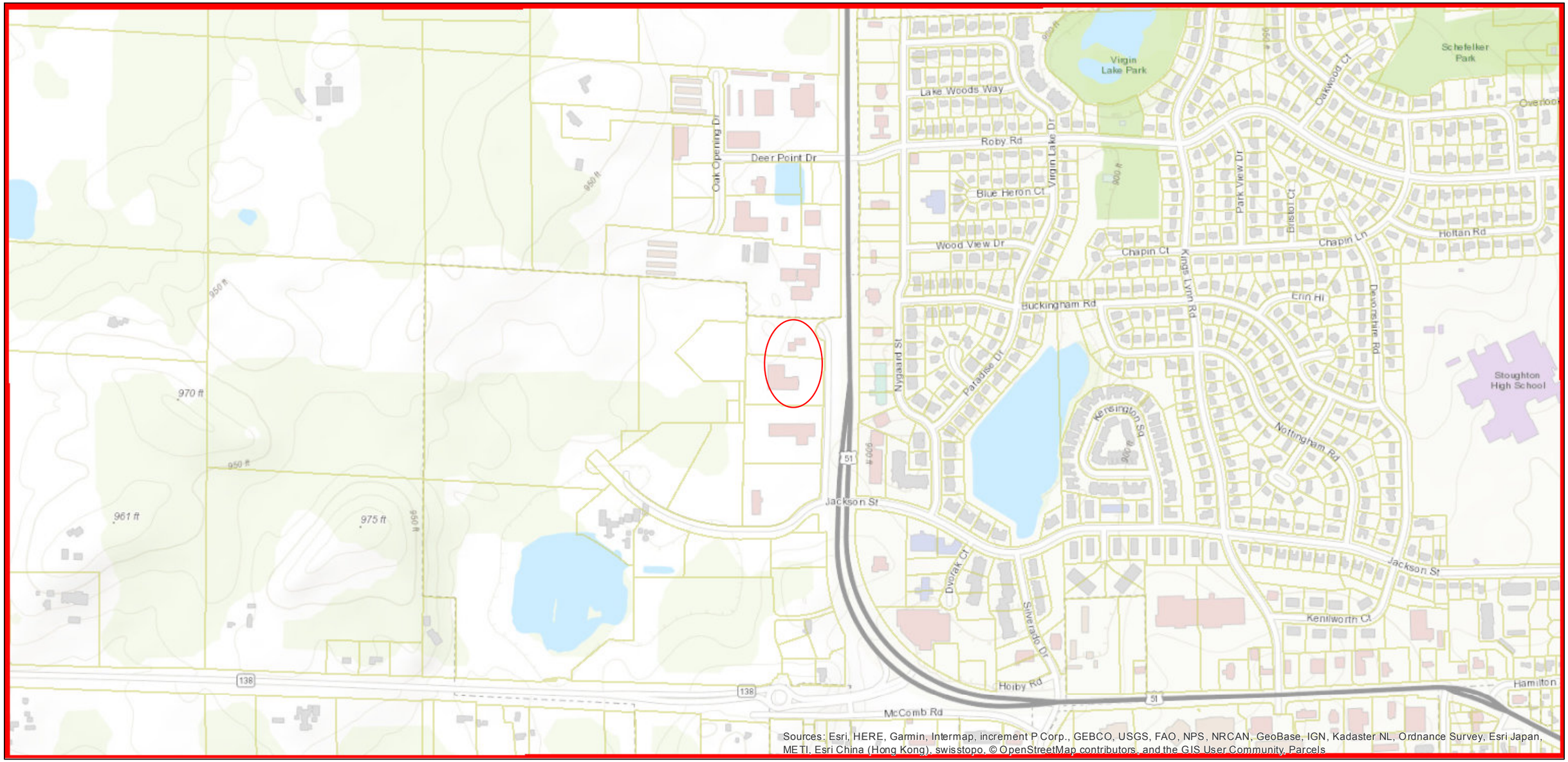
We believe that the proposed amendment will keep the spirit of the existing ordinance in tact while providing area businesses a vehicle for tasteful branding and promotions.

GUARANTEED
CREDIT APPROVAL
SALE
05.25.2018 11:06

BUICK
GMC
STARK
WELCOME
SALE
05.25.2018 11:05

Keller
05.25.2018 11:05

Kunes Country



June 13, 2018

Tax Parcels

1 inch = 600 feet

0 375 750 1,500 Feet

CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

April 23, 2018

Kunes Country Buick GMC of Stoughton
1423 US HWY 51
Stoughton, WI. 53589

NOTICE: NON-COMPLIANT SIGNAGE AT 1423 & 1431 US HIGHWAY 51, STOUGHTON.

Dear Property Owner:

This letter serves as notice regarding banners and pennants installed at the properties you own at 1423 and 1431 US Highway 51, Stoughton.

Per Zoning code section #78-810 (1) & (c), in part, "Banners, pennants, streamers and strings of lights. No banners, pennants, streamers, strings of lights or any other similar sign shall be permitted, except: For business and industrial districts, provided that banners, pennants, streamers and strings of lights are affixed to the front wall and that lights do not flash. Banners must comply with the requirements of front wall signs per subsection 78-814 (1). Banners and other similar temporary signs for the front wall are exempt when placed for no more than 30 days."

Section #78-814 (1) states in part, "Front wall signs. Front wall signs shall be permitted subject to the following regulations: The total area of such signage shall not exceed one-tenth the area of the front face, including doors and windows, of the principal building, provided the total area of such signage shall not exceed 165 square feet."

Banners and pennants must be affixed to the front wall of the building and may not be affixed to light posts or flag poles. Banners and other temporary signage affixed to the front wall must comply with the size restrictions outlined above. The property must be brought into compliance with the above requirements by May 24, 2018 or you may be subject to a penalty section 1-3, municipal code of ordinances. Penalties range from $50-$1000, and each day after May 24, 2018 may be considered a separate offense.

If you have any questions please contact me at 608-646-0421. Thank you for your anticipated cooperation.

Respectfully,

CITY OF STOUGHTON

Michael P. Stacey

Michael P. Stacey
Zoning Administrator/Assistant Planner

Plan Commission Meeting Minutes
Monday, June 11, 2018 at 6:00 pm
Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street, Stoughton, WI.

Members Present: Mayor Tim Swadley, Chair; Matt Bartlett, Vice-Chair; Todd Barman; Phil Caravello; Greg Jenson; and Tom Selsor
Members Absent: Tom Robinson
Staff: Rodney Scheel, Director of Planning & Development and Michael Stacey, Zoning Administrator
Press: None
Guests: Tom Fohr; AJ Arnett; Tim Kunes; Jordan Tilleson; and Emily Bahr

1. **Call to order.** Mayor Swadley called the meeting to order at 6:00 pm.

2. **Consider approval of the Plan Commission meeting minutes of May 14 and June 5, 2018.**
   Motion by **Bartlett** to approve the minutes as presented, 2nd by **Caravello**. Motion carried 5 – 0

3. **Council Representative Report.**
   Bartlett stated the Common Council approved an ETJ land division for Sime; conditional use permit for the apartment in Nordic Ridge; CSM for City land behind the hospital and a CSM for a property on Pine Street.

4. **Staff Report - Status of Current Developments.**
   Scheel gave an overview of the current developments as outlined in the packet of material.

5. **Request by Tom Fohr of Kunes Country Buick GMC of Stoughton, 1423 US Highway 51 to amend the zoning ordinance to allow pennant type signs to be placed on private light poles in the planned business district.**
   Scheel explained the request.

   Barman arrived at 6:05 pm.

   Mayor Swadley opened the public hearing.

   Tim Kunes spoke in favor and stated Tom Fohr is on his way.

   Motion by **Jenson** to recess until Mr. Fohr arrives, 2nd by **Bartlett**. Motion carried 6 – 0.

   Tom Fohr arrived and public hearing was restarted and spoke in favor of the ordinance change.

   Mayor Swadley closed the public hearing.

   Selsor stated he is opposed to the change.

   Barman questioned where these signs would be allowed if approved. Scheel stated anywhere there is a Planned Business zoned property.

   Barman is concerned about having unlimited poles and the size of the signs.

Motion by **Jenson** to recommend Common Council approve the ordinance as presented, 2nd by **Bartlett**.

Jenson stated this would open the door too far and the request is for too many signs.

Bartlett is concerned about the number of flag type signs that could be placed all the way to the downtown.

Motion failed 6 – 0.

6. Request by Matt Adams for design approval of an awning replacement within the downtown design overlay zoning district at 143 E. Main Street.
Scheel explained the request.

Barman stated the colors do not complement the building or adjacent buildings and the signage is inappropriate for the downtown. The font and lettering are too large.

Selsor agrees the signage is inappropriately large.

Motion by **Barman** to deny the awning request, 2nd by **Selsor**.

Jenson questioned if the Landmarks Commission should look at this. Scheel stated the building is not a local landmark but is contributing to the historic district. The Landmarks Commission only has jurisdiction over local landmarks.

Barman stated the request is being denied because it does not meet the requirements of section 78-517(6)i and j. Barman recommends earth tone colors be used and would like to see consistency with all awnings on the building.

Caravello also does not agree with the scale of the lettering.

Barman withdrew his motion.

Motion by **Jenson** to approved the resolution as presented, 2nd by **Bartlett**. Motion failed 0 – 6.

Motion by **Jenson** to return to the public hearing for Agenda Item #5, 2nd by **Bartlett**. Motion carried 6 - 0.

7. AJ Arnett of Norse View Holdings LLC requests certified survey map (CSM) and rezoning approval for property located at the southeast corner of N. Page Street and County Highway B. (Tabled July 11, 2016)
Barman left at 6:30 pm.

Scheel explained the request including a proposed CSM resolution and proposed rezoning ordinance. The draft resolution is prepared to address specific items to be addressed before the CSM could be signed by the City and the rezoning would become effective.