

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, JUNE 30, 2020
GIBRALTAR TOWN CENTER
7:00 P.M.**

Call to Order: Called to order at 7 p.m.

Roll Call / Quorum: A quorum was present.

Members present: Linda Merline, Don Freix, and Len Adent. Brian Hackbarth joined later.

Members absent: Tom Blackwood (excused)

Proper Notice / Adopt Agenda: Sara Lancaster stated that proper notice was given. *Motion (Freix, Adent) to adopt the agenda as posted. Carried*

Approve Minutes of Previous Meeting(s): *Motion (Freix, Adent) to approve the minutes from the April 28, 2020 meeting. Carried*

Public Comment: None

Draft Sign Ordinance Recommendation: Linda Merline provided background on the purpose of drafting a sign ordinance recommendation. The county recently rewrote their sign ordinance per a recent Supreme Court Case over protecting citizens right to free speech as it is related to signage. The outcome of the Supreme Court's ruling was you can't restrict signs based on content. So the county rewrote their sign ordinance eliminating all content based regulation. At the time the town had an overlay to that ordinance that was specific to Gibraltar. When the county rewrote their ordinance, they eliminated that overlay. The Town Board is now seeking to fill the gaps left by this new county ordinance. Most important are the areas in need of immediate change. They would like the Plan Commission's input.

In 2018/2019 the Plan Commission, at the direction of the Town Board, worked with Bob Kuftrin to rewrite parts of the County zoning ordinance, including the sign ordinance, that were not working for the town. The new language could then be used in negotiation with the County or in a town ordinance. This work was presented to the Town in Feb 2019. However, that sign ordinance draft was written based on the County's old sign ordinance and did not reflect the new language required by the Supreme Court case, but can still be used as a reference.

The goal for tonight is to review the discrepancies between the new county ordinance and the old Town overlay. Prior to today's meeting the Town Clerk Beth Hagen and Merline worked together to go over the list of discrepancies and compiled the list presented to PC members this evening.

Merline explained the organization of the handout. The writing in blue is the question about that part of the ordinance posed to the county. The writing in purple is the County's answer. Hagen explained it would be the Plan Commission's goal to identify the most egregious things the new ordinance left out that the Town would want to have more control over. Merline went through each section of the ordinance:

1) The new County ordinance does not restrict sign materials. The original ordinance stated signs would be made of wood (or materials that looked like wood) to match the vision of the comprehensive plan, which is to maintain the appearance of a rural town. The Plan Commission would like to see that continue and be able to restrict the type of materials used to match the comprehensive plan and maintain the rural/historic appearance of the Town.

2) The County's new ordinance allows for internally illuminated signs. The former Gibraltar overlay did not allow for internally illuminated signs except for vacancy/no vacancy signs for hotels and motels only. Hotels/motels were permitted one internally illuminated sign. Merline clarified that this section does not address the external lighting of a sign, only signs lit from within. The Plan Commission feels this is an area of immediate concern that needs to be addressed.

3) Len Adent stated he liked the current open flags the businesses have through the FCCA and would prefer that all the open signs in town were uniform. Freix agreed and suggested something like that be included in the overlay. Merline reminded the commission members that the content (i.e. the word "open") cannot be regulated on the sign; only the surface/materials the message is on can be regulated.

4) Merline stated that this section of the new County ordinance in section 8.05(11) is very similar to the previous Town overlay. This particular section prohibits signs that contain, consist of or have ribbons, streamers, spinners or other devices that move due to wind. Also prohibits animated signs, inflatable signs, interactive signs, mechanical movement signs, reflective signs or signs containing mirrors, and signs incorporating beacon lighting.

Merline asked the county if that list would also include signs that are on flags, such as open flags, since they move in the wind. The county responded that "open" flags fall under portable signs and count towards a property's allowance of portable signs. Adent disagreed with an open sign taking away from the property's total allowance. He gave the example of having a sign with the name of the store, and then adding an open sign. His fear was the business could potentially have to take down the sign with the store name, or be forced to have a sign that is too small to read, to accommodate the square footage occupied by an open flag. Merline pointed to a later portion of the sign ordinance (Chapter 8.07) that talks about the various zoning districts within a municipality and the amount of signage each can have.

Related to the number of signs permitted, Hagen suggested a display ordinance be the next issue taken up in response to this concern. Merline said that while important, she did not feel portable signs or a display ordinance need immediate attention at this time.

#5: There was a discussion about what constitutes a monochrome sign. Adent said he looked it up and understands it to be a sign that is no more than two colors. Hagen said it would be interesting to know what prompted the inclusion of monochrome flags in this ordinance, and why it was decided to group it with government and organizational flags. Hagen will follow up with County and ask that question tomorrow.

#6 In the County's new sign ordinance there appears to be no restrictions on the parking of vehicles with signs on them. Merline explained that parking a car that is being used and has a sign about your business on it, in front of your business or your home is not prohibited. (Gave the example of Julie's delivery van.) However, if that vehicle is not being used, you could not do that because then it would be considered an additional sign. Again, while something to be addressed, this was not an immediate concern of the Plan Commission.

#7 and # 8: The next section reviewed pertained to on premise (8.06 (3) (a)) and off premise (8.05(6)) signs. The County's new sign ordinance requires signs to be on premise. Off premise signs are prohibited. The Plan Commission did not feel this area needed further attention.

#9: The next section reviewed was section 8.07. Merline noted that if regulations in this section conflict with regulations elsewhere in this chapter, the more restrictive shall govern. Merline asked whether the commission feels (4) was excessive. (4) refers to the number and size of signs allowed in "any zoning district containing a long-term residential use with a homebased enterprise and no other business establishment". Freix felt what was listed in the current ordinance was slightly excessive.

This section also contains more detailed information about portable signs, for which Merline read the definition. Merline said she was of the mindset that if this was her neighbor, she questioned whether they would need three signs. Perhaps if they were on a very large property, or a sign facing each direction of traffic. She questioned whether an additional portable sign would be necessary.

Freix asked if this anticipated use might be something the Town is expecting a lot more of in the future. If so, then it might be something to address. Otherwise, he questioned the need for immediate attention. Merline said that may be true of this entire section (8.07) – it may need attention, but not necessarily immediate attention.

In reviewing 8.07(6) there were more concerns, specifically related to ~~billboards or~~ signs on buildings. There was discussion about the percentage allowed for wall signs and whether 15% is too much. Hagen said this needs immediate attention because it is too close to what someone could consider a billboard.

Merline said the same thing is stated in the (7) which is commercial center, mixed used commercial, recreational commercial, light industrial, etc. Hagen asked whether restrictions on wall signs shouldn't be municipality wide? Freix suggested eliminating it. Merline suggested again eliminating it, but instead clarifying the amount of square footage allowed. This section was one the Plan Commission requires more immediate attention.

#10. The county sign ordinance does not specify types of signs, such as election signs or real estate signs. It also does not specify sandwich boards, reader boards, or menu boards. However, the new ordinance does include a section that regulates free standing, portable, wall and projecting signs according to the zoning district in which they are located. Additionally, the new sign ordinance does say "no freestanding or portable sign shall be placed on or over a sidewalk." The Plan Commission questioned whether this group of signs are regulated? If so, by whom? The state? Also, can these signs be left up indefinitely? ~~Can they be left up indefinitely?~~ The Plan Commission did not feel this section needed to be addressed immediately.

#11. The new County sign ordinance does not seem to include any regulation of sandwich boards specifically. When Merline asked the County about this, the County replied that they currently treat sandwich boards as portable signs. Merline also asked about menu boards and reader boards. The County said that if the signs can be easily moved around, they are regulated as a portable sign and do not require a permit. Merline pointed out that the Gibraltar Town Board relaxed rules around sandwich board use for this season; the signs cannot be in the sidewalk. Merline doesn't feel this particular one is an immediate issue.

#12: Merline explained that this section is covered under incidental signs. Incidental signs shall be informational only and not include a commercial message. Suggested to leave as is.

#13: The County's new sign ordinance does not always agree with the old Town overlay on the height of a sign, or the area of the face of a sign. This was another important, but not immediate, issue.

#14: What the County now calls arrow board signs (previously called directional signs) is generic, whereas the Town overlay was more specific. Merline explained that the state controls any directional signs/arrow board signs on the state roads, the County controls those located on the county roads, and the Town controls any located on Town roads.

Merline asked the County whether the Town specify which roads have arrow board signs? Also, can the Town have a different size arrow to match the current ones? It was discussed that Town signs would not need to be as large as the state or county road arrow board signs, because the Town roads aren't as large and are traveled at a lower speed. Merline felt this area needed immediate attention because if someone wanted a new arrow board sign it wouldn't match existing arrow board signs on Town roads. Hagen agreed because the Town is trying to clean up the Town roads.

The current is 7-1/2 inches in height and 72 inches in length. The Town can be more restrictive, just not less restrictive. Merline said it makes sense that a road with a higher speed the sign would need a larger arrow board sign. The Planning Commission felt this section was an immediate concern.

#15 The Plan Commission felt the #14 and #15 on the list should be grouped together, and that the Town Board should look at both. Both were an immediate concern.

#16. Under the County ordinance, seasonal, holiday or other temporary decorations are exempt. Merline asked the County if those items could be regulated through the sign ordinance, but the County has elected to not regulate them. Merline also asked if "not regulated" meant holiday lights, decorations, etc. could be left up and lit year round. According to the County, they could. However, this could be regulated on a Town level. Merline said she will talk about this more with Hagen. If the Town wants to regulate this there would need to be design standards in place. Freix asked whether this might fall under or be a component of a future display ordinance. The Plan Commission said it needs to be addressed, but not immediately.

#17. There is no mention of or regulation of outdoor display in the County's new sign ordinance. The Plan Commission felt this section requires a future discussion and soon, though it is not an immediate need. For this season, due to COVID-19, the Town has granted businesses leeway in this area. Merline suggested including the business people in these conversations.

Outside of the list Merline presented, the only thing not addressed in the County ordinance was historic signs, such as the drive-in movie theater sign.

Those issues considered immediate needs were recapped and will be presented to the Town Board at tomorrow night's regular monthly Town Board meeting.

Reports

- a. **Chair Report** – Merline updated the Commission on the box culvert plans. The engineer had yet to receive WisDOT approval for the design, which was needed before being able to move forward with the construction portion of the project. Lancaster tracked down a

contact at WisDOT; WisDOT should have comments to the Town within the next couple of weeks.

Merline reported that the 5th grade field trip and the reforestation of dead ash trees were both canceled due to COVID-19. The trees ordered for reforestation were being held until next year.

Merline reported that planning for the 2024 comprehensive plan is also on hold for the time being due to the impact COVID-19 may have on the budget and funds needed to hire a consultant. Freix asked if the delay because of funding to pay for the meetings. Funds available for a consultant at this point are uncertain. Merline asked the rest of the Plan Commission members to consider any other goals they may be able to take up.

b. **Ground and Surface Water - None**

c. **Town Board/Parks and Lands – None**

Set Next Meeting Date: Tuesday, July 28, 2020 at 7 p.m.

Adjourn: *Motion (Adent, Freix) to adjourn at 9:11 p.m. Carried*

Respectfully submitted,

Sara Rae Lancaster
Administrative Assistant