



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

Planning

(608)266-4251, Rm. 116

Records & Support

(608)266-4251, Rm. 116

Zoning

(608)266-4266, Rm. 116

TO: Dane County Zoning & Land Regulation (ZLR) Committee
Town Clerks, Supervisors & Planning Commissioners
County Executive Joe Parisi
All Other Interested Parties

FROM: Pamela Andros, AICP, Senior Planner

DATE: February 28, 2017

RE: Staff review of Ordinance Amendment (OA) #83, 2016
Regarding Authorizing Electronic Signs in the A-1EX Exclusive Agricultural District

CC: Dane County Towns Association

This memo describes Ordinance Amendment 83, 2016, regarding allowing electronic signs in the A-1EX Exclusive Agricultural district. To assist town and county officials in decision making, the Planning Division prepares written descriptions of each proposed amendment to land use and development related ordinances. The Zoning & Land Regulation (ZLR) Committee will hold a public hearing on OA 83 on Tuesday, March 28th, 2017. Please direct any questions to me at 261-9780, or by email at andros@countyofdane.com.

I. BACKGROUND – Current CUP appeals process and rationale for the amendment

Existing ordinance

Currently, as stated in Section 10.72(9), electronic signs are permitted in the A-B Agriculture-business, B-1 Local Business, C-1 Commercial, C-2 Commercial, EXP-1 Exposition, M-1 Industrial zoning districts. The current ordinance defines electronic signs as “an advertising sign whose message may be changed by electronic process”. Ground signs must be setback either 42 feet from the right-of-way or 100 feet from the centerline of a Class A highway, whichever is greater.

Motivation for the amendment

Seeking the convenience of being able to easily and remotely change messages, the Perry Lutheran Church wishes to convert their existing sign into an electronic sign. The current sign is located approximately 45 feet from the centerline of State Highway 78, and is considered a legal non-conforming (a.k.a “grandfathered”) sign. Their sign proposal conflicts with the zoning ordinance in two ways. First, electronic signs are not allowed in the A-1EX Exclusive Agricultural district, and second, the setback requirement for a new sign is 42 feet from the centerline of a Class A highway.

Amendment not supported by Dane County Towns Association

The Dane County Towns Association Executive Board reviewed the proposed changes and voted to oppose 2016 OA-83, with the key concern being a proliferation of electronic signs on farmland throughout the county.

Electronic Signs

Current ordinance: Electronic signs are not allowed in the A-1EX district.

Proposed OA #83: Electronic signs would be allowed in the A-1EX district.

**The ZLR Committee Public Hearing on OA #83, 2016 will be March 28, 2017.
Town action on the OA is due to the county zoning office by April 27th 2017.**

II. DESCRIPTION OF PROPOSED CHANGES

The amendment adds A-1EX Exclusive Agricultural to the list of zoning districts in which an electronic sign is allowed [Article 5]. It also modernizes the definition of electronic sign [Article 2], adds control over the brightness of electronic signs by defining a unit of measure for intensity of light [Article 3], and for clarity, updates the definition of vision clearance triangle [Article 4]. Electronic off-premise advertising (billboard) signs are prohibited [Article 6]. Design requirements are updated in Article 7. Standards for illumination of signs is modernized and includes controls for external source of light, the angle of light, glare, and prohibits flashing, moving, reflecting or changing light sources. Electronic message sign design is defined controlling for sign types, frequency of changing messages, sets maximum brightness, and adds procedures for sign malfunction. Article 9, repeals 10.83 setback regulations and replaces them with setbacks of 5 feet from a public right-of-way or highway easement, and 5 feet from side and rear property lines.

III. ANALYSIS

This section provides a brief staff analysis of the proposed ordinance changes.

- **Impacts a substantial amount of rural land countywide**
445,920 acres (42%) of town land in Dane County is zoned A-1EX, therefore electronic signs could proliferate across the county.
- **Inconsistent with comprehensive plans**
Maintaining rural character is a goal in every Town plan in Dane County, as well as the County comprehensive plan. Electronic signs are not in keeping with “rural character”. In fact, some towns, in an effort to implement the goal of retaining rural character, have adopted dark skies ordinances.

Electronic signs in farmland preservation areas is not consistent with several goals and objectives of the *Dane County Comprehensive Plan*, including:

- “Maintain Dane County’s rural character and preserve the distinct character and physical separation of Dane County Communities” [Chapter 5 Agricultural, Natural and Cultural Resources],
 - “Protect and maximize public enjoyment of the scenic qualities of Dane County by preserving views and landmarks, including high promontories or viewpoints, mitigating the visual impact of proposed development and facilities, and improving public access to scenic areas and views” [Chapter 5 Agricultural, Natural and Cultural Resources], and
 - “Balance individual property rights with community interests and goals” [Chapter 8 Land Use].
- **Inconsistent with farmland preservation planning**
The majority of towns in Dane County participate in the State Farmland Preservation program. A-1EX is one of the zoning districts that implements farmland preservation in Dane County. After reviewing ss. 91.01 Definitions, 91.44 Permitted Uses, and 91.16 Conditional Uses, Wis. Stats., it is reasonable to argue that electronic signs do not meet the definition of an agricultural, agricultural accessory or agriculture-related use under the statutes.
 - **Modernization of Dane County Zoning Ordinance (Chapter 10 of the DCCO)**
Modernizing the definition of electronic signs and adding a definition for a *Nit*, a unit of measurement of luminance, are improvements to the ordinance. The updated design requirements for illumination of signs and electronic message sign design are also good improvements, as they will assist in allowing electronic signs while mitigating potential negative impacts. It should also be noted that the portion of the zoning ordinance pertaining to signs will be reviewed and updated as part of the Comprehensive Rewrite of Chapter 10

currently underway. This rewrite process is a well-researched, systematic approach and will rework the entire sign ordinance including what types of signs are allowed where, and how to mitigate various impacts.

In response to the issues identified in this memo, especially those related to farmland preservation goals of the A-1EX zoning district, the sponsor is working on a substitute for this ordinance amendment.

IV. TOWN ACTION REQUIRED BY APRIL 27TH, 2017

As amendments to chapter 10, town action is required on OA 83 within 30 days of the county zoning committee public hearing, which is scheduled for Tuesday, March 28, 2017. Towns should submit their action reports on the amendments to the county zoning office by Thursday, April 27th. Action reports may be submitted by hardcopy, fax (267-1540), or electronically via the online Town Board Action Report form available here:

http://www.countyofdane.com/plandev/Town_Information.aspx.

If you have questions, please contact me (phone: 261-9780; email: andros@countyofdane.com).