

ORDINANCE NO. 694-071023

Amending and Recreating Chapter 245 of the Village of Waterford's Code of Ordinances. Zoning - Signs.

The Village Board of the Village of Waterford, Racine County, Wisconsin, do ordain as follows:

Article VI Signs

[Added 9-26-2005 by Ord. No. 481; amended 1-23-2006 by Ord. No. 489; 11-14-2011 by Ord. No. 582; 6-11-2012 by Ord. No. 589; 9-24-2012 by Ord. No. 593; 11-11-2013 by Ord. No. 610; 1-13-2014 by Ord. No. 612; 11-28-2016 by Ord. No. 643; 11-28-2016 by Ord. No. 650; 1-14-2019 by Ord. No. 669]

§ 245-28 Findings; purpose and intent; interpretation.

- A. Findings. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.
- B. Purpose. The purpose of this Sign Article is to provide the legal framework and minimum standards to safeguard life, property, and public welfare by regulation and controlling the number, size, color, quality of materials, construction, location, illumination, movement, height, installation, condition, and maintenance of all signs to be compatible with zoning regulations. These regulations ensure the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive, and harmonious community, protection against destruction of or encroachment on historic areas or signage, and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of the provisions of this article that can be given effect without the invalid provision.
- C. Intent.
 - (1) This article recognizes the need for well-maintained and attractive sign displays within the Village and the need for adequate business identification, advertising and communication. Because of the unique qualities of the Village of Waterford, which need to be protected and enhanced, a high degree of control over the construction materials of signs is deemed to be an important public purpose.
 - (2) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in Subsection C(1) of this section.
 - (3) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- D. Interpretation.

- (1) This article authorizes the use of signs on public and private property, provided the signs are:
 - (a) Compatible with the zoning district regulations.
 - (b) Where required, compatible with the approved Heritage District Design Guidelines adopted in § 245-27 for the Waterford Heritage Overlay District, and any other approved guides and manuals.
 - (c) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
 - (d) Legible, readable, visible and well designed for the circumstances in which they are used.
 - (e) Respectful of the reasonable rights of the citizens and other advertisers.
 - (f) Do not cover any major architectural detail.
 - (g) Are expressly permitted as being allowed by right or by permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Plan Commission, Village Board or Board of Appeals.
- (2) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the Village. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (3) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
- (4) These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this state, the federal government or this Village. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

§ 245-29 **Definitions.**

For the purpose of this article, the following words and phrases shall have the meaning assigned to them in this section:

ORIGINAL ART DISPLAY

A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display. An original art display meeting these requirements is not considered to be a sign.

SIGN

A name, identification, description, display or illustration, in any medium, including sign face, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, which is affixed to, painted or represented directly or indirectly upon a building, or other surface (including the ground, poles, etc.), which directs attention to, or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization, cause, or business, used to communicate, which is visible from any public street or highway, and includes searchlights and other lighted displays. Each display surface of a sign is considered to be a sign.

SIGN AREA

The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

SIGN COPY

The message, advertising, and/or any other symbols on the face of the sign.

SIGN DISPLAY AREA

The display area of a sign shall be measured as the area, in square feet, of the smallest rectilinear polygon, with a maximum of eight sides, that describes the portion of the sign which encloses all lettering, wording, design, and symbols together with any background that, through the use of illumination, color or other techniques, helps the sign stand out from its surroundings. Where a sign has multiple display surfaces and any two of these display surfaces are parallel and face in opposite directions, only one of the parallel display surfaces is included when calculating the display area. For an internally illuminated awning or marquee sign, the display area shall be calculated as the height of the awning or marquee multiplied by its width.

SIGN FACE

The entire area display surface area upon, against or through which copy is placed.

SIGN, ABANDONED

Any sign, the use of which has been discontinued to a period of 12 consecutive months, which sign advertises or identifies an activity that has been discontinued for a period of 12 consecutive months, shall be considered abandoned.

SIGN, AWNING

A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee.

SIGN, BACKLIT CHANNEL LETTER

This letter combines the standard front-lit letter along with the reverse/halo-lit letter. The sides of the letter are aluminum, the faces are polycarbonate and the back of the sign is open to reflect the LED or neon illumination off of the wall. (See appendix for example.)

SIGN, BULLETIN BOARD

A sign that allows changeable copy that directs attention to buildings or activities that are located or to be located either on or off the premises where the sign is located.

SIGN, DIRECTIONAL

A sign that does not advertise, but merely draws attention to a business, development, or other building by indicating no more than the direction and distance it is from the sign.

SIGN, ESTABLISHED GRADE OR IMMEDIATELY BELOW

The distance from the bottom of the sign or other projection to the established grade immediately below is measured from the elevation immediately adjacent to the face of the building to which the sign or other projection is attached.

SIGN, EXTERNALLY ILLUMINATED

A sign illuminated by one or more light sources outside the sign cabinet.

SIGN, GROUND

Any sign placed upon a pole or other support independent of any other structure, where the sign height does not exceed 10 feet.

SIGN, HALO OR CHANNEL LIT

Halo-lit letters or also known as reverse channel-lit letters consist of aluminum faces and sides (returns) mounted onto standoffs away from the wall which project either LED's or neon illumination to the wall surface giving the sign a halo effect. This technique is often considered to give the customer a distinguished or unique image. (See appendix for example.)

SIGN, INTERNALLY ILLUMINATED

A sign illuminated by one or more light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

SIGN, NEON

A sign with luminous gas-filled tubes formed into text, symbols, or decorative elements and directly visible from outside the sign cabinet.

SIGN, OFF-PREMISES (BILLBOARD)

A sign that directs attention to a building, commodity, activity, or service conducted, sold, or offered at a location other than the premises on which the sign is located. No off-premises sign may be erected without Plan Commission approval.

SIGN, PERMANENT

A sign permanently attached to the land or a structure by means of concrete, plaster, nails, bolts, screws or other material, or painted on or etched into the exterior of a window.

SIGN, POLE

A sign that is mounted on a freestanding pole or other support so that the bottom of the sign is over 10 feet above grade.

SIGN, PORTABLE

A sign that is not permanently affixed to a building, structure, or to the ground. Such a sign is sometimes mounted on wheels to make it transportable.

SIGN, PROJECTING

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from that building.

SIGN, ROOF

A sign that is mounted on the roof of a building or that is wholly dependent on a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

SIGN, TEMPORARY

A sign constructed of cloth, canvas, fabric, paper, cardboard, plastic, wood or other material and not permanently attached to the land or a structure.

SIGN, WALL

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than 12 inches from that building or structure.

SIGN, WINDOW, EXTERIOR

Any outdoor sign painted, posted, displayed, or etched in or on the surface of a window or a translucent or transparent surface of a door.

SIGN, WINDOW, INDOOR

A sign that is applied or attached to the interior of a window or located in such manner within a building that it can readily be seen from the exterior of the building through a window.

§ 245-30 Design guidelines.

- A. The Village recognizes the decision of the United States Supreme Court, as outlined in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015). As such, this section is intended to act as a set of suggestions to sign producers and property owners on what types of signs the Village would prefer to see in order to preserve the small town charm of the community.
- B. Signs are one of the most prominent visual elements of a street. Well-designed signs add interest and variety to building facades and help to attract customers. In general, the sign is the best representation of the business to the passing pedestrian or motorist. The design guidelines shall be used as an important part of sign review and approval.
- C. Before starting to design a sign, take a careful look at the building. Is there an obvious space on the building where the sign would look appropriate without covering architectural details? Some of the Village's older buildings were designed with a horizontal "sign space" stretching across the top of the storefront which should be used. If this "sign space" does not exist perhaps, there is adequate wall area for a wall sign with appropriate space for a projecting sign.
- D. Take a look at neighboring buildings. Is there a predominant type of sign or a size precedent? In designing a sign, it is important to have an understanding not only of the building but also of the compatibility within the neighborhood. The basis for decisions on sign type, size and location should come from architectural concerns. The specific definitions and regulations governing the various types of signs in this section should be studied before actual design begins.
- E. To achieve the objective of these guidelines for sign details include the following:
 - (1) **Simplicity.** An effectively designed sign with bold, easily recognized symbols and clear crisp lettering will identify a business or activity efficiently and attractively, enhance the area in which it is located and complement the general appearance of the street and Village.
 - (2) **Color.** Restraint should be exercised when selecting colors. On most signs, no more than three colors should be used: one for background, a contrasting color for lettering, and a third for perhaps emphasis (such as for borders, motifs, or shading of letters to give it a three-dimensional look). Colors should be chosen which complement each other as well as the general tone of the building.
 - (3) **Messages.** Messages should be simple for rapid comprehension by the public. Pictures, symbols, and logos can add individuality and character to signs, in addition to making them easier to read.
 - (4) **Materials.** Sign materials shall be compatible with the surrounding area. Sign materials shall be consistent with or at least complement the original construction materials and architectural style of the building facade on which they are to be displayed.
 - (5) **Lettering.** Lettering styles should complement the style and period of the building on which they appear. Traditional block and curvilinear styles, which are easy to read, are preferred. Generally, different type styles should not be used on the same sign to avoid a cluttered appearance.
- F. In the Waterford Heritage Overlay District, the Signage Provisions of the Heritage District Design Guidelines are mandatory where indicated in that document.

§ 245-31 Signage in nonresidential districts; permits required.

- A. In general. Signs are allowed in all nonresidential districts, subject to the requirements in this article. All

signs in nonresidential districts require permits, except as set forth in Subsection **H**, below.

B. Determination of allowable signage.

- (1) The area of each building's signage shall be the lineal feet of the front of the building multiplied by the story factor below. A basement shall not count as a story. See § **245-37** for the manner to determine the linear front footage. No single projecting or ground sign may exceed 24 square feet in area per side.
- (2) The following table shall be used to calculate the area of allowable signage. Measure the width of the building and use the proper multiplier for the building width range to determine the allowable square feet of signage permitted.

Building Width Range in Feet	Multiplier		
	One-Story	Two-Story	Three-Story
0	0.750	0.830	0.900
5	0.750	0.830	0.900
10	0.750	0.830	0.900
15	0.750	0.830	0.900
20	0.750	0.830	0.900
25	0.750	0.830	0.900
30	0.750	0.830	0.900
35	0.721	0.798	0.865
40	0.711	0.787	0.853
45	0.701	0.776	0.842
50	0.692	0.765	0.830
55	0.682	0.754	0.818
60	0.672	0.743	0.807
65	0.663	0.733	0.795
70	0.653	0.722	0.783
75	0.643	0.711	0.772
80	0.633	0.700	0.760

**Building
Width
Range in
Feet**

Multiplier

One-Story Two-Story Three-Story

85	0.624	0.689	0.748
90	0.614	0.678	0.737
95	0.604	0.668	0.725
100	0.594	0.657	0.713
105	0.585	0.646	0.702
110	0.575	0.635	0.690
115	0.565	0.624	0.678
120	0.556	0.613	0.667
125	0.546	0.602	0.655
130	0.536	0.592	0.643
135	0.526	0.581	0.632
140	0.517	0.570	0.620
145	0.507	0.559	0.608
150	0.497	0.548	0.597
155	0.488	0.537	0.585
160	0.478	0.527	0.573
165	0.468	0.516	0.562
170	0.458	0.505	0.550
175	0.449	0.494	0.538
180	0.439	0.483	0.527
185	0.429	0.472	0.515
190	0.419	0.462	0.503

**Building
Width
Range in
Feet**

Multiplier

	One-Story	Two-Story	Three-Story
195	0.410	0.451	0.492
200	0.400	0.440	0.480
Over 200	0.390	0.429	0.468

Any property zoned B-1, B-2 or B-3 having more than 1 story and a State Highway lot frontage of greater than 250', and possessing a valid Class B Alcohol License for retail on site sales of spiritous liquor shall be allowed double the area calculated under 245-31 (2), and may have a single, externally illuminated ground sign made from wood or a simulated wood material up to 72 square feet in area, and a total height not in excess of 14 feet.

- (3) Window signs. All uses are allowed window signs, which may be placed only on the inside of buildings and shall not exceed the percentage of the glass area of the windows fronting on a public street by district listed below. Window signs shall have 50% or greater opacity. Window signs meeting this description shall not require a permit.

Residential- Unregulated

B-1- Industrial -100%

B-2 General Business – 60%, except on Highway 36 or Milwaukee St, where 100% shall be allowed.

B-3 Downtown Business – 25%

- (4) Awning signage. All uses are allowed signage on awnings. Awning signage may include logos, business names, symbols and wording. Awnings or canopies covering pedestrian or vehicle access areas signs shall provide no less than eight feet vertical clearance between the bottom of the sign and the ground (finished surface), directly beneath the awning or canopy. Signage on awnings shall not count towards total signage.
- (5) Signage at the entrance of tenant spaces. One sign placed at the entrance of the space for each separate tenant space in multi-tenant buildings may be placed on the building and each directory sign shall not exceed 16 square feet per side. In lieu of one entrance directory sign for each separate tenant space, a single wall sign may be permitted. The area of the wall sign shall be no larger than the cumulative amount of the permitted separate entrance directory signs. The "in lieu of" sign shall be in addition to the sign areas allowed in Subsection **B(2)** above and shall conform to all of the requirements of this section.
- (6) Certain sandwich board signs. See § **245-33**.
- C. Total combination of signs. All covered uses may divide the total permitted signage into any combination of the four types listed below, not to exceed the total permitted area limits set forth in Subsection **B(2)** above.

- (1) Wall signs placed flat against the exterior walls of a building shall not extend above the roofline, except as may be approved under special historic promotion, preservation and/or retro restoration

circumstances by the Plan Commission. Wall signs shall not extend beyond the ends of the wall to which they are attached.

- (2) Projecting signs fastened to, suspended from or supported by structures shall not extend more than six feet into the required yard area, shall not extend into any public right-of-way, shall not extend over any driveway and, shall be at least 10 feet from all side lot lines. The projecting sign shall not be located at a point higher than 75% of the wall measured from the top of the foundation where it is located, except by approval of the Plan Commission.
- (3) Ground signs shall not exceed eight feet in height. Ground signs shall be located at least 10 feet from any street right-of-way and at least 10 feet away from any side or rear lot line except as specified in Subsection **C(3)(a)** below. Ground signs shall comply with the traffic visibility requirements set forth in § **245-13H**. All ground signs shall include landscaping at the base of the sign.
 - (a) In the B-3 Downtown Business District, ground signs may be located no closer than 10 feet from the face of the curb if the existing building and/or terrain is not suitable for the setback as specified above.
 - (b) All parcels shall be limited to one ground sign, regardless of the number of businesses, buildings on the site or the number of street frontages abutting the property.
 - (c) Vending machines. Vending machines without internal illumination are permitted in business, commercial, and industrial districts; internally illuminated vending machines may be permitted with appropriate vegetative screening so that they are not visible from the roadway.

D. Commercial center signage.

- (1) A commercial center is defined as a multi-tenant, multi-building commercial and retail development under common ownership or management and located in the B-1 or B-2 Zoning District. The shopping center may be permitted the following signage in addition to the approved building signage as specified above and in this section.
- (2) Signs used for commercial centers shall be allowed as follows:
 - (a) One ground sign identifying the tenants may be permitted along a state highway abutting a commercial center.
 - (b) The signs shall not exceed 72 square feet per side in total area and may not exceed 12 feet in height. The location must be approved by the Zoning Administrator prior to the issuance of a sign permit.
- (3) Business or tenant signage. Signage specified in Subsection **C(1)** and **(2)**, above, may be provided for each individual tenant business in a commercial center. In a multi-tenant building, each business shall be permitted signage up to 12 square feet per side. In a single-tenant building the business shall be permitted signage up to 16 square feet per side on the interior of the shopping center.
- (4) Additional on-premises signage. One additional ground sign on the commercial center property may be permitted subject to the following restrictions:
 - (a) The maximum size of the sign shall not exceed 36 square feet per side.
 - (b) The location must be approved by the Zoning Administrator prior to the issuance of a sign permit.
 - (c) The sign must be located at an entrance to the commercial center on a different state road or local road than where the sign in Subsection **D(2)(a)** and **(b)** above is located.

E. Sandwich board signage with permit. Sandwich board signs are permitted subject to the following

conditions:

- (1) Entities may use sandwich board signs in front of their properties in the B-1, B-2, B-3 Institutional and Municipal Campus Districts provided that the sandwich board signs will not be located on any sidewalk or bikeway if one is present or in any public right-of-way; provided, however, that where there is a zero lot-line setback, the sandwich board may be located on a sidewalk if it does not interfere with pedestrian traffic.
- (2) Sandwich board sign impact on total permitted signage.
 - (a) A sandwich board where the messages and content change on a weekly basis shall not count towards the total signage allowed under § **245-31**.
 - (b) A sandwich board where the wording or image is unchanging shall count towards the total signage allowed under § **245-31**. Any sandwich board permitted under this subsection shall also comply with Subsection **E(2)(c)** through (g) below.
 - (c) The sandwich board sign must be located in front of the property, and will not cause a hazard to traffic or adjoining properties. These signs shall require a permit and shall not exceed six square feet in area on one side or 12 square feet on all sides.
 - (d) The sandwich board sign must be removed from its display location whenever the permit holder is not open to the public. Festivals, nonprofits, organizations and businesses under contract with the Village may use sandwich board signs on Village-owned property or other property in any district as permitted.
 - (e) All sandwich board signs, regardless of location, shall conform to the design guidelines set forth in the Waterford Heritage District Design Guidelines, Signage, Section 5, Sandwich Board Signs.
- F. Illuminated signs. Interior illuminated signs are not permitted in any district. Halo-lit and channel-lit signs are permitted in Institutional, Municipal Campus, B-1, B-2, and B-3 Districts, and are also permitted in residential districts at the entrance to neighborhoods.
- G. Changeable copy signs. Changeable copy signs, fixed or moveable, may be permitted if approved by the Zoning Administrator. Price signs will be considered permitted additional signage.
- H. Signs in nonresidential districts where no permit is required. Except as prohibited in § **245-39** of this chapter, the following signs are allowed in nonresidential zoning districts without a permit, subject to the following regulations:
 - (1) Temporary signs.
 - (a) Temporary signs are allowed per property, as follows:
 - [1] (Reserved)
 - [2] Each sign may not exceed 32 square feet in total area and may not exceed 10 feet in height, except signs located in the B-3, if affixed to the building, shall not exceed the roof line. Signs located in the B-3, if affixed to the ground, shall be no taller than eight feet in height.
 - [3] These signs shall not be located in any street right-of-way or in front of any sidewalk.
 - [4] (Reserved)
 - [5] Only one sign shall be allowed on each street frontage per lot.

- (b) The temporary use of banners, balloons, streamers, pennants, and other similar media in any district is allowed provided that the media will not be located on any sidewalk or bikeway if one is present or in any public right-of-way, except by permit of the Zoning Administrator.
- [1] This type of media shall be displayed for no more than 14 days.
 - [2] The media will not be located closer than 10 feet to an adjacent property or driveway, and will not cause a hazard to traffic or adjoining properties. This type of media shall not exceed 24 square feet in area on one side or 48 square feet on all sides.
- (c) In all cases, when the temporary sign or media is placed by a person other than the property owner or legal tenant of the property, the person placing the sign or media must obtain permission from the owner for the placement of the signs or media.
 - (d) Failure to comply with standards. Any person that fails to follow the standards set forth in this section shall be notified in writing that all future temporary signage shall require a regular sign permit and may be issued a citation for a violation of this chapter as set forth in § **245-57** and Chapter **1**, Article **II** of this Code.
- (2) Temporary construction area signage. Temporary signs on a property during a period of construction may be placed on a construction site without a permit, provided that:
 - (a) There shall be no more than one such sign located on the premises;
 - (b) No sign shall exceed 32 square feet in area on one side or 64 square feet on all sides; and
 - (c) The sign shall be removed within 72 hours following the issuance of an occupancy permit. Temporary signs allowed as part of a development agreement shall be removed as specified in that agreement.
 - (d) Notwithstanding the above, pursuant to Wis. Stats. § 66.1102(5), any person who is the owner, or other person in lawful possession or control, of a construction site may install a banner over the entire height and length of a fence surrounding the construction site.
 - (3) Bulletin boards. Bulletin boards are not to exceed four square feet in area on one side and located on the building.
 - (4) Signs cut into buildings. Signs and tablets when cut into any masonry surface or when constructed of metal and affixed flat against a structure will count towards total allowable signage, and be reviewed by the Zoning Administrator as an architectural feature and approved or denied based on total allowable signage.
 - (5) Official signs. Official signs, such as traffic control, parking restrictions, welcome signs and related entrance signs, and public notices when approved by the Zoning Administrator.
 - (6) Lot signs. Permanent directional signs located at the entrance and exit of a driveway or street shall not exceed two square feet.
 - (7) Parking signs. Signs in the parking lot shall be mounted no less than four feet from the ground and shall not exceed 24 inches high by 30 inches wide.
 - (8) Flags. Property owners shall be permitted one flag per 25 feet of frontage on a right-of-way up to a maximum of six flags and six flag poles per premises. Each flag may be a maximum of 15 square feet in area. Flag poles may be a maximum of 50 feet in height, but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of 10 feet, whichever is more restrictive.

- (9) Signs on external walls. One sign on an external wall is allowed per nonresidential unit. The maximum allowable size for such sign is four square feet. If it is over four square feet in size, the sign's area shall be included in the total signage calculation. All signs must be mounted on the building. Erasable blackboards or glass-enclosed cases are acceptable.
- (10) (Reserved)
- (11) Original art display. An original art display is allowed without a permit provided that it meets the following requirements:
 - (a) It is located on a side or rear of a building. An original art display on the front of a building requires a conditional use permit;
 - (b) It may not extend more into the building setback from the plane of the wall upon which it is painted or to which it is affixed;
 - (c) The total of all original art displays may be no more than 64 square feet in area per parcel, or as permitted by the Plan Commission;
 - (d) Unlit, unreflective Black and Neon Changeable Copy Signs: Signs not exceeding 32 sq ft on a side with a solid, flat black background whereon neon letters in a sans serif font are affixed are allowed on B-1 and B-2 properties for a period of 10 days. Such 10-day display periods may occur up to 4 times per year.
 - (e) May not be internally illuminated.

§ 245-32 **Residential district signage.**

The following sign regulations apply to all residential districts, and the signage requires permits, except as set forth in § 245-39.

- A. Size. Except as may otherwise be provided in this article, when a sign is authorized on a property, the sign must not exceed two square feet in area. Where attached dwellings exist on a property, the total square footage must not exceed two square feet per dwelling unit.
- B. Subdivision and residential development signs. For residential developments (including subdivision identification signs), the maximum size and number of signs that the owner or owners of the residential development must be controlled according to the following:
 - (a) Residential developments four acres or less in area may have a sign or signs with a total area of no more than 32 square feet.
 - (b) Residential developments over four acres but less than 40 acres in area may a sign or signs that have a total area of no more than 48 square feet.
 - (c) Residential developments of 40 acres or more may have a sign or signs with a total area of no more than 102 square feet.
- C. Location. Permitted signs may be anywhere on the premises, except in a required side yard or within 10 feet of a street right-of-way.
- D. Height. The following maximum heights apply.
 - (1) If ground-mounted, the top must not be over four feet from the ground, except temporary signs must not be over six feet from the ground.

- (2) If building-mounted, the sign must be flush-mounted and must not project above the roofline.
- E. Illumination. No internal illumination is allowed. If illumination is used, it may not be blinking, fluctuating or moving. Light rays must shine only on the face of the sign and on property within the premises.
- F. The following signs are not allowed: portable signs, marquee signs, digital billboard, and projecting signs.
- G. Temporary Signs in Residential Districts that do not require permits.
 - (1) Temporary signs.
 - (a) Up to three temporary signs are allowed per street frontage, as follows:
 - [1] Neither sign may exceed 12 square feet in area on one side and 24 square feet in area on all sides.
 - [2] These signs shall not be located in any street right-of-way, nor in front of any sidewalk.
 - [3] (Reserved)
 - (b) The temporary use of banners, balloons, streamers, pennants, and other similar media in any district is allowed provided that the media will not be located on any sidewalk or bikeway if one is present or in any public right-of-way, except as approved by the Zoning Administrator.
 - [1] This type of media shall be displayed for no more than 14 days.
 - [2] The media will not be located closer than 10 feet to an adjacent property or driveway, and will not cause a hazard to traffic or adjoining properties. This type of media shall not exceed 12 square feet in area on one side or 24 square feet on all sides.
 - (c) In all cases, when the temporary sign or media is placed by a person other than the property owner or legal tenant of the property, the person placing the sign or media must obtain permission from the owner for the placement of the signs or media.
 - (d) Failure to comply with standards. Any person that fails to follow the standards set forth in this section shall be notified in writing that all future temporary signage shall require a regular sign permit and may be issued a citation for a violation of this chapter as set forth in § 245-57 and Chapter 1, Article II of this Code.
 - (2) Temporary construction area signage. Temporary signs on a property during a period of construction may be placed on a construction site without a permit, provided that:
 - (a) There shall be no more than one such sign located on the premises;
 - (b) No sign shall exceed 32 square feet in area on one side or 64 square feet on all sides; and
 - (c) The sign shall be removed within 72 hours following the issuance of an occupancy permit. Temporary signs allowed as part of a development agreement shall be removed as specified in that agreement.
 - (d) Notwithstanding the above, pursuant to Wis. Stats. § 66.1102(5), any person who is the owner, or other person in lawful possession or control, of a construction site may install a banner over the entire height and length of a fence surrounding the construction site.
 - (3) Bulletin boards. Bulletin boards are not to exceed four square feet in area on one side and located on the

building.

- (4) Signs cut into buildings. Signs and tablets when cut into any masonry surface or when constructed of metal and affixed flat against a building may not exceed two square feet in area. Signs may be approved larger than two square feet by the Plan on the basis of unique design considerations.
- (5) Official signs. Official signs, such as traffic control, parking restrictions, welcome signs and related entrance signs, neighborhood watch signs, and public notices approved by the Zoning Administrator.
- (6) Lot signs. Permanent directional signs located at the entrance and exit of a driveway or street shall not exceed two square feet.
- (7) Parking signs. Signs in the parking lot shall be mounted no less than four feet from the ground and shall not exceed 24 inches high by 30 inches wide.
- (8) Flags. Property owners shall be permitted one flag per 25 feet of frontage on a right-of-way up to a maximum of three flags and three flagpoles per premises. Each flag must be a maximum of 15 square feet in area. Flagpoles must be a maximum of 50 feet in height, but no higher than the highest point of the nearest principal building's roof on the premises. Flagpoles must meet the minimum yard setback requirements for a principal building or a minimum of 10 feet, whichever is more restrictive.
- (9) Signs on external walls. No signs may be placed on an external wall.
- (10) Election campaign periods. During an election campaign period, as defined in Wis. Stats. § 12.04, there is no limit on the number or square footage of signs allowed; provided, however, that such signs shall not interfere with traffic or pedestrian safety and shall not be placed in the vision clearance triangle. Said signs may be placed on property zoned for any use and on property abutting that property for which the owner or renter is responsible for the maintenance or care. A sign having an electrical or mechanical auxiliary requires a permit, may not be located closer than 10 feet to an adjacent property or driveway, may not cause a hazard to traffic or adjoining properties, and may not exceed 12 square feet in area on one side or 24 square feet on all sides. No sign may have an audio auxiliary in a residential district.
- (11) Original art display. Original art displays are allowed provided that they meet the following requirements:
 - (a) Must not be placed on the front of a dwelling;
 - (b) Must not extend more than six inches from the plane of the wall upon which it is painted or to which it is affixed;
 - (c) Must be no more than 24 square feet in size, per lot or parcel;
 - (d) Compensation must not be given or received for the display of the original art or the right to place the original art on site; and
 - (e) May not be illuminated.

§ 245-33 **Planned community development district signage.**

Each planned community development district in the Village is covered in its own separate section of Article **VIII** of this chapter. The specific section lists the allowed residential and/or nonresidential uses within that district. When the Zoning Administrator determines whether nonresidential or residential sign regulations apply, the Zoning Administrator will first determine whether the allowed uses listed in the particular PCDD for that parcel are residential or nonresidential, and then apply the appropriate regulation to the use on the parcel.

§ 245-34 **Sign permit.**

- A. An application for a sign permit shall be made on a form provided by the Zoning Administrator and shall contain or have attached thereto at least the following information:
- (1) Name, address and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
 - (2) Name of person, firm, corporation, or association erecting the sign.
 - (3) In cases where more than one business occupies a single building, the assignment of on-building sign area to the various businesses shall be at the discretion of the property owner. This allocation shall be specified in the sign application.
 - (4) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
 - (5) A scale drawing of such sign indicating the dimensions, the materials to be used, the colors on the sign, the type of illumination, if any, and the method of construction and attachment. The drawing shall be drawn at a scale no smaller than one-eighth inch equals one foot and shall be prepared, signed and sealed by a registered professional engineer when required by the Zoning Administrator.
 - (6) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures. The drawing shall be at a scale no smaller than one inch equals 50 feet.
 - (7) Copies of any other permits required.
 - (8) Signs requiring state approval shall provide a copy of such approval with the sign permit application.
 - (9) Additional information may be required by the Zoning Administrator or Plan Commission.
- B. Sign permit applications shall be filed with the Zoning Administrator who may approve or deny the application, in writing, within 20 working days after submittal. A sign permit shall become invalid if work authorized under the permit has not been completed within six months of the date of issuance.
- C. At the time of the filing of the application for a permit, the applicant shall furnish to the Zoning Administrator the fee for the permit in accordance with the current fee schedule set by the Village Board.
- D. Waiver of some requirements. The Zoning Administrator may waive the requirements for certain plans, specification, data, or drawings when the application is to execute minor alterations or repairs to a sign, provided that the proposed construction, alteration, or repair is sufficiently described in the application for the permit.
- E. The sign permit fee shall be established by the Village Board and set forth in the Fee Schedule.

§ 245-35 **Construction standards.**

- A. Sign materials. Signs should be constructed predominantly of natural materials, such as rough cedar, pine or other types of wood, Stained glass may also be used. Manufactured materials that give the appearance of natural materials are also permitted. Signs with relief are encouraged. Supporting members or braces of all signs shall be constructed of approved materials. Halo-lit and channel-lit signs may be constructed of any modern material that is substantially similar in construction to the examples provided in the appendix.
- B. Covering architectural details. Signs shall not cover architectural details such as, but not limited to,

arches, sills, moldings, cornices and transom windows. It may be required that existing signboards or sign bands be used for placement of signs.

- C. Construction standards. The applicant shall be responsible for obtaining the necessary permits to comply with Village and state building, electric and WisDOT codes.
- D. Protection of the public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off or otherwise isolated. The Zoning Administrator shall be notified at least 24 hours in advance of such proposed obstruction.
- E. Sign location affecting egress. No sign or any part thereof, or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no sign or any part of a sign or any anchor, brace or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through a door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against a building by the Fire Department, as necessity may require.

§ 245-36 **Color and lighting.**

- A. Colors that are of the neon or fluorescent families may be used in window signage only, and may be hung on the inside surface of a window. No more than 16 square feet of window neon or fluorescent signage is permitted per structure. Neon and fluorescent signs are only allowed in the B-1, B-2, and B-3 Districts.
- B. Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs may be illuminated as set forth herein, but nonflashing.
- C. Signs in residential districts shall only be lit with halo or channel sign lighting methods.
- D. No sign shall be illuminated except as follows:
 - (1) Natural illumination or background illumination from street lighting or parking lot lighting.
 - (2) Shielded spotlights designed to focus the light only on the sign.
 - (3) The maximum permitted illumination on the face shall not exceed five footcandles.
 - (4) Searchlights may not be used in the Village without a permit. The Plan Commission may permit the temporary use of a searchlight in a nonresidential district, provided that the searchlight will not be located in any public right-of-way, will not be located closer than 20 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five days in any six-month period. If, however, representatives of federal, state or local government agencies wish to operate a searchlight in the Village for official business, no permit will be required.
 - (5) Channel- or halo-lit signs are allowed.

§ 245-37 **Measuring signs.**

- A. Area of sign. Sign area shall be calculated as follows:
 - (1) Standard sign. The area of a standard sign shall be calculated as the sum of the area within the smallest regular rectangle that will encompass all elements of the actual sign face, including any writing, logos, representations, emblems, or any figures or similar characters, together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed. The Zoning Administrator may, at his/her discretion, measure the actual area of

letters, logos or images in lieu of the smallest regular rectangle method.

- (2) Wall sign. For a sign painted on or applied to a building or to a freestanding wall, the area shall be considered to include all lettering, wording, and accompanying designs or symbols, together with any background of a different color than the natural color or finish material of the building or architectural wall. The architectural wall shall be subject to Plan Commission approval of the site and landscaping plan. The main supporting sign structure (i.e., brackets, posts, foundation, etc.) shall not be included in the area measurement.
 - (3) Letter signs. The gross surface area of a skeleton letter wall sign consisting of individual letters and/or symbols shall be determined by calculating the horizontal length of the combined areas of the smallest rectangles which encompass each word, letter, figure and emblem on the sign, multiplied by the vertical height of the outside dimensions of the whole sign.
 - (4) Two-sided sign. When a sign has two or more faces, the area of all faces shall be included in determining the area, except that where two faces are placed back-to-back and the angle between the faces measures 45° or less, the total sign area shall be computed by measuring the square footage of a single face. When the angle between sign faces measures greater than 45°, the total sign area shall be computed by adding the square footage of each face.
- B. Sign height. Maximum or minimum sign height shall be measured from the ground surface adjacent to the center of the bottom of the structure supporting the sign to the top of the sign surface being regulated.
- C. Length of lineal building front foot. The length of the front wall of the building adjacent and parallel or closely parallel to any abutting street or public right-of-way. If the building is located on a corner lot then the side of the building used for addressing purposes shall be deemed the front of the building. If the front of the building is uneven then that portion of the building that is adjacent and parallel to the abutting street that is within 25 feet of the primary front wall shall be included in the total length of the lineal building front foot.

§ 245-38 Maintenance of signs; abandoned signs.

- A. Maintenance and repair. Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning, and other acts required for the maintenance of such sign. Internally illuminated signs shall not be allowed to be repaired, including changing the bulbs to maintain the interior illumination. The Village will establish a grant program to help existing internally illuminated signage owners to replace their signs to bring them into conformity with the 2018 Code update.
- B. Compliance standards. The Zoning Administrator shall require compliance with all standards of this section. If the sign is not kept in good maintenance and repair in accordance with the standards outlined in this section, the Zoning Administrator shall require its removal in accordance with Subsection **D** of this section.
- C. Abandoned signs. All signs or messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertises is no longer conducted or, for an off-premises sign, when the lease payment and rental income are no longer provided, unless there is evidence that the owner or agent is marketing the property for sale or lease. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 30 days' written notice to remove such sign. Upon failure of the owner or lessee to comply with this notice, the Village may cause the sign to be removed and all costs of such removal shall be collected as a special charge on the next succeeding tax roll.

- D. Deteriorated or dilapidated signs. The Zoning Administrator shall give the owner or lessee of any premises on which a deteriorated or dilapidated sign is located 60 days' written notice to repair any deteriorated or dilapidated signs and remove such condition, without enlarging or structurally altering such signs.
- (1) If it is determined that such deteriorated or dilapidated signs cannot be repaired without structurally altering or changing the sign, then the owner or lessee of such sign shall obtain a permit from the Zoning Administrator for such changes or alterations.
- (2) Upon failure of the owner or lessee to comply with the notice set forth in Subsection C of this section, or in the event of the failure of the owner or lessee to obtain a permit as set forth in § 245-34, the Village may cause the sign to be removed and all costs of such removal shall be collected as a special charge on the next succeeding tax roll.

§ 245-39 Prohibited signs.

The following signs are prohibited in all districts:

- A. Abandoned signs. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises. Exceptions may be granted to landmark signs, which may be preserved and maintained even if they no longer pertain to the present use of the premises.
- B. Flashing, alternating, rotating or swinging signs or devices, whether illuminated or not, visible from the right-of-way.
- C. Floodlighted or reflection-illuminated signs where the light source is positioned so that its light source is visible from a public right-of-way by the vehicular traffic, or where the light source is visible from adjoining property.
- D. Internally illuminated signs, neon and back lighted signs other than OPEN signs, except as indicated elsewhere in this chapter.
- E. Flashing signs, signs with an intermittent or flashing light source, signs containing moving parts, and signs containing reflective elements that sparkle or twinkle in the sunlight. Signs of a digital nature may not change message more than 4 times in one hour.
- F. Electronic message centers, variable message signs that utilize computer-generated messages or some other electronic means of changing copy, including displays using incandescent lamps, LEDs, LCDs or a flipper matrix, except at an establishment with a permanent indoor seating capacity of 300 or more patrons (defined as 15 square feet per patron in patron accessible areas), and possessing a Class B Alcohol license for on-site retail sales of spiritous liquor. Holographic signs which use a rotating LED or LCD blade to display 3D graphics are not prohibited by this chapter indoors.

Electric message centers are prohibited on all R-1, R-2, R-3 and B-3 zoned properties in the Village, except those properties that are zoned B-3 and front Milwaukee St.

- G. Other prohibited signs:
 - (1) A sign that is a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property.
 - (2) A sign that resembles, imitates or approximates the shape, size, form or color of a traffic sign, signal or device.
 - (3) A sign that is located to interfere with the visibility or effectiveness of any official traffic sign or signal

or with driver vision at the access point of any intersection.

- (4) A sign that is erected, relocated or maintained to prevent free ingress or egress from any door, window or fire escape, or is attached to a standpipe, fire escape or utility pole.
- (5) A sign that contains, includes, or is illuminated by flashing light or by any light directed toward a neighboring residence, road, or highway.
- (6) A sign that contains, includes, or is composed of any conspicuous animated part, except holographic signs.
- (7) A sign that is painted on a rock or rocks, except in institutional zoning districts.
- (8) Inflatable devices or signs.
- (9) A display that would be an original art display but does not have the permission of the owner of the property on which it is located or is graffiti.
- (10) Off-premises signs larger than the maximum permitted square footage per face.
- (11) Signs taller than eight feet in height, except as permitted elsewhere in this chapter.
- (12) A "V" sign shall be prohibited unless the backs of both signs display no letters or symbols and are landscaped to screen their backsides.
- (13) Reflective lights.
- (14) Mobile signs unless permitted as a temporary use.
- (15) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered in a Shoreland-Wetland, Shoreland, or Floodplain District.
- (16) Changeable copy signs, except as otherwise defined and permitted under this chapter.

§ 245-40 Legal nonconforming signs.

- A. Notification of nonconformance. Upon determination that a sign is nonconforming, the Zoning Administrator shall use reasonable efforts to so notify, in writing, the user or owner of the property on which the sign is located of the following:
 - (1) The sign's nonconformity.
 - (2) Whether the sign is eligible for characterization as a legal nonconforming sign or is unlawful.
- B. Signs eligible for characterization as legal nonconforming. Any sign located within the Village limits, or located in an area annexed to the Village hereafter, that does not conform to the provisions of this chapter is eligible for characterization as a legal nonconforming sign and is allowed, providing it also meets the following requirements:
 - (1) The sign was covered by a sign permit prior to the date of adoption of the prior zoning ordinance, this article or amendment.
 - (2) No permit was required by the Village at the time the sign was erected, and the sign was not changed or altered after the effective date of this article or a prior zoning ordinance in a manner that under this chapter would have caused a loss of nonconforming status.

- (3) An existing sign located closer than 10 feet to the street right-of-way in the B-3 District shall not be deemed nonconforming solely on that basis.
- C. Loss of legal nonconforming status. A sign loses its legal nonconforming status when any one of the following occurs:
- (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this section than it was before alteration.
 - (2) The sign is damaged and requires repair.
 - (3) The replacement of a nonconforming sign with an identical sign is not allowed.
- D. Legal nonconforming sign maintenance and repair. Nothing in this section shall relieve the owner or user of a legal nonconforming sign, or the owner of the property in which the sign is located, from the provisions of this section regarding safety, maintenance and repair of the sign. All work, including repainting, requires a permit.

§ 245-41 **Historic signs.**

- A. Signs of historic significance that make a contribution to the cultural, or historic quality of the Village because of their unique construction materials or unique design, unusual age, prominent location within the Village, or unique craftsmanship from another period of time may be exempted from any or all size, height, animation, lighting, or setback requirements of the section, when the Zoning Administrator finds the following conditions exist:
- (1) The sign is of exemplary technology, craftsmanship, or design of the period in which it was constructed; uses historic sign materials (wood, metal, or paint applied directly to a building) and means of illumination (neon or incandescent fixtures); and is not significantly altered from its historic period. If the sign has been altered, it must be restored to its historic function and appearance.
 - (2) The sign is integrated into the architecture of a period building.
- B. A sign not meeting the criteria listed above may be considered if it demonstrates extraordinary aesthetic quality, creativity or innovation in design.
- C. Historic signs are exempt from the requirements of § 245-40, Legal nonconforming signs.
- D. Retro Signs. A Retro Sign is a sign of new construction and modern materials that by virtue of the artistic assembly of those materials approximates signage that was commonly in use in the era of 1945 or before. This may include neon signs, signs featuring architecturally created advertisements of the items sold by the establishment (such as a large milk shake or large hamburger), signs with moving parts, signs with light bulbs on the exterior that blink in series to draw the viewer's eye to a particular point of interest or concept. Acceptable styles may include Googie, Dieselpunk, Steampunk, Art Deco, or other pre-1945 signage concepts. Expressly prohibited are internally illuminated signs with colored plastic material used in a shaped cabinet and designed to be inexpensive, and the plastic components easily interchangeable for a new tenant, commonly referred to as "Internally Illuminated Signs".

Retro Signs may only be approved by the Plan Commission, and such signs shall only be considered for a property that has made exemplary investment in the look and feel of the entire property and branding such that customers of the property feel as if they've been transported back in time to a different era. Approvals shall be granted by unanimous vote of the Plan Commission.

§ 245-42 **Compliance.**

- A. Review. Except as otherwise authorized, no sign requiring a permit under this article and visible from a

state or county highway, from any Village street, from a private street, from a public parking lot, from a private parking lot, from the water or from any adjacent property shall be located, erected, moved, repainted with different colors, reconstructed, extended, enlarged, or structurally altered, including the placement of various components of the sign, until a permit has been applied for, reviewed and approved by the Zoning Administrator and a permit has been issued to the property owner or building occupant.

- B. Referral. The Zoning Administrator may refer sign permit applications to the Plan Commission for architectural review if, in the Administrator's judgment, the sign design is at odds with the neighborhood in which it will be placed.
- C. Signs located on a property or location with multiple buildings or businesses under common or separate ownership shall not be exempt from the requirements of this Code.
- D. Additions to and alterations of existing signs and support structures require a new permit.

§ 245-43 through § 245-53. (Reserved)

Introduced: July 10, 2023

Passed and Adopted: July 10, 2023

BY ORDER OF THE VILLAGE BOARD

Don Houston, President

ATTEST:

Rachel Ladewig, Clerk

Drafted: Zeke Jackson