

# CHAPTER 22

## SIGN CODE

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# SIGN CODE

## 22.01 PURPOSE AND INTENT

The purpose of this Ordinance is to provide standards to safeguard life, health, and property and to promote the public welfare by regulating the design, area, number, construction, location, and installation of all signs referred to hereunder.

The Common Council and City Plan Commission of the City of Middleton find that the visual environment has an effect on the welfare of the citizens of Middleton and that careful control of signage can protect and enhance the community.

To carry out this general purpose, the regulations set forth herein are intended to:

- (1) Protect the public from hazards that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.
- (2) Preserve the value of private property by assuring the compatibility of signs with nearby land uses.
- (3) Foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive, and effective signs that meet the need for business identification, advertising and communication.
- (4) Encourage creative and well-designed signs that contribute in a positive way to the City's visual environment, express local character, and help develop a distinctive image in the City.
- (5) Recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.
- (6) Provide applicants with clear and consistent rules and regulations.

## 22.02 DEFINITIONS

- (1) *“Abandoned Sign”* means any sign remaining in place which for a period of ninety (90) consecutive days or more no longer advertises or identifies an ongoing business, product, service, idea, or commercial activity located on the site or has not been properly maintained in accordance with the requirements of this Chapter.
- (2) *“Ancillary Sign”* means a wall sign separate from and subordinate in area to the principal sign, identifying generic services, goods or departments in the building, such

as pharmacy, optical, auto repair, or garden center, but not including the identification of brand names.

- (3) ***“Attention-Attracting Object”*** means any streamer, pinwheel, pennant, flag, propeller, inflatable sign, statuary, tethered balloon, bunting, beacon, or other artificial device, figure, shape, color, sound, light or exhibit, whether live, animated, or still, that is intended to attract attention to the use or business being conducted on the site. Attention-attracting object does not include the flag of any governmental entity.
- (4) ***“Awning”*** means a roof-like cover consisting of fabric, plastic or structural protective cover that projects from the wall of a building which generally serves the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction.
- (5) ***“Banner”*** means a suspended sign made of a flexible material such as canvas, sailcloth, plastic, paper, or fabric of any kind, and intended to be displayed on a temporary basis. A decorative banner is a banner containing no message or logo that is displayed for the purpose of adding color or interest to the surroundings or to the building to which it is attached. A flag or canopy shall not be considered a banner.
- (6) ***“Beacon”*** means a stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention.
- (7) ***“Business Opening Sign”*** means a temporary sign displayed prior or in addition to permitted permanent signs to promote the opening of a new business, a change of name or change of ownership.
- (8) ***“Canopy”*** means a permanent roof structure over a space that is completely unenclosed on at least two (2) sides. A canopy may be attached to a building or free-standing with four open sides as an accessory to a principal building.
- (9) ***“Changeable Copy Sign”*** means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or the surface of the sign and on which the message changes less than eight times a day and less than once per hour. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall not be considered a changeable copy sign.
- (10) ***“Commercial Message”*** means a message that directs attention to or acts as advertising for a business, commodity, product, service or form of entertainment or tends to encourage the occurrence of a commercial transaction related thereto.
- (11) ***“Comprehensive Sign Plan”*** means a complete signage plan for a building or lot that has been approved by the Plan Commission.

- (12) ***“Construction Sign”*** means a sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building or lot upon which the sign sits and/or identifying the future use of the building or lot upon which the sign sits.
- (13) ***“Copy”*** means words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.
- (14) ***“Directional Sign, On-Premise”*** means a sign without commercial message erected for the purpose of indicating the required or preferred direction of vehicular, bicycle, or pedestrian traffic on private property including, but not limited to “no parking,” “entrance,” “exit only,” “loading only,” and other similar signage.
- (15) ***“Directional Sign, Off-Premise”*** means any sign without commercial message that is displayed for the purpose of informing people of or guiding people to a particular place for a specified event, including, but not limited to, an open house, garage sale, estate sale, or other similar event. The term “directional sign” shall be distinguished from the term “tourist-oriented directional sign” as used in Wis. Stats. § 86.196.
- (16) ***“Directly Illuminated Sign”*** means any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (17) ***“Director”*** means the Director of Planning and Zoning or any individual acting under a grant of authority to administer this Chapter by the Director of Planning and Zoning.
- (18) ***“Directory Sign”*** means a sign which serves as a common or collective identification for a group of persons or businesses operating on the same lot. Such a sign commonly lists the tenants, occupants, floor plan, addresses, or suite numbers of an office complex, shopping center, or residential building complex.
- (19) ***“Electronic Variable Message Sign”*** means a changeable copy sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign, not including signage or portions thereof displaying time and temperature.
- (20) ***“Façade”*** means any separate face or surface of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers usable space. Where separate façades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than one-hundred and thirty-five (135) degrees, they are to be considered as part of a single façade.
- (21) ***“Flag”*** means a device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy.

- (22) ***“Frontage”*** means the boundary of a lot that abuts a public right-of-way.
- (23) ***“Garage Sale Sign”*** means a sign advertising the sale of personal property including estate sales, yard sales or rummage sales used to dispose of personal household possessions.
- (24) ***“Government Sign”*** means any sign erected by the City of Middleton or any other governmental entity in the exercise of official government business and authority.
- (25) ***“Ground Sign”*** means any free-standing sign that is supported by structures or supports in or upon the ground and independent of support from any building. A single sign structure having two identical or nearly identical faces back to back shall constitute a single sign. For the purposes of this definition, a ground sign is intended to refer to a primary, permanent, ground-mounted sign, not a temporary sign or sign that is ancillary to the primary sign, such as a directional sign or portable sign.
- (26) ***“Hanging Sign”*** means a sign that is suspended from the underside of a surface and is supported by such surface.
- (27) ***“Indirectly Illuminated Sign”*** means a sign that is illuminated from a source outside of the actual sign.
- (28) ***“Inflatable Sign”*** means a freestanding or moored sign expanded or inflated with air or another gas, like a balloon, and which may rise and float above the ground.
- (29) ***“Legal Non-Conforming Sign”*** means any sign which was lawfully erected and displayed on [clerk to insert effective date], but which does not conform to the requirements and limitations herein, or any sign which was lawfully erected and displayed on the effective date of any amendment to this Chapter, but which does not conform to such amendment.
- (30) ***“Logo”*** means a symbol or trademark commonly used to identify a business or organization.
- (31) ***“Lot”*** means any piece or parcel of land, the boundaries of which have been established by some legal instrument of public record, that is recognized and intended as a unit for the purpose of a recordable transfer of ownership. Where two or more lots are lawfully subject to a single use or activity all such lots shall be considered a single lot.
- (32) ***“Memorial Sign”*** means a sign or tablet memorializing a person, event, place or structure.

- (33) ***“Menu Sign”*** means a permanent changeable copy sign associated with restaurants with drive-through windows, car washes, or other businesses with drive-up services which gives a detailed list of food or services available.
- (34) ***“Monument Sign”*** means a ground sign having a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point.
- (35) ***“Noncommercial Message”*** means a message intended to direct attention to a political, social, community or public service issue or an idea, aim viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.
- (36) ***“Off-Premise Sign”*** means sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the lot where such sign is located.
- (37) ***“On-Premise Sign”*** means a sign which displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs on the same lot as the sign.
- (38) ***“Pennant”*** means a tapered or dove-tailed banner or flag.
- (39) ***“Permanent,”*** when used in reference to a sign, means that the sign is constructed of durable materials and intended to exist for an indefinite period of time or the duration of the time that the use or occupant is located on the premises and is generally, but not necessarily, affixed to the ground or structure. Unless the context clearly dictates otherwise, the term “ permanent” in this Chapter is not intended to mean literal permanence, but rather it is meant to distinguish such signs from more transient or temporary signage.
- (40) ***“Pole Sign”*** means a ground sign mounted upon a pole or pylon, or multiple poles or pylons, not meeting the definition of monument sign.
- (41) ***“Portable Sign”*** means a type of temporary sign that is not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign, posters, “sandwich boards” or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.
- (42) ***“Projecting Sign”*** means a sign that is attached to the wall of a building and projects more than fifteen (15) inches beyond such wall.

- (43) **“Real Estate Sign”** means a real estate sign advertises only the sale, rental or lease of the premises upon which the sign is located.
- (44) **“Sign”** means any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, that either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to any event, goods, products, services, facilities, persons, property interest or business.
- (45) **“Street Frontage”** means the distance for which a lot boundary adjoins a single public street.
- (46) **“Temporary Sign”** means any sign that is not a permanent sign.
- (47) **“Wall Sign”** means a sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than fifteen (15) inches from the surface of the wall.
- (48) **“Window Sign”** means any sign located completely within an enclosed building and visible from a public way or placed upon a window. Merchandise within the premises and visible from the exterior shall not be considered a window sign under this definition.

### **22.03 APPLICABILITY.**

This Sign Code shall apply to any sign placed, erected, altered, maintained or relocated within the City that is plainly visible, although not necessarily legible, from any public right-of-way or any lot in ownership separate from the lot upon which the sign is located.

### **22.04 SIGN PERMITS AND FEES.**

(1) **Permit Required.** Except as provided in Section 22.11, it shall be unlawful for any person to place, erect, alter or relocate within the City, any sign without first obtaining a permit from the Director and making payment of all fees required by this ordinance. This subsection shall not be interpreted to require a permit for a change of copy on a changeable copy sign, changing occupant sign panels on a directory sign, repainting, cleaning, or other normal maintenance and repair of any existing sign or its structure as long as the sign copy does not change.

(2) **Application for Sign Permit.** All applications for sign permits shall be filed on a form supplied by the Director. Such application shall be submitted with all required information provided and shall contain or have attached thereto the following information:

- (a) **Date of Application.**

- (b) Name, address, telephone number, and, if available, fax and email address, of the Applicant as well as of the person, firm, corporation, or association erecting the sign.
- (c) The written consent of the owner or lessee of the premises upon which the sign is to be erected, or the sworn statement of the applicant that the applicant is authorized by the owner, lessee or other authorized occupant of the premises to erect the proposed sign.
- (d) A scale drawing showing the existing and proposed location and dimensions of all buildings, structures, and signs on the subject property For a free-standing sign, the drawing shall also indicate the following:
  - 1. Distance of the sign from either the face of curb or sidewalk as well as its location relative to other ground signs, driveways, fire hydrants, and any other features of a site that could be obscured by the sign.
  - 2. A landscaping plan around the base of all ground signs.
- (e) The configuration of the proposed sign listing the height, width, total square footage, proposed copy, method of construction and attachment, method of illumination and description of all electrical equipment, sign materials and colors, and at least one image showing the location of the proposed sign and its relationship to either the building to which it is to be mounted or the surrounding lot if it is a ground sign.
- (f) The total area and number of all signs by type on the subject property both before and after the installation of the proposed sign.
- (g) For temporary signs, applications must be accompanied by a signed, written statement acknowledging the ordinance requirements governing the duration of time during which the sign may be displayed.
- (h) Such other information as the City may require to ensure compliance with this Sign Ordinance and any other applicable laws.

(3) **Application Processing and Review Procedure** It shall be the duty of the Director, upon the filing of an application for a sign permit, to examine the application for compliance with the requirements of this chapter and, if deemed necessary by the Director, to inspect the premises upon which the proposed sign is to be erected. If the application is complete and the proposed sign is in compliance with all the requirements of this ordinance and any other applicable laws, the following actions shall be taken:

- (a) If the application is for approval of a permanent sign of less than six (6) square feet in area, or for a permanent sign that conforms to an approved Comprehensive Sign Plan that applies to the property upon which it is to be

located, or for a temporary sign that adheres to the requirements of this code, or for a change of the face of an existing sign that adheres to the requirements of this code the Director may issue a permit without Plan Commission review and approval.

- (b) If the application is for approval of a Comprehensive Sign Plan pursuant to Section 22.09, is submitted with a Planned Development District application subject to Plan Commission review, if the Director wishes to seek Plan Commission oversight due to the unusual nature of such signage, or for any other circumstances relating to the purpose of this Chapter, the Director shall review the application and make a recommendation to the Plan Commission prior to issuing a permit.
- (c) Except for applications for approval of a Comprehensive Sign Plan, applications shall be approved or denied within thirty (30) days of the filing of a complete application or be deemed approved unless an extension of time for review is granted, in writing by the applicant. Where Plan Commission approval is necessary, and the Plan Commission cannot act within thirty (30) days Director shall be authorized to act on the application. Any decision of the Director may be appealed to the Plan Commission.
- (d) In the event that a permit is issued but the sign authorized by the permit is not placed, erected, altered or relocated within six (6) months after the issuance of the permit, the permit shall expire and be null and void.

(4) Permit Fee. The applicant shall submit a fee in an amount established as follows:

- (a) **Initial Sign Permit.** When a sign permit is required under this ordinance, the permit fee shall be as follows:
  - 1. Initial permit for all signs except business opening signs, portable signs, and temporary signs: fifty dollars (\$50) plus one dollar (\$1) per square foot of sign area.
  - 2. Business opening sign: flat fee of fifty dollars (\$50).
  - 3. Portable sign: flat fee of fifty dollars (\$50) per sign, payable annually prior to the first display of the sign during the calendar year.
  - 4. Temporary sign(s): flat fee of fifty dollars (\$50) per sign permit application
- (b) **Change of Copy and Change of Location Fees.** The permit fee for changing the face or sign copy of a sign for which a permit is required under this ordinance, other than a sign designed for changeable copy, shall be one dollar (\$1.00) per

square foot but in no case less than twenty-five dollars (\$25). If the size or structure of the sign is being altered in any way, then subsection (a) applies. The permit fee for changing the location of an existing sign on the same lot shall be twenty-five dollars (\$25).

- (c) **Failure to Obtain Permit.** The permit shall be obtained before erecting or starting work on a sign or commencing any action for which a permit is required under this ordinance. The fee for a permit issued after commencement shall be doubled. Imposition of a double fee under this subsection shall be in addition to any monetary forfeiture or other penalty under this ordinance and shall not be a bar to prosecution or pursuit of other legal remedies by the City

(5) **Variances.** A fee of \$200 shall be paid with applications for a variance under Section 22.14.

## **22.05 DESIGN REVIEW CRITERIA**

Signs shall meet the following criteria:

(1) Any signage affixed to a building shall be dimensioned and located in such a manner that it fits the building's architectural features and proportions.

(2) All signs shall be designed to fit the zoning and character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in Planned Development Districts, or in developments seeking comprehensive sign plans, shall conform to the planned or existing dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.

(3) Signs illuminated by floodlights or spotlights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians. Light levels must conform to zoning requirements. All signs must conform to the Sign Illumination standards in Section 22.06(7) and Chapter 33 (Outdoor Lighting Code).

(4) The number of colors and materials of the sign should be kept to a minimum.

(5) Landscape features shall be incorporated around the base of all permanent ground signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.

## **22.06 GENERAL SIGN REGULATIONS.**

This section pertains to all signs erected in the City of Middleton. Additional regulations may apply based on sign type and zoning district in which the sign is to be displayed.

Wherever regulations conflict anywhere within this Chapter or with any other applicable rule or regulation, unless expressly stated otherwise, the more restrictive provision shall control.

(1) **Surface Area Calculation.** The sign surface area shall be calculated based on the area within the smallest single continuous rectilinear perimeter of not more than eight (8) straight lines encompassing all elements of the actual sign face including any writing, representation, emblems or any figure or similar character 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, but excluding any support structure. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols, together with any background of a different color than the natural color, or finish material of the building. Area of signs displaying copy on two parallel, back-to-back faces not separated by more than twelve (12) inches shall be calculated with reference to a single face only.

(2) **Sign Location, Placement and Setback Requirements.** Except as provided elsewhere in this chapter, all signs shall be subject to the following requirements:

(a) **Limitations Based on Building Setbacks:**

1. Except as provided in subparagraph 2., no part of any permanent or temporary sign shall extend over a property line.
2. Where buildings are lawfully permitted to exist on the property line,, a permanent sign attached to a building may project not more than six (6) feet over the abutting public sidewalk or right of way provided that the bottom of the sign components are located no less than eight (8) feet above the ground immediately beneath such sign. No sign may project over adjacent private property. Any ground sign shall be located on the premises unless it is an authorized temporary sign for which a valid permit is in effect.

(b) **Signs on Public Property:** No sign shall be located within or across any public right-of-way, or on any public property, easement, or utility pole, except for:

1. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public, or
2. A sign erected in conformity with subparagraph (a)2. of this subsection.

(c) **Safety of Motorists and Non-motorists:**

1. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure the vision of road users, or otherwise obstruct, interfere

with the view of, or be confused with, any authorized traffic control sign, signal or device.

2. No sign may be placed within 10 feet of a fire hydrant, within 15 feet of a crosswalk, or within 15 feet of the intersection of any circulation lane, driveway or alley.
3. No sign exceeding a height of thirty (30) inches may be placed within the vision triangle as defined by Section. 10.136(7).
4. No sign or structural components shall obstruct passage on a sidewalk or walkway.

(d) **Additional regulations pertaining to placement of all signs:** Except for a sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public:

1. No sign shall be attached to a fence, tree, shrubbery, utility pole or like items on either public or private property, and no sign shall obstruct or obscure primary signs on adjacent premises.
2. No sign shall extend beyond the perimeter of a permanent structure or obstruct any window, door, fire escape, ventilation shaft or other area that is required to remain unobstructed by an applicable building code.
3. No sign shall be mounted upon any roof of any building or structure.

(e) **Americans with Disabilities Compliance:** Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.

(3) **Construction and Structural Requirements.** Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe. Every sign shall be designed and constructed in conformity with the applicable provisions of the building code and shall be free of any exposed extra bracing, angle iron, guy-wire, or cables. The base or support on all permanent ground signs shall be securely anchored to an appropriately designed concrete base or footing which shall be not less than three (3) feet six (6) inches below the existing ground level.

(4) **Load Requirements.** All signs and other advertising structures shall be designed and constructed to support the loads according to all applicable building regulations. In the case of conflicting requirements the more restrictive requirements shall apply. All signs shall be designed, constructed, and anchored to withstand a horizontal wind pressure of not less than thirty (30) pounds per square foot of exposed area and shall be constructed to adequately support the dead load of the sign and any reasonably foreseeable live loads such as ice and snow.

(5) **Installation.** All signs shall be properly secured, supported and braced. No sign or any part thereof, or anchor, brace, or guy-wire shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no sign or any part thereof, or anchor, brace or guy-wire shall be erected or maintained which may cover or obstruct any door, doorway, or window of any building or which may hinder or prevent ingress or egress through such door, doorway or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire. All signs or attention-attracting devices shall be free of projections that could cause injury to a pedestrian and shall be installed in such a manner to avoid obstruction of a public sidewalk or street or portion thereof.

(6) **Maintenance.** All signs, including nonconforming signs, and sign structures shall be maintained to preserve the appearance and structural integrity substantially identical to the new condition of the sign.

(7) **Sign Illumination.** All illuminated signs shall comply with Chapter 33 (Outdoor Lighting Code) and the following requirements:

- (a) **Electrical Permit:** All signs in which electrical wiring and connections to be used shall comply with all applicable provisions of the State Electrical Code. No permit for the erection of a sign shall be granted prior to approval and issuance of a valid electrical permit for that sign.
- (b) **Voltage Displayed:** The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus. In addition, all electrical signs shall bear the label of approval of a recognized testing laboratory and be equipped with a watertight safety switch that is located where the electrical supply enters the sign.
- (c) **External Illumination:** All external lighting fixtures shall be steady, stationary, fully-shielded and directed solely onto the sign, and shall use lighting designed to minimize light spill and glare. Lighting sources shall not be directly visible or cause glare to adjacent public rights-of-way or adjacent private property.
- (d) **Internal Illumination:** Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white border of up to one (1) inch in width may be placed around said lettering or graphic elements.
- (e) **Brightness Limitation:** Except for daytime displays on electronic variable message signs, in no instance shall the lighting intensity of any illuminated sign exceed:

1. Three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.
  2. Fifty (50) footcandles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.
- (f) **Glare:** All artificial illumination shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent public right-of-way or surrounding property.
- (g) **Gooseneck and similar reflectors and lights** shall be permitted on ground and wall signs provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful to maintain any sign which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public right-of-way.
- (8) **Motion as a Component of a Sign.** No sign shall have any flashing, scintillating, moving or blinking lights or rotating beacons, whether operated by electronic or mechanical means or wind driven, nor shall any floodlight, spotlight, or beacon utilize such actions to illuminate a sign. In addition, no beam of light shall be projected through a mechanism which periodically changes the color of the light reaching the sign.
- (9) **Attention-Attracting Objects.** The use of any attention-attracting object, as defined in this code, shall be allowed only by special permit for specific events not to exceed ten (10) days per issuance. No permit shall be granted for any premises more than four (4) times in any calendar year; or more than once in any three month period.
- (10) **Lots Having Multiple Street Frontages.** Businesses occupying corner lots, or multiple frontages adjacent to more than one public right-of-way, may display up to one additional ground or building-mounted sign for each additional frontage provided that such additional sign may not exceed 50% of the area allowed by the primary frontage and is oriented toward the additional frontage. For purposes of this code, the primary frontage shall be presumed to be the frontage upon which the main entrance to the building is located. The applicant, however, may identify a different frontage as the primary frontage to maximize the effectiveness of the signage.
- (11) **Resemblance to Traffic Signs.** No Sign shall contain or resemble any sign resembling in size, shape, message, or color any traffic control devices compliant with the Wisconsin Manual on Uniform Traffic Control Devices.

## **22.07 LIMITATIONS ACCORDING TO TYPE OF LAND USES.**

Unless exempt under Section 22.11 or as expressly provided elsewhere, no permanent or temporary signs shall be displayed except in conformity with the following regulations as they correspond to the type of land use and districts in which the sign is to be displayed.

**(1) Residential Uses in Residential Districts.**

- (a) A single sign which is limited in content to the name, address and legal home occupation of the owner or occupant of the premises, and which does not exceed two (2) square feet in area. Signs under this paragraph shall be wall signs only.**
- (b) A residential condominium or multi-family apartment complex may display signs identifying the name of the condominium or apartment complex if the total acreage of the lot is one (1) acre or more and the condominium or apartment includes eight (8) or more units. One (1) wall sign and one (1) ground sign per street frontage may be displayed, with a maximum of two (2) wall signs and two (2) ground per lot. No identification sign shall exceed twelve (12) square feet in area, and the maximum height is one (1) story or twelve (12) feet above curb level, whichever is lower. For purposes of this paragraph, the term “lot,” when used in reference to a condominium means all property within the condominium plat recorded pursuant to Wis. Stats. Chap. 703.**
- (c) A subdivision identification sign as approved by the Plan Commission.**

**(2) Institutional Uses in Residential Districts. Nonresidential uses located in residential districts such as churches, government buildings, hospitals, and schools located in residential districts may erect signs as follows:**

**(a) Wall and Ground Signs.**

- 1. Area and Number: One (1) wall sign and one (1) ground sign per street frontage may be displayed, identifying the entity, with a maximum of two (2) wall signs and two (2) ground signs per lot. Additional wall or ground signs for wayfinding purposes may be permitted by the Plan Commission when the size of the lot, number of vehicular or pedestrian entrances, and layout of the buildings require additional signs in order to promote traffic and pedestrian safety. Signs under this paragraph, whether displayed on a wall or on the ground, shall not exceed twelve (12) square feet in area, except such signs may be increased in area by one (1) square foot for each additional foot that the sign is set back more than twelve (12) feet from a lot line. No sign under this section shall exceed thirty-two (32) square feet in area.**
- 2. Height: No identification sign shall project higher than one story, or ten (10) feet above curb level, whichever is lower.**

**(b) Temporary signs.**

**(3) Commercial and Industrial Districts:**

**(a) Ground Signs.**

- (b) **Directory Signs.**
- (c) **Awning and Canopy Signs.**
- (d) **Wall Signs.**
- (e) **Projecting Signs.**
- (f) **Hanging Signs.**
- (g) **Window Signs.**
- (h) **Directional and Information Signs.**
- (i) **Corporate flags and decorative banners.**
- (j) **Temporary Signs.**

(4) **Planned Development Districts.** No permanent sign shall be displayed except a sign authorized by the Plan Commission and included in the Specific Implementation Plan pertaining to the site. Temporary signs are permitted for commercial, institutional or industrial uses unless prohibited by the Specific Implementation Plan.

(5) **Conservancies, Parks, and Agricultural Areas.** No sign shall be permitted except those installed by direction of the Park, Recreation and Forestry Commission or Conservancy Lands Committee for conservancy, recreation, and related purposes.

## **22.08 REGULATIONS PERTAINING TO SPECIFIC SIGN TYPES**

Except as expressly provided elsewhere, signs shall meet the following regulations according to sign type.

(1) **Wall Signs:**

- (a) **Number:** No building occupant shall display more than one (1) wall sign per street frontage except as provided below:
  - 1. **One additional wall sign may be displayed on a building with no front setback provided that such sign is a flat sign that is either painted upon the building or does not extend outward more than six (6) inches.**
  - 2. **Up to three (3) ancillary wall signs may be displayed on buildings measuring at least 100 feet in length along the front lot line. Any ancillary sign displayed under this paragraph shall not exceed 50% of the net area or 50% of the height of the largest permitted wall sign displayed on that façade, nor shall the aggregate area of the ancillary signs exceed 50% of the net area of such wall sign.**
- (b) **Surface Area:** The total permitted sign surface area of all wall signs on a façade shall not exceed one (1) square foot of signage for each lineal foot of building frontage that is coterminous with the occupancy to which the sign refers, unless a different amount allocated to the building occupant is identified in an

approved Comprehensive Sign Plan pursuant to Section 22.09. In addition, no individual wall sign shall exceed one hundred (100) square feet in area.

- (c) **Location:** Wall signs shall be mounted parallel to building walls and only on a portion of an exterior wall that is coterminous with the occupancy to which the sign refers, unless a different location is identified in an approved Comprehensive Sign Plan pursuant to Section 22.09. No wall sign shall extend above or beyond the wall to which it is attached.
- (d) **Installation Requirements:** No wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestration, or ornamental detailing on any building. All mounting brackets and other hardware used to affix a sign to a wall as well as all electrical service hardware and equipment shall be concealed by architectural elements of the building or the sign itself.

(2) **Ground Signs.**

- (a) **Number:** There shall be no more than one (1) ground sign for each street on which the lot has frontage, except one additional ground sign per lot frontage may be allowed for any lot frontage over one thousand (1,000) linear feet. On lots occupied by two (2) or more occupants, or where a second ground sign is permitted, three (3) or more occupants, a directory sign shall be used in lieu of multiple ground signs. No single business or building occupant shall be allowed signage on both an individual ground sign and a ground directory sign on the same street frontage. On premises having no principal building, there shall be no more than one (1) ground sign for the premises.
- (b) **Surface Area:** No ground sign shall exceed the size listed in Table 22.08-1.
- (c) **Type of sign:** Any permanent ground sign shall be erected as a monument sign. Pole signs are prohibited unless the pole portion of the sign is enclosed in a shroud that causes the sign to appear to have a monolithic base or support structure of any material measuring no less than one-third (1/3) of the greatest width of the sign at any point or unless the height is no greater than three (3) feet. The base of the monument sign shall not exceed the width of the widest portion of the sign face.
- (d) **Location:** Ground signs shall be placed with consideration for visibility, access, maintenance, and safety, consistent with the provisions of Section 22.06. Ground signs shall be located beyond required setbacks a distance equal to or greater than the height of the sign. If this is not possible, ground signs shall be located as far from required setback lines as possible. In no case shall a ground sign, as defined in this ordinance, extend beyond a lot line of a property. A ground sign larger than 6 sq. ft. shall be located no closer than 100 feet of

another ground sign or the furthest distance possible from another ground sign, whichever distance is shorter.

(e) **Height:**

1. The height of a ground sign shall be measured from the approved grade at the base of the sign or the elevation of the street upon which the sign faces, whichever is lower, to the top of the highest attached component of the sign.
2. A ground sign shall be mounted on a base not to exceed four (4) feet in height.
3. Allowable height of a ground sign shall be as set forth in Table 22.08-1.
4. No ground sign shall be taller than the principal building on the premises to which it pertains.

(f) **Landscaping:** Perennial plantings and other landscaping features shall be incorporated around the base of all ground signs.

(g) **Exempt or Special Purpose Ground Signs:** The location of and maximum height and surface area of any other exempt or special-purpose ground sign expressly authorized by another section of this ordinance, shall be as set forth in such other section.

**Table 22.08-1**

Table 22.08-1 describes the zoning districts in which ground signs may be displayed, and the maximum height and area of the signs, as determined by the speed limit and the lanes of traffic on the adjacent roadway. For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum height and area allowed.

Zoning district		R1, R2	R3, R3A	B1, B2, B3, I	B4	PDD	All others
No. of traffic lanes	Speed Limit (mph)	Max Ht./ Area (sf)	Max Ht./ Area (sf)	Max Ht./ Area (sf)	Max Ht./ Area (sf)	Max Ht./ Area (sf)	Max Ht./ Area (sf)
1-3	0-34	N/A	6' / 32	10' / 32	4' / 16	Site-specific, but based on standards for	8' / 40
	35-44	N/A	6' / 32	10' / 50	4' / 16		8' / 40
	45+	N/A	6' / 32	10' / 72	4' / 16		8' / 40
4-5	0-34	N/A	6' / 32	10' / 40	4' / 16		8' / 40
	35-44	N/A	6' / 32	10' / 64	4' / 16		8' / 40

	45+	N/A	6' / 32	12' / 80	4' / 16	buildings / uses in comparable zoning districts	8' / 40
6+	0-34	N/A	6' / 32	10' / 48	4' / 16		8' / 40
	35-44	N/A	6' / 32	11' / 72	4' / 16		8' / 40
	45+	N/A	6' / 32	13' / 144	4' / 16		8' / 40

(3) **Window Signs.**

- (a) **Location:** All window signs must be located inside an exterior window unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind. Lettering or graphic elements that are directly mounted on a window shall not encroach upon the frame, mullions, or other supporting features of the glass.
- (b) **Permanent signs:** When a sign is painted on or otherwise attached or applied to the window area in a permanent manner, then such sign shall be included in the total allowable wall sign area for the building and shall not exceed twenty (20) percent of the total ground-floor window area of the building, excluding the door windows. All permanent window signs which have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the interior side of the glass of an exterior building window or door. No application using a temporary adhesive shall be permitted unless the Director determines the application to be reasonably safe.
- (c) **Temporary Signs:** Signs advertising sales and specials shall not exceed thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Such signs must be displayed in conformance with the temporary sign regulations listed in Section 22.10
- (d) Under no circumstances shall any combination of permanent or temporary window signage cover more than fifty percent (50%) of the total ground window area of any building.

(4) **Changeable Copy Signs.**

- (a) Changeable copy signs are not an additional permitted sign type, but any permitted sign type may be a changeable copy sign, provided that the total surface area of the entire sign does not exceed the maximum allowed for the type and location of sign upon which the changeable copy is displayed.
- (b) **Electronic Variable Message Signs:** Any sign type may be an electronic variable message sign subject to the following regulations:

1. **Surface Area:** The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included

within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.

2. **Length of Cycle.** The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every six (6) seconds. Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.
3. **Color.** All copy, characters or other changeable images shall be of one (1) color only, with light copy on a dark background.
4. **Brightness Adjustment:** An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination such that the light level does not exceed three (3) foot candles at the front lot line and one (1) foot candle at all other lot lines, measured three (3) feet above the surface of the ground.
5. **Maintenance:** Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

(5) **Canopy and Awning Signs.** The use of canopy and awning signs reduces the maximum area of any allowed wall sign by half. Canopy and awning signs are subject to the following provisions.

- (a) **Surface Area:** The sign surface area of a canopy or awning sign shall not exceed fifteen (15) percent of the area of the vertical section of the canopies and awnings. The area of the vertical section of the canopies and awnings is calculated as the difference between the highest and lowest point on the canopy or awning multiplied by the length of the canopy or awning measured parallel to the façade upon which it is attached.
- (b) **Location:**
  1. Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than nine (9) feet, and the lowest portion of the descending skirt shall be not less than eight (8) feet above the level of the sidewalk or public thoroughfare.
  2. No portion of the canopy or awning sign shall extend above or beyond the canopy or awning upon which it is attached. However, a sign may be hung beneath a canopy parallel to the building frontage so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.

3. Awnings shall not project more than thirty-six (36) inches out from the building upon which they are attached, nor extend out from the building beyond the extension of the awnings on adjoining buildings.
- (c) **Installation Requirements:** To preserve the architectural integrity of a building, no canopy or awning, and no canopy or awning sign, shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations or ornamental detailing.
- (d) **Illumination:** Awnings and canopies may be illuminated where the following conditions are maintained:
  1. Both interior type strip lighting and exterior type goose neck lighting is permitted, not exceeding a maximum light level of 18 foot candles measured three (3) feet from the perpendicular to the light source.
  2. The bottom of any illuminated awning or canopy shall be enclosed.
  3. The provisions of Sec. 22.06(7) are satisfied.
- (e) **Materials:** Canopy and awning signs shall be made of either the material with which the canopy or awning is covered or other water proof materials affixed flush to the face of the canopy or awning, or be painted directly on the awning or canopy material with weather-resistant paint.
- (6) **Hanging Signs.** One sign up to four (4) square feet in area may be suspended above a walkway near a primary building entrance so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.
- (7) **Projecting Signs.** A projecting sign may be displayed in lieu of a wall sign and subject to the following restrictions:
  - (a) **Maximum Projection:** The maximum distance a projecting sign may project is not more than twenty-four inches (24") into the right-of-way. Subject to zoning setback limitations, a projecting sign may project no more than six feet (6') from the building face.
  - (b) **Location:** A building may have one (1) projecting sign facing a street or on a corner of the building.
  - (c) **Surface Area:** The permitted area of a projecting sign shall not exceed the square footage for the amount that would otherwise be allowed for a wall sign on the building.
  - (d) **Height:** A projecting sign must vertically clear any pedestrian area by at least eight (8) feet and vehicular ways by at least fourteen (14) feet. A projecting sign

may extend to the juncture of the roof with the building wall or to the top of any parapet, but no projecting sign may extend above a third story.

(8) **Directional Signs.** On-premise directional signs may be placed on private property near driveway entrances, at building entrances, and in parking lots and loading areas where reasonably necessary. Each such sign shall be located on-premise and shall adhere to the regulations pertaining to vision triangles and other setbacks as defined in Section 22.06(2). Such signage shall be considered exempt from the total signage calculation for the premises as long as all the following standards are met:

- (a) Such signage does not serve an additional advertising purpose.
- (b) There are no more than three (3) directional signs per lot, not including a maximum of one (1) directional sign allowed per driveway entrance/exit.
- (c) Surface area per sign does not exceed four (4) square feet.
- (d) Logos do not exceed two (2) square feet in area per sign.
- (e) Sign height does not exceed five (5) feet above ground elevation at base of sign.

(9) **Flags and Decorative Banners.** The following regulations apply to all flags and decorative banners:

- (a) A minimum clearance of eight feet (8') over pedestrian ways and fourteen (14') feet over vehicular areas.
- (b) Maximum number of flagpoles for any lot is three (3).
- (c) Maximum height of any flagpole is fifty (50) feet.
- (d) Maximum number of flags per lot is four (4).
- (e) Maximum area of any flag shall be forty (40) square feet.
- (f) Flags representing a private entity, including corporate or business flags, shall be included within the maximum sign area total for the site, as applied to the allowance for a ground sign, and shall require a sign permit.

## **22.09 COMPREHENSIVE SIGN PLANS.**

(1) **Purpose.** Multi-tenant developments such as shopping malls, due to the varying occupant's need for signage and the potential for unique architecture and placement of different occupancies as they relate to street frontages, can create challenges to the applicability of sign regulations and the fair distribution of permitted square footage for occupants. This section is intended to define how signage permitted under this code will be distributed among the different occupancies available in the development. The

Comprehensive Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, and lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and building(s) on the lot as well as adjacent buildings, structures and uses.

(2) **Applicability.** A comprehensive sign plan shall be required of an applicant for all commercial multi-tenant developments where different occupancies will compete for permitted square footage on a single lot.

(3) **Submission Requirements.** An application for comprehensive sign plan approval shall be submitted to the Director and shall include:

- (a) A plot plan, dimensioned, showing the location of the building, structure, and lot upon which the proposed sign is to be attached or erected.
- (b) Location of buildings, parking lots, driveways, and landscaped areas on the lot.
- (c) A table or tables containing:
  - 1. Computation of the maximum total sign area.
  - 2. Maximum area for individual signs.
  - 3. Height and number of ground signs.
  - 4. Statement of the maximum total sign area and maximum number of signs permitted on the site by this sign code.
- (d) An accurate indication on the plot plan of the location and orientation of each sign for which a permit is currently being requested, the anticipated location of future signs requiring a permit, and the location of all reasonably anticipated temporary signs.
- (e) A description and illustration of the following may be required:
  - 1. Colors and materials to be used in sign construction.
  - 2. Style of lettering for all signs.
  - 3. Appearance/location of logos or icons.
  - 4. Location of each sign on the building(s), with building elevations if necessary.
  - 5. All sign proportions.
  - 6. Types of illumination.

(4) **Amendment.** A comprehensive sign plan may be amended by filing a new comprehensive sign plan, in conformance with the requirements of the Sign Code in effect at that time, to be approved by the Plan Commission.

(5) **Binding Effect.**

- (a) After approval of a comprehensive sign plan, no permanent sign shall be erected, placed, painted or maintained by the property owner or any buyer, tenant, subtenant, assignee, employee, agent or other party in use of the subject property except in conformance with such plan without obtaining a sign permit and in conformance with the comprehensive sign plan.
- (b) If the Plan Commission has approved a comprehensive sign plan with flexible criteria the Director is authorized to approve, through the standard sign permit approval process, sign applications in conformance with the comprehensive sign plan, but only to the extent that the application is in conformance with the comprehensive sign plan.
- (c) The terms and conditions of an approved Comprehensive Sign Plan shall have the same force and effect and be enforced in the same manner as any other provision of this Chapter.

## **22.10 TEMPORARY SIGNS.**

(1) **General Requirements.** Temporary signs shall conform to the following standards:

- (a) **Permit Required:** No temporary sign may be displayed without a valid temporary sign permit or portable sign permit.
- (b) **Sign Type:** Temporary signs may include any sign type permitted by this chapter.
- (c) **Number:** No more than two (2) temporary signs may be displayed on a lot at any time.
- (d) **Surface Area:** The maximum area of all temporary signs displayed shall be a combined total of nine (9) square-feet if displayed for ten (10) days or longer.
- (e) **Location:** Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, sale, or event is to occur. No temporary sign may be placed off-premise except as otherwise provided elsewhere in this Chapter.
- (f) **Duration:** No temporary sign permit shall be issued to erect or maintain any temporary signage for a period exceeding twenty-one (21) days, or to be displayed three (3) days after termination of the activity, service, project, sale, or event to which the sign pertains, whichever comes first. A permit for a temporary sign or signs shall be granted no more than four (4) times in any calendar year and only once every three (3) months.

- (g) **Installation Requirements:** All temporary signs shall be constructed, anchored and supported in a manner which reasonably prevents the possibility of such signs becoming hazards to the public health and safety as determined by the Director.
- (2) **Business Opening Signs.** Business opening signs may be displayed on lots having commercial or industrial occupancies subject to the following provisions:
- (a) **Permit Required:** A permit shall be issued before a business opening sign may be erected. The permit may not be renewed.
  - (b) **Type of Sign and Location.** A business opening sign may be a wall sign, projecting sign, or ground sign. A business opening sign may be displayed in addition to, in lieu of, or affixed to a permanent sign as described above. A banner may be used as a business opening sign.
  - (c) **Size:** The size of a business opening sign shall be determined by the type of sign chosen, and shall be limited to the maximum size allowed for a permanent sign of that type at that location.
  - (d) **Illumination:** A business opening sign may be illuminated subject to Section 22.06(7).
  - (e) **Duration:** A business opening sign may be displayed for a period not to exceed thirty (30) days from the date the business opened, changed names, or changed ownership.
- (3) **Portable Signs.** In addition to the general requirements pertaining to temporary signs, the following standards pertain to portable signs:
- (a) **Permit Required:** An annual sign permit shall be issued before a stationary portable sign may be erected. Such permit shall only be valid during the calendar year during which it is issued.
  - (b) **Construction:** A sign shall be manufactured to a professional standard of construction, finish and graphics. A portable sign shall be free-standing, self-supported and constructed of substantial materials such as wood, metal or plastic such that the sign will reasonably withstand the elements.
  - (c) **Size and Design Regulations:**
    - 1. A portable sign shall not exceed six (6) square feet in surface area per side, with a maximum of two (2) signable sides or faces.
    - 2. Sign shall be no more than three (3) feet in height.

3. The sign shall not exceed two (2) feet measured at the widest point of the sign face.
  4. No appendages to such sign and its structure are permitted, including but not limited to balloons, streamers, pennants, etc.
  5. Any portion of the sign's face used for a chalk or dry-erase board shall not exceed fifty percent (50%) of the total sign face surface area.
- (d) **Number:** One portable sign may be displayed per business or occupant in any commercial or industrial area or Planned Development District.
- (e) **Location:** A portable sign is restricted to the lot of the business establishment to which a permit has been issued, except such a sign may be located in the public right-of-way in front of the premises only where no front setback is required.
- (f) **Placement:** A portable sign shall:
1. be placed only along sidewalks where a minimum five (5) foot wide clear sidewalk is maintained. In no event shall a portable sign be placed on any bicycle path. The placement of a portable sign shall not obstruct access to any crosswalk, mailbox, curb cut, fire hydrant, fire escape, fire door, building entrance, public parking space or any other public property, nor shall a sign obstruct the ability of persons to exit/enter vehicles parked along the curb;
  2. not be attached, chained or in any manner affixed to public property including street trees, utility poles or sign posts;
  3. not obstruct the clear view of any traffic signal, regulatory sign or street sign;
  4. not be located closer than 10 feet to any other portable sign;
  5. not be located directly adjacent to a bus stop or transit vehicle, shall not obstruct sight lines of road users, nor be placed less than twenty-five (25) feet from a street intersection or fifteen (15) feet from a crosswalk;
  6. not be placed in such a way as to interfere with snowplowing of the streets;
  7. be maintained free of snow, be placed on solid ground at all times and shall not be placed on top of snow banks.
- (g) **Illumination:** A portable sign shall not be illuminated.

- (h) **Time Limitations and Removal:** A portable sign may be displayed only during business hours. Such sign must be removed and safely stored out of view during times when the business is not open to the public. Trailers or other vehicles that are not used principally as a sign may be parked on the lot when the business is not open to the public, as long as they are not parked in substantially the same location for more than twenty-four (24) hours.
- (i) **Enforcement.** Portable signs located within the public right-of-way are a privilege and not a right. The City in permitting placement of such signs in the public right of way reserves the right to require their removal at any time because of anticipated or unanticipated problems or conflicts. To the extent possible, the permittee shall be given prior notice of any time period during which, or location at which, the placement of portable signs is prohibited. Furthermore, the sign permit may be revoked by the Director following notice to the permittee. The permit may be revoked if one or more conditions outlined in this section have been violated, or if the sign is determined to constitute a public nuisance not specifically outlined in this section. Following the revocation of the sign permit, no application for the same site shall be filed within one hundred eighty (180) days from the date of revocation. The permittee has a right to appeal the decision of the Director within thirty (30) days of issuance of a revocation notice pursuant to Section 22.13(2).
- (j) **Indemnification:** Where a temporary, portable sign is permitted in the public right-of-way, the owner, lessee or lessor of the business to which a permit has been issued and the property owner shall agree in writing to fully indemnify and hold the City harmless for any personal injury or property damage resulting from the existence or operation of said sign, and shall furnish evidence of general liability insurance in the amount of fifty thousand dollars (\$50,000.00) with the City as additional named insured or provide other security to the satisfaction of the City Administrator.
- (k) **Permit Renewal.** The permit for a portable sign must be renewed annually prior to January 1 of each year.

## **22.11 SIGNS EXEMPT FROM PERMIT.**

Consistent with the purpose and scope of this ordinance, the Common Council recognizes that certain temporary, necessary, or limited-purpose signs should be lawfully displayed without the need to obtain a permit and should not count as part of the specific sign area allowed to be displayed on a particular property. Any signs exempt from permit requirements signs must, nonetheless, adhere to all other applicable sections of this ordinance and all other applicable State and Federal regulations. The Common Council finds that the following signs may be displayed without a permit because they serve an immediate or temporary traffic safety or wayfinding function, including but not limited to the temporary replacement or relocation of permitted, permanent signs during

construction; are permitted or mandated by city ordinance, state or federal law; allow freedom of speech and expression in a timely manner; or because the size, location or duration of the sign as regulated herein do not create impacts on the public interests forwarded by this Chapter significant enough to require review and a permit prior to display of such sign.

(1) **Address and nameplates.** Address and name plates not exceeding three (3) square feet in area.

(2) **Athletic Field Signage.** Signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex. Approval of the Parks, Recreation and Forestry Commission shall be required to display a sign, banner, or scoreboard under this paragraph at a City park.

(3) **Awning Signage.** Signs displayed on awnings located on commercial or industrial buildings provided that the signs are displayed on the lowest twelve inches (12") of the principal face or side panels of awnings and provided that they do not exceed six inches (6") in height.

(4) **City Signs on City Property.** Limited to twenty-four (24) square feet.

(5) **Construction Signs.** Such signs may only be placed on the property where work is in progress, shall not be erected prior to the beginning of work for which a valid building permit has been issued, and shall be removed within ten (10) days of completion of work or the expiration of the building permit, whichever is sooner. Construction signs on parcels in residential, park or conservancy uses shall not exceed thirty-two (32) square feet per street frontage. Construction sign area for commercial, industrial, multi-family, or planned development uses on parcels less than 100,000 square feet shall not exceed sixty four (64) square feet per street frontage; and on parcels greater than 100,000 square feet shall not exceed ninety six (96) square feet per street frontage. Square footage may be divided.

(6) **Flags.** Flags that comply with the provisions of Section. 22.08(9).

(7) **Garage sale and estate sale signs.** Signs advertising a garage sale shall not exceed four (4) square feet in area, shall not be displayed for a period of time more than seventy-two (72) consecutive hours and may be displayed no more than twice in any one calendar year. Up to three (3) residential garage sale signs may be displayed per event, two (2) of which may be displayed off property on the street terrace in the public right-of-way consistent with Section 22.06(2)(c). Signs displayed in the public right of way may not be affixed to street trees pursuant to Section 20.06(1). The City reserves the right to remove such signs from the right-of-way at any time. Any such sign placed on private property must have the consent of the property owner on whose property such sign is displayed.

(8) **Government signs, including traffic or official public hearing notice signs.** Such signs are placed, authorized, or required by the City or other authorized governmental agency.

The requirements for maximum area, height, setback, or other size, materials or physical specifications shall be as required by law or the authorizing agency.

(9) Holiday or temporary decorations when located on private property, or with the approval of the Common Council if on public property. In addition, any sign in the nature of a decoration, identification or direction, incidentally and customarily associated with any national or religious holiday or any civic festival, fair or similar gathering, held during a period of ten (10) days or less in any year, provided such sign shall not differ substantially from the requirements set forth in this Ordinance. Such decorations may not contain any commercial message or logo or depict any commercial symbol or character.

(10) Home occupation signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated, flush-mounted to a wall of the residence, and shall not exceed two (2) square feet in area.

(11) Leaflet-type temporary notices, flat-mounted to kiosks or public information boards.

(12) Memorial signs. Any non-commercial sign in the nature of a cornerstone, commemorative, or historical tablet or landmark designation plaque.

(13) Menu board signs up to fifty-five (55) square feet in area and six (6) feet in height, provided they are located within fifteen (15) feet of a commercial building and in a manner such that the copy is not readily viewable from the public right-of-way or a residential occupancy on an adjacent lot.

(14) Non-commercial messages. One sign per parcel per street frontage carrying any lawful non-commercial message not exceeding twelve (12) square feet in area. Any other permitted commercial sign may be substituted for a noncommercial message but will count toward the total signage type and area for the parcel upon which it is located. Hand-held signs carrying noncommercial messages are not subject to any size limitation so long as they are held by and under the physical control of a person during all times they are on display.

(15) Parking Lot Regulation Signs not exceeding nine (9) square feet and having a minimum setback of ten (10) feet.

(16) Parking Lot Directional signs that comply with the provisions of Section 22.08.

(17) Parking Lot Traffic signs required by law.

(18) Political and Election Campaign signs. Signs containing a “political message” and displayed during an “election campaign period”, as those terms are defined in Wis. Stats. § 12.04(1)(a) may not exceed twelve (12) square feet in area. Such signs are allowed in addition to the noncommercial message sign under subsection (14) during the election campaign period, however, after seven (7) days has passed from the election date such sign may continue to be displayed, but will count as the allowed noncommercial message sign under subsection (14).

Political and election campaign signs may also substitute for any commercial message sign in the same manner. Unless substituted for another permitted sign, such signs shall not have any electrical component. Such signs shall not have a mechanical or audio auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public right-of-way.

(19) **Real estate signs advertising residential properties.** Signs located on premise may not be placed above the top of the lowest level of the building. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the residential units being advertised.

- (a) For lots containing less than four (4) dwelling units within one residential structure, one non-illuminated real estate sign up to six (6) square feet per unit may be displayed to advertise the sale or rental of the premises or any part thereof.
- (b) For lots where at least four (4) but less than sixteen (16) dwelling units are contained within one residential structure, one non-illuminated real estate sign up to twelve (12) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
- (c) For lots where sixteen (16) or more dwelling units are contained within one residential structure, one non-illuminated real estate sign up to thirty-two (32) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
- (d) Up to two (2) signs directing traffic to “open houses”, each sign no more than six (6) square feet in area, may be installed off property after obtaining the consent of the property owner on whose property such sign is to be displayed, or they may be displayed on the street terrace in the public right-of-way consistent with Section 22.06(2)(c). The City reserves the right to remove such signs from the right-of-way at any time. These off property directional signs may be displayed only during the hours that the advertised activity is to take place, and they must be a self-supporting type sign.

(20) **Real estate signs advertising single occupant commercial property.** For lots less than five (5) acres, one non-illuminated real estate sign up to twelve (12) square feet in area may be displayed. For larger lots, one non-illuminated real estate sign up to thirty-two (32) square feet in area may be displayed. All signs authorized under this subsection shall be removed within ten (10) days of the sale or rental of the commercial unit being advertised.

(21) **Real estate signs advertising non-residential grouped development or multi-tenant buildings.** For each group development or multi-tenant building containing nonresidential land uses, a maximum of two (2) signs, one per each nonresidential street frontage, may be displayed up to a maximum of thirty-two (32) square feet in area.

(22) **Real estate subdivision signs.** For each real estate subdivision that has been approved in accordance with the City of Middleton land division regulations, a maximum of two (2) temporary development project identification signs may be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each one hundred (100) lots in the subdivision in excess of one hundred (100) lots. These signs may be displayed until a time at which building permits have been issued for eighty percent (80%) of the lots in the subdivision. Signs advertising sale or lease after such time shall conform to the requirements of subsection (19) of this section.

(23) **Utility company signs** that serve as an aid to public safety or that show the location of facilities such as public telephones and underground cables only to the extent necessary to accomplish those goals.

(24) **Window signs and displays** that are of a temporary nature such as for advertising sales and specials and that do not cover more than thirty (30) percent of the total ground-floor window area of any building, excluding the door windows. Merchandise and pictures or models of products or services incorporated in a window display are not considered signs. Any sign placed on the outside of a window requires a sign permit unless the sign is weatherproof and does not pose a danger from falling or being blown by the wind.

(25) **Window or Wall Signs Not Readable Off-Premises.** Window or wall signs not exceeding two (2) square feet in area with lettering not exceeding three (3) inches high designed to provide information to persons on the premises such as hours of operation, or sample restaurant menu. Where no front yard setback exists, such signs as would generally be unreadable off premises where minimum setback regulations apply shall qualify for this exemption notwithstanding that such signs are readable from the public right of way. Such signs shall not be counted toward total permitted signage.

## 22.12 PROHIBITED SIGNS.

The following signs are expressly prohibited in the City of Middleton:

- (1) Abandoned Signs.
- (2) Off-Premise Signs, except as expressly allowed under this chapter.
- (3) Inflatable signs.
  - (a) **Rationale:** Inflatable signs shall be prohibited because they are generally more distracting and hazardous to pedestrian and traffic safety, tend to have an anchoring device that is less reliable under wind pressure, and out of scale and less compatible with surrounding structures and signs.
  - (b) The following inflatable devices shall not be considered a sign:

1. Registered hot air balloons in use and momentarily moored but not being used primarily as a sign.
2. Novelty-type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground.
3. Inflatable holiday or other decorations displayed temporarily on private property, that do not contain any commercial message or logo or depict any commercial symbol or character, and that does not exceed fifteen (15) feet in height.

(4) Signs attached to any public utility pole or structure, street tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property except as otherwise expressly permitted under this Code.

(5) Beacons, unless authorized for use by the City of Middleton or any other governmental entity in the exercise of official government business and authority.

#### **22.13 LEGAL NON-CONFORMING SIGNS.**

Any legal non-conforming sign may continue to be displayed but may not be replaced unless it is damaged suddenly by fire, flood, explosion, earthquake, war, riot, or act of God. A legal, non-conforming sign that has deteriorated due to lack of regular maintenance to the point where it has lost fifty (50) percent or more of its replacement cost shall lose its legal non-conforming status.

#### **22.14 VARIANCES AND APPEALS.**

(1) **Variances.** It is recognized that circumstances may exist from time to time where strict application of the size, location and type of sign standards hereinafter specified for the various zoning districts may be unreasonable or where literal enforcement of the regulations may work an unnecessary hardship on the applicant. Variations from the standards are, therefore, permitted by issuance of a variance by the Plan Commission upon a finding of the majority of the members that such extenuating circumstances exist. Variances shall be considered as follows:

- (a) **Application:** Whenever this ordinance authorizes a Variance, an application shall be filed with the Director, together with the filing fee, pursuant to Section 22.04(5). Said application shall include all information outlined in Section 22.04(2), plus a statement of any additional information necessary to determine whether a variance may be granted.
- (b) **Referral to Plan Commission:** The application and related file shall be referred to the Plan Commission within fifteen (15) days of the date of filing. The Plan Commission may thereupon set a date for a public hearing to be held before it,

and shall cause a notice thereof to be published once in the official newspaper at least one (1) week before the hearing date. Upon being advised by the Secretary of the Plan Commission of the date of the hearing, the City Clerk shall mail a copy of the notice of hearing at least one week prior thereto to the owners of all lands, as shown on the last assessment roll, lying within 200 feet of the parcel of land on which the proposed sign is to be erected. The failure of the Clerk to notify every owner, provided such failure was not intentional, shall not invalidate any action by the Plan Commission, it being the intention of this section to provide so far as reasonably possible for those persons substantially interested to be heard relative to the application if it is their desire to do so.

- (c) **Plan Commission Action:** Following the public hearing, the Plan Commission shall consider the effects of the proposed sign upon the health, safety, and welfare of the citizens of Middleton and the residents of the immediate neighborhood and the entity requesting the Variance. Should the Plan commission find all of the conditions satisfactorily met, it shall grant the permit, subject to such limitations as it shall impose within the authority hereinabove granted to it.
- (d) **Appeals:** The decision of the Plan Commission may be appealed by any aggrieved party. Such an appeal of a Plan Commission decision may be made to the Common Council.

(2) **Appeals.** An applicant may appeal any decision of the Director, Building Inspector, Electrical Inspector, or Code Compliance Manager to the Plan Commission to determine whether the decision was authorized by law. The Plan Commission shall hear any appeal within fifteen (15) days of application for a hearing. An applicant may appeal any decision of the Plan Commission to the Common Council to determine whether its decision was authorized by law.

#### **22.14 VIOLATIONS.**

(1) It shall be unlawful and a violation of this ordinance for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this ordinance, or to fail to perform any act which is required by the provisions of this section. In the case of any such violation, each twenty four (24) hour period in which such violation exists shall constitute a separate violation.

(2) Any and all signs, erected, altered, or maintained in violation of this section, or any of the clauses provisions of the same, or in violation of any of the laws or ordinances of the City and/or the State of Wisconsin, are, and each of them is declared to be a public nuisance and subject to enforcement. Any such signs so erected, altered or maintained contrary to law shall be abated as a common nuisance by the Director.

#### **22.15 PENALTY**

Any person who shall fail to comply with any of the provisions of this chapter shall be subject to a penalty as prescribed by Section 30.04 of this Code.

## 22.16 ENFORCEMENT

(1) If the Director, Building Inspector, Electrical Inspector, or Code Compliance Manager finds that any sign has been erected, altered, or is being maintained in violation of this section, or is in an unsafe condition as to be a menace to the safety, health, or welfare of the public, he or she shall give written notice to the owner thereof of the person entitled to possession of the sign and the owner of the real estate upon which the sign is located. No notice shall be required for permitted temporary signs displayed in violation of time limitations prior to taking enforcement action.

(2) Said letter shall notify the owner or person entitled to possession of the sign, of the specific violation or violations and direct that alterations, repairs or removal, whichever may be applicable, be made to bring said violations in conformance with the terms and conditions of this section within fifteen (15) days of such notification.

(3) In the event the person so notified fails or neglects to comply with or conform to the requirements of such notice within the fifteen (15) day period specified herein, the Director, Building Inspector, Electrical Inspector, or Code Compliance Manager may file an appropriate citation or complaint in an appropriate court of law or take whatever other legal action may be necessary to cause such sign to be altered or removed. If a sign is considered abandoned, the City, after notice, may remove such sign at the cost of the owner of the property upon which the sign sits. An invoice for such costs shall be sent to the property owner and, if not paid, shall be placed on the tax roll as a special charge pursuant to Wis. Stats. § 66.0627.

## 22.17 SEVERABILITY AND CONFLICT.

(1) **Severability.** The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

(2) **Conflict.** If any part of this ordinance is found to be in conflict with any other ordinance or with any other part of this ordinance, the most restrictive or highest standard shall prevail. If any part of this ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.”