

City of Waukesha, Wisconsin

Ordinance No. ____-19

**An Ordinance Amending Chapter 27 of the Waukesha Municipal Code,
Regarding Signs and Outdoor Advertising; and Repealing Sections 3.15 and 3.16 of the
Waukesha Municipal Code, Regarding the Sign Review Board and Sign Appeals Board**

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

Section 1. Chapter 27 of the Waukesha Municipal Code is amended to read in its entirety as the attached Exhibit 1.

Section 2. Section 3.15 of the Waukesha Municipal Code is repealed in its entirety, and the Sign Review Board is abolished.

Section 3. Section 3.16 of the Waukesha Municipal Code is repealed in its entirety, and the Sign and Outdoor Advertising Appeals Board is abolished.

Section 4. All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

Section 5. This Ordinance shall be effective immediately upon its publication.

Passed the _____ day of _____, 2019.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk

Exhibit 1

27.01 Policy and Purpose

27.01 Policy and Purpose.

The purpose of the regulations contained in this Chapter is to establish standards to safeguard life and property and promote and preserve public welfare and community aesthetics by the establishment of comprehensive standards, regulations and procedures governing the erection, use and display of signs. The regulations found in this Chapter balance the need for signage with the impact of such signage by establishing standards related to the use, location and intensity of particular land uses. Additional purposes of these sign regulations are to:

- (1)** Permit the effective use of signs as a means of commercial and non-commercial communication;
- (2)** Maintain and enhance the ability of the City to attract sources of economic development and growth;
- (3)** Maintain and enhance the ability of the City to preserve and protect special and unique natural and architectural features and historic landmarks;
- (4)** Maintain and enhance the unique, historic old-world nature of the downtown district, and encourage pedestrian travel between businesses there.
- (5)** Preserve the beauty and character of the City by aesthetically complementing the development which a sign identifies;
- (6)** Promote a healthy and properly designed business environment;
- (7)** Safeguard the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the city;
- (8)** Maintain pedestrian and traffic safety and minimize the distractions, hazards and obstructions caused by signs;
- (9)** Preserve property values within the city and allow signs appropriate to the character of each zoning district;
- (10)** Enable the fair and consistent enforcement of these sign regulations;
- (11)** Ensure that the constitutionally-guaranteed right of free speech is protected.

27.02 Definitions

27.02 Definitions. In this Chapter, capitalized terms shall have the following meanings:

- (1) **A-Frame Sign.** A type of Portable Sign which rests on, but is not affixed to, the ground, consisting of two flat panels attached to each other at the top and angled outward in an “A” shape for stability.
- (2) **Area (of Sign).** The area comprising the artwork and letters, figures and designs located on a Sign, plus the Sign frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such signs from the wall or background against which it is placed.
 - (a) For Detached Signs, Sign Area does not include any architectural embellishments surrounding the sign’s perimeter, other architectural details such as decorative columns and caps, or the Sign’s base structure.
 - (b) All sides of a Sign visible from any one location shall be measured in determining the Area of the Sign, except that only one side of a Sign shall be measured if the two sides are back to back or separated by an angle of 45 degrees or less.
 - (c) Tenant panels in a detached shopping center Sign shall be considered part of the tenant’s Sign Area.
 - (d) Awning Sign area shall include Sign text and graphics only, not the entire awning.
 - (e) For Signs that do not have a square border, the applicant may give the height and width of the surrounding rectangle or the actual area of the Sign. Staff will determine the Sign Area based on the dimensions given.
 - (f) Individual-letter Wall Signs with no additional sign background shall be measured as the smallest rectangle around each word.
- (3) **Awning Sign.** A Sign on an awning, defined as a roof-like cover, typically made of canvas or another fabric, projecting over windows or doors of structures for protection from the weather or as decoration.
- (4) **Banner Sign.** A Sign made of flexible material, attached to a building or structure on at least all four corners. Such signs are generally intended to be temporary in nature.
- (5) **Billboard Sign.** A Sign within City limits but not on the Premises of the business with which it is associated.
- (6) **Building Width.** The width of a building or the total widths of buildings on a Premises viewed as if all the front walls were projected to a common plane at the front property line, not including any portions which are obstructed from view.
- (7) **Cabinet Sign.** A Sign which contains all of the text and graphics on a panel housed within a single enclosed cabinet that is mounted to a wall or other surface.
- (8) **Chapter.** Chapter means Municipal Code Chapter 27.

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- (9) **City Planner.** City Planner means the City Planner or persons designated by the City Planner to whom the City Planner delegates authority under this Chapter.
- (10) **Commercial.** Commercial means related solely to economic interests, related solely to profit-generating activities, or proposing a commercial transaction.
- (11) **Department.** The City of Waukesha Department of Community Development.
- (12) **Detached Sign.** A Permanent Sign located on the Premises of the business with which it is associated and not mounted on a building.
- (13) **Downtown Shopping Area.** The area within the following-described boundary and including Premises on both sides of the streets: Beginning at the West Avenue bridge over the Fox River, east on Wisconsin Avenue to the intersection of Wisconsin Avenue and Broadway, northwesterly on Broadway to the intersection of Broadway and Barstow Street, north on Barstow Street to the Fox River, southwesterly along the Fox River to West Avenue and the point of beginning.



- (14) **Dual-Post Sign.** A type of Detached Sign mounted on two or more posts or poles.
- (15) **Eaves.** The lower edge of an angled roof of a building or the top edge of the wall of flat-roofed buildings.
- (16) **Feather Sign.** A Sign consisting of a vertically-elongated banner attached at more than two points to a single pole, forming a feather or blade shape.

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- (17) **Flag.** A banner attached to a pole, mast, or post on one edge, in such a way as to allow it to be moved by the wind.
- (18) **Gross Sign Area.** The total area of all Permanent Signs allowed on a Premises, including Detached Signs.
- (19) **Height (of Sign).** The distance from grade level to the highest point of a Detached Sign and its supporting structure.
- (20) **Inflatable.** Displays inflated with a gas and having the primary purpose of advertising the sale of products or services, or commercial transactions.
- (21) **Lot Width.** The length of the section of the property boundary of a parcel that is adjacent to a public right of way.
- (22) **Menu Board Sign.** A type of Sign which includes descriptions of products, menus, or specials, oriented toward pedestrians or users of a drive-through window, and having copy that is not large or bright enough to be legible from automobiles driving at normal speeds on adjacent streets.
- (23) **Monument Sign.** A Detached Sign mounted on the ground, on a pedestal, or on a similar architectural feature, but not mounted on a pylon or posts.
- (24) **Non-Commercial.** Sign content that cannot be considered advertisement of a product or service, or proposing a commercial transaction. Examples include but are not limited to: political messages, religious messages, announcements of community or charity events, or expressions of support for a sports team or other recreational organization by persons who do not have a direct financial stake in the team or organization.
- (25) **Permanent Sign.** A Sign that is installed with no expected removal date and is installed or constructed with materials and methods that indicate that it is intended to remain in place indefinitely.
- (26) **Portable Sign.** A Sign designed and intended to be movable from one location to another, the primary function of which is to advertise products or services, or commercial transactions. A-Frame Signs and sandwich board signs are examples of Portable Signs.
- (27) **Premises.** The parcel of real estate on which a Sign is located. Portions of a business Premises may be deemed to be separate Premises where there are different land uses within each portion. If more than one business occupies a parcel of real estate, that part of the first story occupied by a particular business and the lot directly in front of such business is a separate Premises, unless a larger assemblage is declared as the Premises by the owner of the parcel.
- (28) **Projecting Sign.** Any Sign mounted on the wall of a building, which projects more than 12 inches from the surface of the wall, and is primarily intended to be viewed at an angle parallel to the wall.
- (29) **Pylon Sign.** A type of Detached Sign mounted on one or more pylons or poles.

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- (30) **Reader Board.** A Sign that uses arrays of light bulbs, LEDs, or other forms of illumination to display moving, stationary, or changing text, animation, or images.
- (31) **Roof Sign.** Any Sign mounted on a building situated wholly or partially above the Eaves of that part of the building to which it is mounted.
- (32) **Setback.** The horizontal distance from a Premises boundary to the closest part of a Sign.
- (33) **sf.** Square feet.
- (34) **Sign.** Any display, including its supporting structure and component parts, intended to be observed from outside for advertising, announcement, or identification in any medium. The term Sign includes all categories of Signs described in this Chapter 27, including but not limited to A-Frame Signs, Awning Signs, Banner Signs, Billboard Signs, Cabinet Signs, Detached Signs, Dual-Post Signs, Feather Signs, Flags, Inflatables, Menu Board Signs, Monument Signs, Permanent Signs, Portable Signs, Projecting Signs, Pylon Signs, Roof Signs, Temporary Signs, Wall Signs, Window Signs, and Yard Signs. Regardless of the foregoing, the following are not Signs subject to the regulations of this Chapter:
- (a) Traffic-control signs and other government messages located within a right of way.
 - (b) Traffic-control signs located within a parking lot and primarily directed to persons within the lot.
 - (c) Decorations associated with a national or religious holiday or with any community festival or similar event.
 - (d) Flags that do not contain a Commercial message.
 - (e) Works of art, including wall murals, which do not contain any Commercial content.
 - (f) Building colors and lighting that do not contain Commercial content.
 - (g) Signs located on the interior of the grounds of public recreation or institutional facilities, which are primarily oriented to persons within the grounds.
 - (h) Window displays of merchandise that are not directly attached to a window surface.
 - (i) Signs on vehicles that are used in the day-to-day operations of a business for purposes other than solely advertisement.
 - (j) Signs intended to be carried by individuals and not resting on or mounted to the ground.
 - (k) Address identification Signs of less than 4 square feet of Sign Area.
 - (l) Free-standing microphones or speakers such as those contained in a drive-through lane, which do not include a business logo or other advertisement.

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- (35) **Sign Band.** An integral part of the storefront design that architecturally defines the top of the ground floor, or the location on the building's façade between the building entrance and the bottom of the second floor windows, or for a one-story building, the Eaves line.
- (36) **Temporary Sign.** A sign that is installed with a reasonable expectation that it will be removed in the foreseeable future, or is installed or constructed with materials and methods that indicate that it is not intended to remain in place indefinitely. Feather Signs, Banner Signs, and Inflatables are examples of Temporary Signs.
- (37) **Wall.** Wall has its usual meaning, and also includes building surfaces at an angle of 20° or less from vertical, even if such surfaces are contiguous with roof surfaces or covered in roofing material.
- (38) **Wall Sign.** A Sign affixed to, painted on, or otherwise inscribed directly on an exterior wall, primarily intended to be viewed at an angle perpendicular to the wall.
- (39) **Window Sign.** Any Sign mounted on the inside of a window intended to be viewed from the outside, including those painted on the glass.
- (40) **Yard Sign.** A Temporary Sign that is mounted on one or two stakes, posts, or wire legs driven into the ground in a street yard.

27.03 Permanent Signs

27.03 Permanent Signs.

- (1) **Permit Required.** All Permanent Signs shall comply with the requirements of this section. No Permanent Sign may be erected, altered, or placed until sign permit has first been issued by the Department. Where Signs are illuminated electrically, a separate electrical permit shall be obtained as required by the electrical code.
- (2) **Allowable Permanent Sign Types by Zoning District.** Permanent Signs, except Detached Signs, are allowed in specific zoning districts only as follows:
 - (a) **RD and RS Districts.** Permanent Signs are not allowed.
 - (b) **RM Districts.** Wall Signs complying with §27.03(9) are allowed with a permit. All other Permanent Signs are not allowed.
 - (c) **I-1, A-1, and P-1 Districts.** Wall Signs complying with §27.03(9), Projecting Signs complying with §27.03(11), and Menu Board Signs complying with §27.03(13) are allowed with a permit. All other Permanent Signs are not allowed.
 - (d) **M-1, M-2, and M-3 Districts.** Wall Signs complying with §27.03(9), Roof Signs complying with §27.03(10), Window Signs complying with §27.03(12), Projecting Signs complying with §27.03(11), Reader Board Signs complying with §27.03(14)(a), and Menu Board Signs complying with §27.03(13) are allowed with a permit. All other Permanent Signs are not allowed.
 - (e) **B-2 District.** Wall Signs complying with §27.03(9), Window Signs complying with §27.03(12), Projecting Signs complying with §27.03(11), Reader Board Signs complying with §27.03(14)(b), and Menu Board Signs complying with §27.03(13) are allowed with a permit. All other Permanent Signs are not allowed.
 - (f) **B-1 and B-4 Districts.** Wall Signs complying with §27.03(9), Window Signs complying with §27.03(12), Projecting Signs complying with §27.03(11), and Menu Board Signs complying with §27.03(13) are allowed with a permit. All other Permanent Signs are not allowed.
 - (g) **B-3, B-5, and MM-1 Districts.** Wall Signs complying with §27.03(9), Roof Signs complying with §27.03(10), Window Signs complying with §27.03(12), Projecting Signs complying with §27.03(11), Reader Board Signs complying with §27.03(14)(a), and Menu Board Signs complying with §27.03(13) are allowed with a permit. All other Permanent Signs are not allowed.
- (3) **Maximum Allowable Gross Sign Area.** Gross Sign Area shall not exceed the following limits for the specified zoning districts:
 - (a) **RM Districts.** The greater of 1.0 square foot per foot of Building Width or 0.6 square foot per foot of Lot Width.
 - (b) **I-1, A-1, and P-1 Districts.** The greater of 1.5 square foot per foot of Building Width or 0.6 square foot per foot of Lot Width.

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- (c) **M-1, M-2, and M-3 Districts.** The greater of 2.0 square foot per foot of Building Width (or Premises width in multi-tenant buildings), or 0.8 square foot per foot of Lot Width.
 - (d) **B-1, B-2, B-3, and B-4 Districts.** The greater of 1.5 square foot per foot of Building Width (or Premises width in multi-tenant buildings), or 0.6 square foot per foot of Lot Width.
 - (e) **B-5 and MM-1 Districts.** The greater of 2.0 square foot per foot of Building Width (or Premises width in multi-tenant buildings), or 0.8 square foot per foot of Lot Width.
- (4) **Application for Permit.**
- (a) All applications for a Permanent Sign permit shall be made on a form furnished by the Department. One application form is required per Sign. Application for permit shall include (i) a scale drawing of the sign showing materials, message, colors, and construction; (ii) a scale drawing or photo of the building façade with the sign location, if building-mounted; (iii) a scale plot plan showing Detached Sign locations and relevant site features including the location of all buildings on the Premises and any other Signs located or proposed to be located on the Premises; (iv) and an inventory of all existing Signs on the Premises with dimensions and areas.
 - (b) Permit applications for all Permanent Signs shall be accompanied by a non-refundable fee as shown in a fee schedule published by the Department and amended from time to time.
 - (c) The permit shall be granted unless the application is incomplete, the application is not accompanied by the appropriate fee, or the application shows that the proposed Permanent Sign would not comply with the provisions of this Chapter.
 - (d) Approval or denial of the application shall be noted on a copy of the application and forwarded to the applicant.
- (5) **New Developments.** For new developments that require site plan and architectural review pursuant to Municipal Code §22.15(1), an overall sign plan must be submitted to the Plan Commission as part of the complete application. The sign plan shall indicate the locations of any Detached Signs and specifications of exterior Wall Signs for the development. Such specifications should include, where possible, the type, size, and location of Signs. Signs that have been approved as part of a sign plan must still receive a Sign permit from the Department, and the City Planner may require additional Plan Commission approval for Signs that are substantially different in size, type, or location from those in the plan.
- (6) **Standards for All Permanent Signs.** All Permanent Signs must meet the following requirements:

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- (a) **Architectural Compatibility.** No Sign may cover doors, windows or other major architectural detail or ornamentation. Signs shall be designed to be as compatible as possible with the design of the building to which it relates and to the surroundings.
- (b) **Unnecessary Repetition.** All Signs on any premises in aggregate shall avoid unnecessary repetition of information.
- (c) **Consolidation of Signs.** To the greatest extent possible and consistent with design objectives, Signs on any Premises shall be consolidated in common signs or support structures.
- (d) **Distracting Signs Prohibited.** Signs may not include (a) flashing or alternating illumination; (b) moving parts; (c) moving or alternating message displays or search lights; (d) similarity to traffic signs. Regardless of the foregoing, on-Premises Reader Board signs are permitted, provided they comply with the requirements set forth in §27.03(14).
- (e) **Illumination from Signs.** Illumination from lighted Signs, including Reader Board Signs, shall not exceed the standard in Municipal Code §22.59(10)(c).
- (f) **Signs Facing a Residential District or Property.** Signs that face any lot in a residential district or a property in any zoning district whose primary use is residential shall:
 - (i) Be located not less than 50 feet from the lot line.
 - (ii) Have all illumination, electric or otherwise, turned off between the hours of 11 p.m. and 6 a.m.
- (g) **Construction and Stability.** Signs shall be constructed to withstand a wind loading of at least 30 pounds per square foot of surface and shall be structurally safe and securely anchored so they are not a menace to persons or property. Electrified Signs shall be wired to conform to the National Electric Code as adopted in Municipal Code §18.04 and rigidly mounted so as not to swing. Building-mounted Signs shall be adequately grounded where exposed to lightning. Flat-mounted Wall Signs shall not project more than 12 inches from the Wall surface and may exceed 24 square feet in Area only if made of non-combustible materials or plastic materials that burn at a rate no faster than 2.5 inches per minute when tested in accordance with ASTM Standard D635. Wooden supporting members shall be treated and rated for ground contact.
- (h) **Maintenance.** All Signs and the premises surrounding them shall be maintained in good condition and kept free of noxious weeds and rubbish.
- (i) **Vision Obstruction.** Signs may not obstruct visibility at street and driveway intersections.

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- (7) **Lot Widths of Corner Lots and Multiple Frontages.**
- (a) Except for Premises in the B-2 district, where a Premises is located on a corner, Sign regulations that are determined by Lot Width shall be determined by the longest Lot Width.
 - (b) In the B-2 district, where a Premises is located on a corner, Sign regulations determined by Lot Width shall be applied independently to each frontage by the Lot Width of each frontage.
 - (c) Where Premises have frontage on two or more streets that do not intersect adjacent to the Premises, Sign regulations determined by Lot Width shall be applied independently to each frontage by the Lot Width of each frontage.
- (8) **Awning Signs.** Only that portion of Awning Signs containing text or graphics shall be counted toward that total Sign Area. Awning Signs shall comply with all standards elsewhere in the Municipal Code that are applicable to awnings.
- (9) **Wall Signs.** Wall signs shall be placed within the building's Sign Band, if one is present. If a Sign Band is not present, or if it already contains a Sign, a Wall Sign may be placed elsewhere on the façade but shall not cover any window, including transom windows. Wall Signs may not project more than 12 inches from the Wall surface.
- (10) **Roof Signs.** In districts where permitted, Roof Signs may be located only on a roof of one story in height. Individually mounted letters no greater than 30 inches in height are permitted on Roof Signs, provided the letters are mounted directly at and not extending below the Eaves.
- (11) **Projecting Signs.**
- (a) There shall be a clearance of at least 10 feet between any projecting part or span of a Projecting Sign and any ground surface intended for or likely to be used for pedestrian or vehicular movement except:
 - (i) In the B-2 District the clearance shall be at least 8 feet.
 - (ii) If a raised planter at least 27 inches in height is maintained beneath the projection or span.
 - (b) The maximum allowed Sign Area for Projecting Signs is 25 square feet.
 - (c) No more than one Projecting Sign shall be allowed per Premises.
 - (d) No Projecting Sign shall extend vertically above the Eaves.
- (12) **Window Signs.** Window Signs shall not cover more than 40% of the window they are affixed to and shall not exceed the gross square footage permitted for the property. Only one neon Sign per window is permitted.
- (13) **Menu Board Signs.** The changeable text area of Menu Board Signs shall not be counted against the total Sign Area but shall be subject to the following restrictions:

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- (a) A maximum of one Menu Board Sign is allowed per Premises.
- (b) Menu Board Signs shall not exceed 30 square feet in total area, or 10 square feet in the B-2 district.

(14) Reader Board Signs.

- (a) Reader Boards are permitted on properties in the B-3, B-5, M-1, M-2, M-3, and MM-1 districts, subject to the following provisions.
 - (i) Reader Boards may change messages not more than once every 2 minutes and the change must be made in one-half second or less and not flash, scroll, alternate, move, or show video.
 - (ii) The electronic display portion of the Reader Board may not exceed 500 nits in luminance from sunset to sunrise and 3000 nits in luminance from sunrise to sunset, but in no case may illumination exceed the standard in Municipal Code §22.59(1)(c).
 - (iii) All permitted Reader Boards shall be equipped with a sensor or other device that automatically determines the ambient light and dims the display according to ambient light conditions, or that can be adjusted to comply with brightness limits.
 - (iv) Reader Boards shall not face residential properties.
- (b) Reader Board signs are permitted within the B-2 Central Business District only in compliance with the following provisions:
 - (i) Reader Boards may only be mounted on the exterior of theater buildings. For purposes of this subsection, “theater building” means a building which contains a stage, permanent seating facing the stage, and installed equipment for theatrical sound, lighting and projection, and having as its primary purpose the presentation and viewing of theatrical shows and motion pictures.
 - (ii) The total area of the electronic display portion of the Reader Board sign may not exceed 60 square feet.
 - (iii) Reader Board signs shall not change messages more than once every ten minutes.
 - (iv) Reader Board messages shall be static and shall not flash, scroll, move, alternate, be animated, or show video.
 - (v) Reader Boards shall be designed and operated to resemble overall a traditional theater marquee in appearance as much as reasonably possible.
 - (vi) The electronic display portion of the Reader Board may not exceed 500 nits in luminance from sunset to sunrise and 3000 nits in luminance from

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sunrise to sunset, but in no case may illumination exceed the standard in Municipal Code §22.59(1)(c).

- (c) Reader Boards are not permitted on properties other than those identified in subsections (14)(a) and (14)(b), above.
- (15) Downtown Shopping Area.** The following additional regulations apply to all signs in the Downtown Shopping Area, defined in §27.02(13).
- (a) Prohibited Signs.
 - (i) Internally-illuminated Projecting Signs or channel letters are prohibited in the Downtown Shopping Area, except for Reader Boards complying with subsection (14)(b), above.
 - (ii) Cabinet Signs are prohibited in the Downtown Shopping Area.
 - (b) Sign Placement.
 - (i) All signs shall be scaled appropriately to the building and to the area where they will be placed.
 - (ii) No Sign shall cover any architectural features or ornamentation on a building.
 - (c) Sign Illumination in the Downtown Shopping District.
 - (i) Wall or Projecting Signs may be illuminated by wall mounted decorative lights such as gooseneck or wall sconce light fixtures located near the sign.
 - (ii) Individually-mounted channel letters and logos may be illuminated using halo backlighting.

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(16) **Detached Signs.** Detached Signs are subject to the terms of the table below and the following subsections.

	Permitted Detached Sign Types	Maximum Height	Maximum Sign Area	Setback	Maximum Number of Signs
RD and RS Districts	None				
RM Districts	Monument	8'	0.6 sf per foot of Lot Width up to 50 sf.	15'	One per Premises
I-1, A-1, and P-1 Districts	Dual-Post and Monument	Dual-Post 8' Monument 14'	0.6 sf per foot of Lot Width up to 100 sf.	15', except for signs 6' Height or less, setback is 10'.	One per street frontage of a Premises. Additional signs on intersecting streets must be at least 500' from any other detached sign.
B-2 Districts	None				
M-1, M-2, and M-3 Districts	Dual-Post, Monument, and Pylon	Dual-Post 8' Monument 20'	0.8 sf per foot of Lot Width up to 150 sf.	20', except for signs between 6' and 14' Height setback is 15', signs up to 6' Height setback is 10'.	One per Premises. Additional detached signs are allowed with a maximum area of 5 sf each.
B-1, B-3, and B-4 Districts	Dual-Post and Monument	Dual-Post 8' Monument 14'	0.6 sf per foot of Lot Width up to 100 sf.	15', except for signs 6' Height or less, setback is 10'.	One per Premises.
B-5 and MM-1 Districts	Dual-Post, Monument, and Pylon	Dual-Post 8' Monument 20'	0.8 sf per foot of Lot Width up to 150 sf.	20', except for signs between 6' and 14' Height setback is 15', signs up to 6' Height setback is 10'.	One per Premises. Additional detached signs are allowed with a maximum area of 5 sf each.

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- (a)** Poles and support structures for Detached Signs must be covered with decorative sleeves or masonry.
- (b)** No Detached Signs are permitted for businesses located on outlots of shopping centers.
- (c)** No Detached Signs are permitted for properties on which there is a building located within 25 feet of the property line.
- (d)** Multiple businesses adjacent to each other on the same parcel may co-locate Detached Signs onto one Detached Sign and the resulting sign shall not be considered a Billboard.
- (e)** Landscaping must be provided for an area around the base of any Detached Sign equal to twice the Sign Area.
- (f)** Pylon Signs must be mounted at least 36 inches above grade.
- (g)** At least 60% of the Sign Area of Dual-Post Signs must be located between the outermost posts.
- (h)** The bottom edge of a Dual-Post Sign shall be no higher than 36 inches from grade.

27.04 Temporary Signs

27.04 Temporary Signs.

(1) **Rules Applicable to Specific Zoning Districts.** The allowance of Temporary Signs, number of allowed Temporary Signs, requirement of a permit, allowed size of Temporary Signs, time duration of display of Temporary Signs, and other Temporary Sign regulations in specific zoning districts are as follows:

(a) **RD, RS, and RM Districts.** One Yard Sign or Banner Sign, of no more than of 16 square feet of Sign Area, is allowed without a permit. Temporary Signs displayed in the inside of windows, covering not more than 25% of the area of each window, displayed for no more than 6 weeks, are allowed without a permit. All other Temporary Signs are not allowed.

O&L Committee recommends that subsection (1)(a) be replaced with the following:

(a) **RD, RS, and RM Districts.** No more than 15 Yard Signs or Banner Signs, with a maximum area of 32 square feet per sign and a maximum total area of all Signs of 240 square feet, are allowed without a permit. Temporary Signs displayed in the inside of windows are allowed without a permit and without any time or area restrictions. All other Temporary Signs are not allowed.

(b) **P-1, A-1, I-1 Districts.** One Yard Sign or Banner Sign, of no more than of 16 square feet of Sign Area, is allowed without a permit. Yard Signs and Banner Signs in excess of one in number or in excess of 16 square feet total Sign Area are allowed with a permit, subject to §27.04(4) and (5). All other Temporary Signs are not allowed.

(c) **B-1 and B-4 Districts.** One Yard Sign or Banner Sign, of no more than of 32 square feet of Sign Area, is allowed without a permit. Temporary Signs displayed in the inside of windows, covering not more than 25% of the area of each window, are allowed without a permit. Yard Signs and Banner Signs in excess of one in number or in excess of 32 square feet total Sign Area are allowed with a permit, subject to §27.04(4) and (5). All other Temporary Signs are not allowed.

(d) **B-2 District.** Temporary Signs displayed in the inside of windows, covering not more than 25% of the area of each window, are allowed without a permit. A-Frame Signs complying with §27.04(6) are allowed without a permit. One Banner Sign of no more than 32 square feet in Sign Area and complying with §27.04(4) is allowed without a permit. Banner Signs in excess of one in number or in excess of 32 square feet total Sign Area are allowed with a permit, subject to §27.04(4). All other Temporary Signs are not allowed.

(e) **B-3, B-5, and MM-1 Districts.** One Yard Sign or Banner Sign, of no more than of 32 square feet of Sign Area, is allowed without a permit. Temporary Signs displayed in the inside of windows, covering not more than 25% of the area of each window, are allowed without a permit. Inflatable Signs complying with §27.04(7) are allowed with a permit. Yard Signs and Banner Signs in excess of one in number or in excess of 32 square feet total Sign Area are allowed with a

27.04 Temporary Signs

permit, subject to §27.04(4) and (5). Feather Signs complying with §27.04(8) are allowed with a permit. All other Temporary Signs are not allowed.

- (f) **M-1, M-2, and M-3 Districts.** One Yard Sign or Banner Sign, of no more than of 32 square feet of Sign Area, is allowed without a permit. Temporary Signs displayed in the inside of windows, covering not more than 25% of the area of each window, are allowed without a permit. Inflatable Signs complying with §27.04(7) are allowed with a permit. Yard Signs and Banner Signs in excess of one in number or in excess of 32 square feet total Sign Area are allowed with a permit, subject to §27.04(4) and (5). All other Temporary Signs are not allowed.

(2) **General Rules.** The following rules apply in all zoning districts.

- (a) Regardless of the restrictions in subsections (1)(a) through (f), any Premises may display Non-Commercial Temporary Signs, Banner Signs, or Yard Signs without a permit, up to a maximum of 25 square feet of additional Temporary Sign Area.
- (b) If a Premises has not reached its limit of Gross Sign Area under §27.03(3), then the remaining unused Gross Sign Area may be allocated to Temporary Signs, in addition to the Temporary Sign Area limits in this section.
- (c) Temporary Signs may be displayed a maximum of 60 days per calendar year per Premises.
- (d) Flags with Commercial content shall be deemed Banner Signs.
- (e) Temporary Signs are not permitted on public property or public rights of way, except A-Frames in the Central Business District in compliance with §27.04(6).

(3) **Application for Temporary Sign Permit.** For Temporary Signs requiring a permit, the following application process shall be followed:

- (a) All Applications for a Temporary Sign permit shall be made on a form furnished by the Department. One application form is required per Temporary Sign. Application for a permit shall include (i) a scale drawing of the Temporary Sign showing materials, message, colors, and construction; (ii) a scale drawing or photo of the building façade with Temporary Sign location, if building-mounted; (iii) a scale plot plan showing the Temporary Sign location and relevant site features including the locations of all buildings on the Premises and any other Signs located or proposed to be located on the Premises; and (iv) an inventory of all existing Signs on the Premises with dimensions and areas.
- (b) Permit applications for all Temporary Signs shall be accompanied by a non-refundable fee as shown in a fee schedule published by the Department and amended from time to time.
- (c) The permit shall be granted unless the application is incomplete, the application is not accompanied by the appropriate fee, or the application shows that the proposed Temporary Sign would not comply with the provisions of this Chapter.

27.04 Temporary Signs

- (d) Approval or denial of the application shall be noted on a copy of the application and forwarded to the applicant.
- (4) **Banner Sign Design Standards.**
- (a) All Banner Signs shall be firmly affixed to the structures on which they are mounted at least at all four corners, with no slack.
 - (b) Banner Signs shall not be creased, folded, ripped, or faded.
- (5) **Yard Sign Placement and Design Standards.**
- (a) Yard Signs shall be firmly affixed to the ground.
 - (b) Yard Signs shall not be placed in a public right of way or on other public property, and all Yard Signs shall be set back at least 5 feet from any lot line.
 - (c) Yard Sign support structures may not exceed 5 feet in height, and total Yard Sign height may not exceed 8 feet.
 - (d) Yard Signs shall be maintained in good condition and shall not be ripped, creased, folded, rusted, rotting, peeling, faded, or display similar deterioration.
- (6) **A-Frame Signs.**
- (a) **Central Business District Sidewalks.** A-Frame Signs may be placed without a permit on sidewalks only in the B-2 Central Business District, provided their use and placement on the sidewalk complies with the following:
 - (i) A-Frames shall be set back at least 1 foot from the curb.
 - (ii) A-Frames shall be placed to allow an unobstructed area of travel of no less than 4 feet for pedestrian traffic on the sidewalk.
 - (iii) Displays placed on A-Frames shall not project beyond the A-Frame's edges.
 - (iv) A-Frames shall be kept inside the business Premises when the business is closed.
 - (v) A-Frames must be self-supporting and may not be leaned against a building, light post, or other structure.
 - (vi) A-Frames may not be rusted, peeling, faded, or show similar deterioration.
 - (vii) A-Frames may not contain any reflective materials, and may not resemble traffic-control signs.
 - (viii) One A-Frame per Premises may be displayed.
 - (ix) A-Frames may not exceed 3 feet wide and 4 feet high, with a maximum surface area of 12 square feet.

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- (x) A-Frames may not be illuminated or electrified.
- (b) **All Other Locations.** A-Frame Signs may be used in all districts, subject to the following:
 - (i) A-Frames shall be set back at least 5 feet from property boundaries.
 - (ii) Displays placed on A-Frames shall not project beyond the A-Frame's edges.
 - (iii) A-Frames shall not be displayed outside of business or event hours.
 - (iv) A-Frames must be self-supporting and may not be leaned against a building, light post, or other structure.
 - (v) A-Frames may not be rusted, peeling, faded, or show similar deterioration.
 - (vi) A-Frames may not contain any reflective materials, and may not resemble traffic-control signs.
 - (vii) One A-Frame per Premises may be displayed.
 - (viii) A-Frames may not exceed 3 feet wide and 4 feet high, with a maximum surface area of 12 square feet.
 - (ix) A-Frames may not be illuminated or electrified.
- (7) **Inflatables.**
 - (a) Inflatables shall not face a residential district.
 - (b) Inflatables may not be placed on the same Premises for more than 60 days in any 12-month period.
 - (c) Inflatables shall not be placed on the roof of any building and shall not exceed the height of the principal structure on the Premises.
 - (d) Inflatables must be firmly anchored to the ground so that they cannot shift more than 3 feet horizontally under any condition.
 - (e) Inflatables must be set back from the property line a distance at least equal to their height.
 - (f) No more than one Inflatable shall be placed per 50 feet of street frontage, with a maximum of 4 Inflatables allowed per Premises.
 - (g) Inflatables shall conform to all applicable building and electrical codes.
- (8) **Feather Signs.** Feather Signs are allowed in the B-3, B-5, and MM-1 districts only, subject to the following restrictions in addition to all other requirements applicable to Temporary Signs:

27.04 Temporary Signs

- (a) Feather Signs shall not be placed on the same Premises for more than 60 days in any calendar year.
 - (b) Feather Signs must be firmly anchored to the ground.
 - (c) No more than one Feather Sign shall be erected per 50 feet of street frontage.
 - (d) No more than 4 Feather Signs shall be allowed per property.
 - (e) Feather Signs shall not exceed 15 feet in height and shall be set back from the property line a minimum distance equal to their height.
 - (f) Feather Signs shall not be erected less than 50 feet away from any other Feather, Banner, or Yard Sign.
 - (g) Feather Signs shall count towards allowable Temporary Sign Area.
- (9) **Multi-Tenant Buildings.** If more than one business occupies a building, then any Temporary Signs must be placed within that part of the first floor area that is considered the Premises of the associated business. Detached Temporary Signs may not be placed farther than 20 feet from the building.
- (10) **Portable Signs.** Portable Signs and any other type of Temporary Sign not mentioned in this section are prohibited except where expressly permitted by other provisions of this Chapter.

27.05 Billboard Signs

27.05 Billboard Signs.

- (1) **Permit Required.** No Billboard Sign may be erected or placed unless a Billboard Sign Permit has been issued by the City Planner. Face changes to Billboard Signs shall be allowed without obtaining a new permit as long as the Sign Area is unchanged.
- (2) **Permit Application Procedure.**
 - (a) All applications for a Billboard Sign permit shall be made on a form furnished by the Department. One application form is required per Billboard Sign.
 - (b) Application for the permit shall include (i) a scale drawing, (ii) a scale plot plan showing sign location and relevant sign features.
 - (c) Permit applications shall be accompanied by a non-refundable fee as shown in the fee schedule published by the Department and amended from time to time.
 - (d) Permits may be granted subject to conditions as deemed necessary in the City Planner's discretion to adhere to the policy and purpose of this Chapter.
- (3) **Bases for Application Denial.** Permit applications shall be granted unless, in the sole discretion of the City Planner:
 - (a) The permit application is not complete, does not otherwise comply with the requirements of this Chapter, or is not accompanied by the required fee.
 - (b) The permit application indicates that the proposed Billboard Sign would not comply with this Chapter.
 - (c) The Billboard Sign would be aesthetically incompatible with the character of buildings, other structures, or the surroundings on or adjacent to its site.
 - (d) The Billboard Sign would obstruct any views of scenic or historic importance.
 - (e) The Billboard Sign would create an unreasonable restriction of light, air, or view from nearby windows.
 - (f) The Billboard Sign would interfere with neighboring permitted uses such as solar panels, antennas, etc.
 - (g) The Billboard Sign would otherwise adversely impact the health, safety, morals, or general welfare of the public.
- (4) **Billboard Sign Regulations.**
 - (a) **No Area Limitations.** Billboard Signs, where permitted, shall be exempt from the Sign Area limitations for the Premises on which the sign is located but shall be subject to the design and maintenance standards in §27.03(6).
 - (b) **Limit of Number of Billboard Signs in City.** At no time shall the total number of Billboard Signs located in the City of Waukesha exceed 10.

27.05 Billboard Signs

- (c) **Permitted Zoning Areas.** Billboard signs are permitted in M-1, M-2, M-3, MM-1, and B-5 zoned areas only. No Billboard Sign may be placed on a street having a speed limit of less than 45 miles per hour. Electronically-illuminated billboards shall not be located within 500 feet of an intersection. All other billboards signs shall not be located within 400 feet of an intersection.
- (d) **Spacing Between Billboard Signs.** No Billboard Sign shall be permitted within 800 feet of another Billboard Sign on the same side of any one street.
- (e) **Electrical Permits Required.** Where Billboard Signs are illuminated, a separate electrical permit shall be obtained as required by the electrical code.
- (f) **Electronic Displays.** Electronically-illuminated Billboard Signs shall not utilize visual effects such as flashing, moving images or letters, or alternating images. Messages or images may change no faster than every 8 seconds and the change must be made in one-half second or less. The electronic display portion of the Billboard Sign may not exceed 500 nits in design luminance at night or 3000 nits in design luminance during daylight hours, but in no case may illumination from the Billboard Sign exceed the standard in Municipal Code §22.59(1)(c).
- (g) **Sign Area Limit, Setback from Property Line.** Billboard Signs shall not exceed 24 feet in height or 336 square feet in Sign Area, and shall not be located within 25 feet of a property boundary.
- (h) **Location Restrictions.** Billboard Signs shall not be visible from any lot in a residential district or from any permitted residential unit; shall not be located within 500 feet of the nearest boundary line of any residential lot if the sign is an electronically-illuminated Billboard Sign; and shall not be located within 400 feet from the nearest boundary line of any residential lot for all other Billboard Signs. A permit issued for a Billboard Sign shall not create any vested right or interest, and Billboard Signs shall be removed if neighboring development causes the Billboard Sign no longer to be compliant with this subsection.

27.06 Signs on Public Property and Rights of Way

27.06 Signs on Public Property and Rights of Way. All Signs are prohibited in or on City-owned property and rights-of-way, except the following:

- (1) Signs installed and maintained by the City for government purposes, including but not limited to street signs, traffic-control signs, pedestrian-control signs, directional signs, construction signs, hazard warning signs, and way-finding signs.
- (2) Signs lawfully installed and maintained by public utilities, including but not limited to identification, safety, and warning signs on utility poles and other utility fixtures.
- (3) Signs required by law.
- (4) Banners as regulated and approved by the Board of Public Works pursuant to Municipal Code §11.19.
- (5) A-Frame Signs complying with §27.04(6).
- (6) Signs on property under the jurisdiction of the Parks and Recreation Board, provided they are in compliance with the Parks and Recreation Board's Sign and Display Policy.

27.07 Maintenance of Signs

27.07 Maintenance of Signs.

- (1) Maintenance Required.** All Signs, Awnings, and their supporting structures, including chains and cables, shall be properly maintained:

 - (a)** To prevent rust, rot, peeling, fading, or similar deterioration.
 - (b)** To prevent becoming so old, dilapidated, or out of repair as to be dangerous or unsafe to persons or property.
 - (c)** In compliance with the construction and stability provisions of §27.03(6)(g).
 - (d)** No sign, awning, or sign support structure shall be in such a state of disrepair that it is an obvious detriment to the visual character of the neighborhood and has a devaluing influence upon it.
- (2) Obsolete Signs.**

 - (a)** Any sign erected for the fundamental purpose of proposing an economic transaction which no longer relates to the use of the premises due to a change in occupancy or use shall be removed within 15 days of the change which rendered such sign obsolete by the owner thereof.
 - (b)** Sign support structures must be removed if they are left empty for a period of more than 30 days and the property owner or occupant has not submitted a Sign Permit Application for updated signs.
 - (c)** Sign support structures may not be left empty for more than 120 days after a Sign Permit has been approved for them.
 - (d)** In addition to any other remedies available under the law, if an obsolete sign is not removed within the 15 day period, or if any sign support structure is not removed within the 30 or 120 day period, the City Planner may issue a written notice and order to the property owner to remove the sign. If the property owner fails to remove the sign within 30 days of receipt of the order, the City may prosecute an action in the circuit court or municipal court for an order of the court requiring the owner to comply with the order.

27.08 Appeals and Variances.

(1) Availability and Purpose. Appeals from decisions of the City Planner with regard to sign permits, and requests for variances from the provisions of this Chapter, are available to persons having an interest that is harmed by the decision of the City Planner. Appeals are for the purpose of correcting errors in the interpretation or application of the provisions of this Chapter. Variances are for the purpose of relaxing the rules of this Chapter to address situations where special circumstances make the strict application of this Chapter unreasonable or unfair.

(2) Appeals.

- (a)** The Plan Commission shall hear appeals from the decisions of the City Planner concerning the approval, denial, or conditional approval of applications for sign permits. Appeals shall be filed with the Department within 20 days of the date of the City Planner's decision, using a form supplied by the Department, along with the applicable fee.
- (b)** Appeals must include a written, concise, detailed basis for the appeal, including specific references to the provisions of this Chapter that the City Planner is alleged to have applied improperly or which otherwise support the appeal.
- (c)** The Plan Commission shall place the hearing of the appeal on the agenda for a regularly-scheduled Plan Commission meeting not sooner than 30 calendar days after the date of filing of the appeal and not later than 60 calendar days after the date of filing of the appeal. Written notice of the date, time, and location of the Plan Commission meeting at which the appeal will be heard shall be given to interested parties no later than 10 days before the date of the meeting. Any party may appear at the hearing in person or by an attorney.
- (d)** The Plan Commission may reverse or modify the determination of the City Planner if it determines that the City Planner improperly applied the provisions of this Chapter, or abused his or her discretion by failing to state a reasonable basis for his or her exercise of discretion.
- (e)** The Plan Commission shall make its findings and decision in writing, setting forth the reasons for the decision. The decision shall be filed with the City Clerk and shall be issued within 30 days of the hearing. A copy of the written decision shall be mailed to the appellant and forwarded to the Department.

(3) Variances.

- (a)** The Plan Commission may grant variances from the strict application of the requirements of this Chapter when there are special circumstances present that would make strict enforcement unjust, inequitable, unfair, or unreasonable, and granting a variance would not negate the overall policy goals and purposes of this Chapter. The burden of proof is on the applicant to show that strict application of the requirements of this Chapter would be unjust, inequitable, unfair, or unreasonable under the circumstances.

27.08 Appeals and Variances

- (b)** Variances may only be requested after a denial of an application for a sign permit or the imposition of conditions in a sign permit; or in connection with a site plan and architectural review by the Plan Commission, as provided in §27.08(3)(l).
- (c)** The Plan Commission may not grant variances on the grounds that it disagrees with a provision or provisions of this Chapter, and in granting a variance the Plan Commission may not override the policy and purpose of this Chapter.
- (d)** The Plan Commission may not grant variances from the following provisions of this Chapter, under any circumstances:

 - (i)** Any limitation on Sign brightness or luminance.
 - (ii)** Any limitation on scrolling, flashing, displaying video, and frequency of change of display.
 - (iii)** Any Construction standards and maintenance requirements.
 - (iv)** Any requirement for a permit.
- (e)** Requests for variances shall be filed with the Department within 20 days of the date of the City Planner's decision, along with the applicable fee.
- (f)** Requests for variances must include a written, concise, detailed basis for the request, including a description of the special circumstances that would make the strict application of the requirements of this Chapter unjust, inequitable, unfair, or unreasonable.
- (g)** The Plan Commission shall place the hearing of the variance request on the agenda for a regularly-scheduled Plan Commission meeting not sooner than 30 calendar days after the date of filing of the request and not later than 60 calendar days after the date of filing of the request. Written notice of the date, time, and location of the Plan Commission meeting at which the request will be heard shall be given to interested parties no later than 10 days before the date of the meeting. Any party may appear at the hearing in person or by an attorney.
- (h)** The Plan Commission may grant a variance from the provisions of this Chapter if the applicant provides proof satisfactory to the Plan Commission that there are special circumstances existing at the Premises where the Sign is proposed that would make strict enforcement unjust, inequitable, unfair, or unreasonable; and the Plan Commission determines that a variance from the strict application of the requirements of this Chapter would not negate the policy and purpose of this Chapter.
- (i)** Variances may be granted only to the extent necessary to avoid the enforcement of this Chapter from being unjust, inequitable, unfair, or unreasonable.
- (j)** Any variance granted by the Plan Commission shall be applicable only to the particular circumstances shown by the applicant, and shall not apply to any other Sign at any other location.

27.08 Appeals and Variances

- (k) The Plan Commission shall make its findings and decision in writing, setting forth the reasons for the decision and specifying the sections of this Chapter that are being varied and in what ways. The decision shall be filed with the City Clerk and shall be issued within 30 days of the hearing. A copy of the written decision shall be mailed to the appellant and forwarded to the Department.
- (l) The Plan Commission may also grant variances from the requirements of this Chapter as part of the Site Plan and Architectural Review required by Municipal Code §22.15, but all of the requirements of this section must be met to do so.
- (1) **Further Appeals.** Appeals of any decisions of the Plan Commission regarding Chapter 27 shall be by certiorari directly to the Circuit Court.

27.09 Legal Non-Conforming Signs

27.09 Legal Non-Conforming Signs.

If this Chapter is amended, then all Signs that are in full compliance with this Chapter at the time of amendment may remain even though they may no longer be in compliance with this Chapter. If the use of such a legal non-conforming Sign is discontinued for a period of 12 months or more, then the Sign's legal non-conforming status terminates, and the Sign shall be brought into compliance with this Chapter. If the structure or lighting of such a legal non-conforming Sign is repaired or altered, the costs of which exceed 50% of the original cost of the Sign, then the Sign's legal non-conforming status terminates, and the Sign shall be brought into compliance with this Chapter. Alterations of the text or graphics only of a legal non-conforming Sign shall not cause termination of legal non-conforming status.

27.10 Substitution Clause

27.10 Substitution Clause.

Subject to the property owner's consent, Non-Commercial speech of any type may be substituted for any permitted or allowed Commercial speech. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in this Chapter. The purpose of this provision is to prevent any inadvertent favoring of Commercial speech over Non-Commercial speech, or favoring any particular Non-Commercial message over any other Non-Commercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel.

Section 27.11 Penalties and Enforcement

27.11 Penalties and Enforcement.

- (1) **Double Fees.** Where work for which a permit is required by this Chapter is begun before a required permit is obtained, the fees for the permit shall be doubled. Payment of such double fees shall not relieve any persons from complying with the requirements of this Chapter.
- (2) **General Compliance Order.** In addition to any other remedies available at law or in equity, the City Planner may issue a written notice and order to a property owner to comply with the requirements of this Chapter (except §27.07, as provided in subsection (3), below), and if the Owner fails to comply within 10 days of receipt of the order, the City may prosecute and action in the circuit court or municipal court for an order requiring the owner to comply.
- (3) **Maintenance Compliance Order.** In addition to any other remedies available under the law, if the Department determines that a sign is not being maintained in accordance with §27.07, the City Planner may issue a written notice and order to the property owner describing the defects and setting forth the required corrections. If the property owner fails to make the required corrections set forth in the order within 30 days of receipt of the order, the City may prosecute an action in the circuit court or municipal court for an order of the court requiring the owner to comply with the order.
- (4) **Confiscation of Signs on Public Property.** The City may remove and dispose of any Sign that is placed on public property, park property, or in a public right of way, at any time, without first providing notice to the owners of adjacent properties or the parties that placed the Sign.
- (5) **Civil Forfeiture, Court Costs.** Any person who violates any of the provisions of this Chapter shall, upon conviction of such violation, be ordered to pay the penalties as provided in Municipal Code §25.05, and the maximum municipal court fees provided in Wis. Stats. §814.65(1) and all other applicable fees, surcharges and costs provided in Wis. Stats. Chapter 814.