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| Committee: Ordinance and License | Date: 6/27/2022 |
| Common Council Item Number: ID#22-4354 | Date: 6/27/2022 |
| Submitted By: Doug Koehler, Principal Planner | City Administrator Approval: Click here to enter text. |
| Finance Department Review: Click here to enter text. | City Attorney's Office Review: |
| Subject: Proposed updates to section 27.02, 27.03, 27.04, and 27.06 of the Sign Ordinance | |

Details: Earlier this year some downtown business owners expressed interest in adding “Open” flags outside their storefronts. The current sign code does not regulate flags without a commercial message, treats flags with a commercial message similarly to banner signs, and expressly prohibits any signs in the public right of way except where there is a specified exception. Since businesses in the downtown area are built right up to the property boundary any flags attached to the building would project into the right of way, and therefore would not be allowed.

At the request of then-Alderman Leonard Miller, Planning Department and Public Works Department staff and the City Attorney’s office have discussed ways to amend the code to allow the flags. The proposed result will create a new category for flags within the Temporary Signs section of the code, both to allow flags in the right of way for downtown businesses and to clarify regulations for other flags with commercial content. Flags with no commercial content (such as American flags, Wisconsin flags, etc.) are still not regulated at all, and the proposed regulations for flags with commercial content are still similar to the regulations for banners.

In addition to the new flag section, Planning Department staff has proposed several changes to clarify other parts of the sign code or to account for unintended consequences of the last sign code update in 2019. The 2019 update was a major overhaul to the code in response to the Reed vs Gilbert U.S. Supreme Court decision, which changed the way municipalities can regulate signs. As a result of that decision, we had to remove most regulations of sign content and all subjective decisions, which had previously been made by the Sign Review Board. The wholesale nature of that update, particularly the attempt to replace subjective decisions with objective standards, led to some unintended results, which we’d like to fix now.

The most significant fix will be expanding the areas where Electronic Message Center/Reader Board signs are allowed to include I-1 and P-1 Districts. Reader Boards have become common as a messaging tool for churches and hospitals, many of which are located in the I-1 Institutional district, so the Plan Commission has reviewed a number of variance requests for them over the last several years and has granted every request. Since many I-1 properties are located in residential areas, we are also proposing some restrictions to help prevent the lights from becoming a nuisance at night.

The most significant clarifications are to section 27.04, which covers Temporary Signs. Previously the beginning of the section laid out in detail which signs were and weren't allowed by zoning district. Many of those distinctions between zoning districts have been removed, so that detail was no longer necessary, and we were able to replace that section with a more concise list of which signs do and do not need a permit. The remaining distinctions between districts have been moved to the sections of the code dealing with the relevant sign types.

Options & Alternatives:

The Ordinance and License Committee or Council may choose to reject any and all of these proposed updates, or to propose alternative updates. If no updates are approved the Sign Ordinance will remain as it is currently.

Financial Remarks:

No financial impact to the City.

Executive Recommendation:

Staff recommends approval of the proposed updates to Section 27.02, 27.03, 27.04, and 27.06 of the Sign Ordinance.