



Village Board Executive Summary

Title

Discussion and possible action to approve Ordinance 20-2018: An Ordinance to Amend Chapter 90 Article V. Signs; Section 90-920 to 90-960 of the Code of Ordinances for the Village of Mount Pleasant

Background

This is a large update to our Sign Code, which is Article V of Chapter 90 of the Municipal Code. In May 2018, the Village contracted Duncan and Associates to present a report entitled "Zoning & Development Regulations: Recommended Changes and Strategies". On Page 18 of that report, they recommended that *"The village should consider strategic amendments to the existing sign regulations to address legal vulnerabilities related to the U.S. Supreme Court's decision in Reed v. Town of Gilbert. The Gilbert case clarified the very limited instance when municipalities may impose content-based restrictions on signage."* Considering that a large portion of our sign code regulated based on content, staff set to work to update the code. Staff sourced examples and precedents from a national model sign code as well as The Village of Oregon in Wisconsin, who won a 2017 Wisconsin Planning Award for their sign code.

The update has three main goals:

1. To eliminate content based regulations, especially in temporary and exempt signage, in order to protect the Village legally.
2. To streamline the area ratios and setback regulations.
3. To modernize the code to current signage trends.

After this update, Staff will seek to update the sign code on a more regular basis to keep with current trends, as the last update for Electronic signs was over 10 years ago.

Since the code was last proposed and tabled at last month's Plan Commission, several changes have been made:

1. Temporary signage:
 - a. is now a 6 S.F. allowance per 100 ft per street frontage
 - b. Limits go up by 3 S.F. for every office on the ballot
 - c. Extra 6 S.F. allowance per frontage for properties on sale and open to public
 - d. Sign allowances can be combined or split as desired, up to a max of 12 S.F. in residential zones and 32 S.F. in all other zones.
 - e. Special exemption during holiday period removed (holiday decorations are specifically not signs in definitions)
2. Electronic signs:
 - a. Nits limit in daylight removed
 - b. Message change down to once every 15 seconds
 - c. Monochrome requirement removed
 - d. "drive through" electronic signage adjusted
3. Other small formatting changes and improvements.

Consistency with Comprehensive Plan

N/A

Recommendation

Village staff and the Plan Commission recommend approval of Ordinance 20-2018: An Ordinance to Amend Chapter 90 Article V. Signs; Section 90-920 to 90-960 of the Code of Ordinances

Fiscal Note/Budget Impact

N/A

Attachments

1. Ordinance 20-2018
2. Current Article V, Article V Revisions, Proposed Article V

Prepared By

Robin Palm, Planner II

September 24, 2018



Ordinance No. 20-2018

AN ORDINANCE TO AMEND CHAPTER 90 ARTICLE V. SIGNS; SECTION 90-920 TO 90-960 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF MOUNT PLEASANT

The Village Board of the Village of Mount Pleasant, Racine County, Wisconsin, ordains as follows:

1. That Chapter 90 of the Code of Ordinances for the Village of Mount Pleasant, relating to zoning, is hereby amended as set forth in Attachment A.
2. That this ordinance shall take effect upon adoption and publication as provided by law.

Adopted this 24th day of September 2018.

VILLAGE OF MOUNT PLEASANT

By: _____

David DeGroot
Village President

Attest: _____

Stephanie Kohlhagen
Village Clerk/Treasurer

ARTICLE V. SIGNS

SEC 90-920 GENERAL PROVISIONS

- 1) The purpose of this Chapter is to establish standards for the fabrication, construction, and use of signs, and to regulate the location, type, size, and height of signage for all properties within the Village of Mount Pleasant.
- 2) The adoption of this Article reflects the formal findings by the Village of Mount Pleasant Plan Commission and Village Board that regulation of signage advances the following compelling governmental interests:
 - a) Protect Village residents. Signs can obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.
 - b) Protect property values. Regulating signage preserves the character of the various neighborhoods, creates a harmonious community, and encourages economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs.
 - c) Promote the public welfare, health, and safety of all persons using public thoroughfares and rights-of-way within the Village of Mount Pleasant in relation to the signage displayed thereon, or overhanging, or projecting into such public spaces.
- 3) This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- 4) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the Mount Pleasant. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth in this section.
- 5) If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision
- 6) The penalties of the Village of Mount Pleasant Municipal Code may be applicable to violations of the provisions of this Article
- 7) Any sign authorized by this chapter may contain a noncommercial message
- 8) These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or this Village. The inclusion of “government” in describing some signs does not intend to

subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

Sec. 90-921. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sign: In this Chapter, the word “sign” means any object, device, display, structure, or part thereof, situated or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images.

Signs do not include:

- (a) Traffic control and other government messages located within a right-of-way.
- (b) Decorations that are incidentally and customarily associated with any national holiday or religious holiday, or with any community festival or similar event.
- (c) Flags which do not contain a commercial message, logo, or colors.
- (d) Art works, including but not limited to wall murals, which do not contain a commercial message, logo, or colors; and/or which contain pictorial representations referring to businesses, merchandise, or products.
- (e) Building colors and lighting which do not contain a commercial message, logo, or colors.
- (f) Interior site signs located on the interior of the grounds of the following land uses: a Passive Outdoor Public Recreational facility, an Active Outdoor Public Recreational facility, or an Outdoor Institutional facility, which are primarily oriented to persons within the grounds.
- (g) Interior building signs located on the interior of a building and not attached to a window, which are primarily oriented to persons within the building.
- (h) Window displays of merchandise, pictures, or models of products or services incorporated in a window display, which are not directly attached to an interior or exterior window surface.

Daily Notice: A Sign Category for signs typically used to advertise daily specials, daily menu items, or onsite events that change on a daily basis and which usually includes changeable copy. These include menu board signs, sandwich board signs, bulletin board signs, and Drive-Through Signs.

Electronic changeable copy sign means a sign or portion thereof that displays electronic, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

Electronic graphic display sign means a sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Electronic messaging sign means an electronic changeable copy sign or an electronic graphic display sign.

Flat wall sign means a sign painted on a building, and any other sign, the back of which is attached to the facade of a building and where no part of the structure of the sign extends more than 12 inches out from the facade, as measured near the points of attachment to the building.

Flashing sign means a directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling.

Freestanding sign means a sign which has its own base of support from the ground, extending more than three feet in height from the ground and not attached to a building. These include ground (or monument) signs, dual post (or two-pole) signs, and pylon (or highway) signs.

Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Ground sign means a freestanding sign, not extending more than three feet in height from the ground

Highway Sign. A Freestanding sign, Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway. In the Village of Mount Pleasant, these signs are limited to parcels located within 1000 ft of an Interstate.

Illuminated sign means any sign which contains an element designed to emanate artificial light internally or externally.

Integral. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

Marquee. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

On-Building: Category of sign that is permanently affixed, attached, or otherwise a part of a building. These include: Wall Signs, Awning Signs, Canopy Signs, Marquee Signs, Projecting Signs, and Cabinet Signs.

Pedestrian Signs: Category of Sign mounted just at or above sidewalk level designed for pedestrian visibility rather than motorists. These include: Blade signs and suspended signs.

Projecting sign means a sign attached to a building, portions of which extend out beyond 12 inches from the point of attachment, typically having two or more viewable sides, but for purposes of this article, only one side need be counted as a side for measuring its allowable area and the sign count. Signs printed on or affixed to awnings and canopies shall also be considered projecting signs.

Roof sign means a sign, the lowest point of which is visually separate from and above the highest point of the roof.

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

Sign face means the entire display surface area of a sign upon, against or through which copy is placed.

Temporary Sign means a banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

Vehicle sign means any sign attached to or displayed on a vehicle.

Video display sign means a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects. (Ord. of 8-8-1972, §§ 6.2(2), 6.3(3); Ord. No. 9-08, 7-14-2008) Cross References: Definitions generally, § 1-2.

Sec. 90-922. Use restricted.

In any district, no sign shall be permitted, except as specified in such district or as otherwise regulated in this article. All signs shall also meet all of the structural requirements of local and state building codes. (Ord. of 8-8-1972, § 6.1)

Sec. 90-923. Permit required.

No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered after the effective date of the ordinance from which this article is derived without a zoning permit for signs, except temporary signs as listed in Section 90-927 and signs specifically exempted in section 90-926. (Ord. of 8-8-1972, § 6.2(1))

Sec. 90-924. Sign Prohibition, Limitations, and Maintenance

The regulations contained in this Subsection apply to signs in all zoning districts.

(a) Sign Prohibitions.

- (1) No sign shall be erected at any location where it may, by reason of its position, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, nor shall such sign make use of words such as “stop,” “look,” “danger,” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse users of streets or highways.
- (2) No fluttering, undulating, swinging, rotating, or otherwise moving signs such as windsocks, motorized signs, pennants, pinwheels, festoons, inflatables, and streamers shall be permitted. This shall not apply to banner signs or street banners
- (3) No signs shall project above the building parapet or eave.
- (4) No flashing, scrolling, or animated signs shall be permitted.
- (5) No beacons or search beacons shall be permitted.
- (6) No billboards or off-premise advertising signs shall be permitted.
- (7) No abandoned signs shall be permitted.
- (8) Signs mounted on platforms with wheels, including portable trailer signs, or to an unlicensed trailer or other unlicensed vehicle.

(9) Parking of advertising vehicles. No person shall park any vehicle or trailer on a public right-of-way or on public or private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any premises. This subsection is not intended to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a motor vehicle. (Ord. of 8-8-1972, § 6.3)

(b) Sign Limitations.

(1) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

(2) No sign shall be placed in a manner that would impede vehicular or pedestrian safety, or impede access or visibility. Signs shall meet the visibility requirements of this Article.

(3) No private sign shall be attached to or painted on any natural feature (e.g. tree or rock), fence, fire hydrant, public utility pole, public light pole, or traffic regulatory structure.

(4) Except for permitted Awning, Canopy, Marquee, Blade, and Suspended Signs, or unless otherwise allowed by this Chapter, no sign shall be permitted within or extend into a public right-of-way.

(5) No person shall: paste, tape, staple, or otherwise fasten any paper or other material to, nor paint, stencil, or otherwise write or color any object, vegetation, or pavement located within any street right-of-way; nor shall any of such object, vegetation, or pavement be defaced in any manner. The only exception to these restrictions is that painting may be allowed on curbs when approved by the Plan Commission upon receiving a favorable recommendation from the Director of Public Works, after his/her investigation of a written request.

(c) Appearance, Construction and Maintenance of Signage

(1) All signs shall be constructed, mounted, and maintained so as to comply with the appropriate detailed provisions of the Building Code as adopted by the Village relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the Electrical Code as adopted by the Village.

- (2) The base or support(s) of all ground-mounted signs shall be securely anchored to a concrete base or footing, and shall meet applicable minimum wind load capabilities.
- (3) The footing and related supporting structure of a permanent Freestanding Sign, including bolts, flanges, and brackets, shall be concealed by landscaping using the formula of two landscaping points for every foot of sign's width as measured on the sign face or sign base – whichever is greater.
- (4) Signs shall be mounted so that the method of installation is concealed.
- (5) No permanent permitted wall or freestanding sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to minimize any lateral movement that would cause wear on the sign face or supporting members or connections.
- (6) All permanent signs and their supporting members shall be constructed of standardized sign materials.
- (7) Sign materials should be compatible with the design of the face of the façade where they are placed and should contribute to the legibility of the sign.
- (8) No combustible materials other than approved plastics shall be used in the construction of electric signs.
- (9) All signage within the jurisdiction of this Chapter shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- (10) Every Freestanding or On-Building Sign hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number, and the voltage of any electrical apparatus used in connection therewith.
- (11) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (12) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the site on which the sign is located.
- (13) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the

licensee or owner of the sign or owner of the property upon which the sign stands, upon notice of the Zoning Administrator.

(14) If any sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the Village harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the Village may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000.00 per occurrence per sign.

Sec. 90-925. Nonconforming signs.

The existing lawful use of a sign at the time of the enactment of the ordinance from which this chapter is derived or any amendment thereto may be continued as a legal nonconforming use under the terms of section 90-101, except as follows:

(1) Non-accessory signs, except directional signs as permitted in section 90-928, shall be considered sufficiently amortized by January 01, 2019, and the owners of such signs or the owners of property on which such signs are located shall cause such signs to be removed. Upon failure of the sign owners or property owners to remove such signs, the building inspector shall, following 60 days' written notice to either owner, cause the signs to be removed and the expense for such removal shall be billed to the owners of the signs.

(2) Freestanding signs, nonconforming as to location, after a three-year period from the date of adoption of the ordinance from which this chapter is derived, shall be either moved to conform to the locational requirements of the district in which such signs are located, or be removed by the owners or the building inspector, as prescribed in subsection (1) of this section. (Ord. of 8-8-1972, § 6.4)

Sec. 90-926. Exemptions.

The following signs may be erected and maintained without a zoning permit, provided they do not constitute a hazard or nuisance:

(1) Operational signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to the functional operation of the building or premises, including no trespassing signs, etc., shall be permitted, without limitation, other than reasonable size and necessity, as determined by the plan commission, upon complaint.

(2) Public agency signs erected by national, state, county or municipal governmental agencies, including traffic and informational signs, shall be permitted.

(3) Signs, Plaques, or Carvings affixed to a building containing identifying information of a building or occupants, addresses, dates of construction that is necessary to the public interest, limited to 2 S.F. per sign

(4) Interior and inside window signs installed inside a building, whether intended for viewing from inside or outside the building, shall be permitted, without limitation as to size or number.

(5) Fuel Price Signs. A type of sign that lists the price of gasoline sold on-site, as required by Wis. Stat. section 100.18(8).

(a) Fuel Price Signs shall not be separate signs, but rather shall be integrated into the design of a permitted Monument Sign or Highway Sign,

(b) Fuel Price Signs may list up to one price per type of fuel, which shall be displayed on a single structure.

(c) Fuel Price Signs may be illuminated, per the lighting requirements

(d) Fuel Price Signs may contain changeable copy or Electronic Message Signs

(6) Signs for existing nonconforming uses may be permitted, provided such signs are located over the show windows or doors and do not exceed 20 square feet in area. Permits will expire with the cessation of the existing nonconforming use and these signs shall be removed at that time.

Sec. 90-927. Temporary signs.

a) Temporary signs allowed at any time:

1) A property owner may place 6 square feet of temporary signage per 100 feet of street frontage.

2) A property owner may place a sign of 3 S.F. or up to twenty-five percent of the window, whichever is larger, per window on the property at any time.

b) 3 additional square feet of temporary signage per 100 feet per street frontage may be located on the owner's property for a period of thirty (30) days prior and fifteen (15) days after an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate. Where properties are less than 100 feet of frontage, it shall be treated as 100 ft.

c) In residential districts, six additional square feet of temporary signage per 100 ft per street frontage may be located on a property when:

- 1) the owner consents and that property is being offered for sale through a licensed real estate agent;
- 2) if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation
- 3) for a period of 15 days following the date on which a contract of sale has been executed by a person purchasing the property.
- 4) for a period between the issuance of a building permit for a property and issuance of certificate of occupancy
- 5) 30 days after issuance of a certificate of occupancy
- 6) when a property is for rent or for lease
- 7) when a property is offered for sale and being opened to the general public including a period of 72 hours prior to that opening

This allowance is 32 square feet in all other districts.

d) Six additional square feet of temporary signage per 100 ft per street frontage may be located on the owner's property on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than nine days in a year and may not use this type of sign in any Commercial District for more than 30 days in a year. For purposes of this Section a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward.

e) Under this section (90-927):

- 1) Any street frontage under 100 ft shall be considered 100ft. Additional allowances are per 100ft and not awarded at a ratio.
- 2) Each street frontage of a corner lot or double frontage lot shall be considered separately and are given their own allowances.
- 3) Additional signage allowances are not mutually exclusive, properties that meet multiple conditions that allow for additional signage are allowed additional signage for each.
- 4) Any temporary sign allowances under this Section 90-927 can be subdivided or combined among individual signs, so long as that any one sign does not exceed 12 S.F. in a residential district and 32 S.F. in any other district.
- 5) The lessor of a property is considered the property owner as to the property the lessor holds a right to use exclusive of others (or the sole right

to occupy). If there are multiple lessors of a property then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property must be deemed to be the property that the lessor has the sole right to occupy under the lease.

Sec 90-927-1 Flags:

- a) Residential Zoning Districts. In a single-family zoning district, Two flags and one flag pole per premises. Each flag can be a maximum of 15 square feet in area.
- b) Nonresidential Zoning Districts. In a non-residential zoning district, one flag per 25 feet of frontage on a right-of-way up to a maximum of 6 flags and 6 flag poles per premises. Each flag must be a maximum of 24 square feet in area.
- c). Location and maximum height of flag poles, generally. The height of the flag pole can be up to the allowed maximum building height in that district. The minimum distance of any flag pole from any property line shall equal that districts side yard setback.

Sec. 90-928. Directional signs.

(a) A permanent sign placed by the property owner not to exceed 12 square feet in area, for the purpose of serving the public welfare through wayfinding may be permitted in any district, other than a residential district. Signs up to 30 square feet in area may be permitted, provided the sign is designed with a substantial landscape base area and illumination on each side is limited to exterior lighting, not exceeding 1100 lumens per 15 square feet of sign area.

Sec. 90-929. Quasipublic informational signs.

Noncommercial signs of a general information nature, such as community welcome, safety warning or a similar nature, not to exceed 12 square feet in area, may be erected upon approval of the plan commission of the location, size and appearance of such sign. No such sign may be directly illuminated. (Ord. of 8-8-1972, § 6.8)

Sec. 90-930. Conditional or overlay district use signs.

Subject to the regulations set forth in sections 90-104 and 90-105, signs appropriate to permitted conditional uses, or uses permitted in the overlay districts without sign regulations contained therein, may be permitted as determined by the plan commission, notwithstanding limitations in the basic district to the contrary. In establishing the size

and locational requirements of such signs, the plan commission shall be guided by the requirements imposed for similar uses in any of the basic districts. (Ord. of 8-8-1972, § 6.9)

Sec. 90-931. Project signs.

Signs not relating to a specific use, but to a grouping of uses, may be permitted by the plan commission. Such grouping of uses can combine their sign allowances (height and size) up to 50% greater than the maximum allowed by the district. If the uses are residential, the allowances for RM districts shall be used.

Sec. 90-932. Locational regulations.

(a) Height and area. No freestanding sign (except highway signs) shall exceed 10 feet in height from the ground as specified in section 90-933. Signs shall not have more than four faces and area limitations shall be applied separately to each sign face, including the overall sign and frame area in the measurements, except that in signs consisting of individual letters and symbols affixed to a building as an architectural element, only the individual items shall be measured. Uprights and supports shall be measured only where they become a part of the sign's message or image projecting function due to the shape, color or illumination of such uprights or supports.

(b) Setbacks and offsets. No portion of any sign, other than those permitted as accessory uses to residences shall be closer to any property line than the required minimum non drive side yard offsets of regulations of the district in which the sign is located.

Sec. 90-933. Area and locational requirements by district.

Individual district regulations shall be consulted for regulations in the residential and other districts not shown in the following table:

Type of Sign	Number of Signs Allowed	Sign Area Formula (for each side or facade)	Sign Location Requirements	Max Height & Area			Max Height & Area (2)
				R, R-D, AUH	A, OAG, RM, OHS, OEL	B-1, B-2, OIP, OOS, OCR	
Freestanding Sign	1 per frontage access	1 S.F. per L.F. of lot frontage	Non Drive Side yard setback	Not Allowed	50 S.F. area 6 ft height	100 sf area 8 ft height	200 S.F. area 10 ft height
On Building Signs	2 per business per street frontage wall	1 S.F. per L.F. of building frontage	No roof signs	Not Allowed	50 S.F. area	100 S.F. area	200 S.F. area
Pedestrian Signs	1 per business		Must be in front of customer entrance	Not Allowed	12 S.F	14 S.F.	16 S.F
Highway Signs	1 per business	1 S.F. per L.F. of lot frontage	Parcel must be within 1000 ft of Interstate 94 setback equal to height of sign	Not Allowed	100 S.F. area 20 ft. height	150 S.F area 25 ft height	200 s.f. area 40 ft height

Footnotes:

(1) Square feet of allowable sign area-only to ground floor uses, per lineal foot of building facade, per business use, per each street frontage of the business building, projected at right angles to the street (no transferring of unused sign potential from one street facade to another). A retail or service business facade facing its customers' parking area shall qualify as a front street. On signs composed of individual letters affixed to a building, only a rectangle around each letter shall be measured to compute

sign area, but where the sign background is made a different color from the building, such as by painting, the area of contrasting color shall be measured.

(2) Minimum sign allowance is 50 square feet

(3) Sign may not extend more than six feet from the building facade, nor lower over a private walkway than eight feet, and in no case may it extend into a public right-of-way.

(4) Ground signs shall not be placed so as to block visibility at street and drive intersections (see section 90-1001(b)(6)e.).

(5) Height is measured from the ground grade at the sign setback. In cases of substantial variance between the ground grade and the average centerline grade of the viewing pavement within 200 feet of the sign, such centerline grade may be accepted in lieu of the ground grade.

Sec. 90-934. Electronic signs.

(a) Prohibited uses:

(1) All electronic messaging signs that are larger than 30 percent of the total allowable square footage within a ground sign or wall sign as defined by section 90-933.

(2) All video display signs.

(3) All off-site electronic messaging signs.

(b) Lighting. Signs shall not be erected or maintained which contain, include, or are illuminated by any flashing light, electronic change in messages, electronic change in background colors, electronic change in light intensity, or electronic video display, except those giving highway public service information such as lane closures, road closures, detours, and those giving time, date, and temperature, and those as provided below:

(1) Signs shall not be erected or maintained which are not effectively shielded so as to prevent:

i. Beams or rays of light from being directed at any portion of the traveled way of any roadway, or

ii. Beams of light of such intensity or brilliance as to cause glare or impair vision of the operator of any motor vehicle.

(2) No sign shall be erected or maintained which shall be so placed or illuminated that it interferes with the effectiveness or obscures any official traffic sign, device, or signal, or any official sign.

(c) Construction. Electronic messaging signs are subject to the following provisions and requirements:

(1) The location of the sign shall be consistent with all other requirements of section 90-932.

(2) All electronic messaging signs shall be constructed within a ground sign or within a building's façade,

(3) All electronic messaging signs shall be no more than 30% of the total allowable square footage as required by section 90-933.

(4) The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display.

(5) The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, for on-site advertising signs shall not change more than once per twenty seconds

(6) The maximum duration of the transition of the electronic image or message change shall be no more than two seconds. Vertical and/or horizontal transitions between message changes are prohibited.

(7) All electronic messaging signs shall be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.

(8) All electronic messaging signs shall be designed and constructed to have a non-illuminated background.

(9) Electronic messaging signs shall not exceed a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

(10) Electronic messaging signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half-hour before sunset and one-half-hour after sunrise.

(12) Audio speakers are not allowed with any electronic messaging sign.

(13) Any form of pyrotechnics is prohibited in association with an electronic messaging sign.

(d) Permitted electronic messaging signs in commercial districts, not easily visible from public roads or residential properties and used-in-serving motorists shall be exempt from the previous section (90-935(c)). Audio speakers used in connection with signs permitted in this subsection shall not be audible beyond the property on which the sign is located or 150 feet, whichever is less. (Ord. No. 9-08, 7-14-2008)

Secs. 90-935--90-960. Reserved.