

SECTION 17.08

SIGNS

1. PURPOSE.

It is declared that the regulation of signs within the Town is necessary and in the public interest to: (a) protect property values within the Town; (b) preserve the beauty and the unique character of the Town by aesthetically complementing the development which a sign identifies; (c) promote a healthy and properly designed business environment; (d) safeguard the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the Town; (e) protect against hazards to vehicular traffic movement through improper placement of signs; and (f) promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the Town.

2. REQUIREMENT OF CONFORMITY.

It shall be illegal for a sign to be erected, constructed, repaired, altered, located or maintained in the Town except as provided in this chapter.

- A. All new signs constructed or maintained contrary to the provisions of this chapter are declared to be illegal.
- B. Any person or entity violating any provisions of this chapter or failing to comply with any orders or regulations made hereunder shall be subject to the penalties hereof, and those otherwise provided by law.

3. DEFINITIONS.

The definitions in this section, unless further defined or applied in the other chapters of this ordinance, specifically apply to the regulation of this chapter:

"Abandoned Sign" means a sign located on a property which becomes vacant and is unoccupied for a period of sixty (60) days or more; any sign which pertains to a time, event, or purpose which no longer applies; or a sign which no longer directs attention to a business, activity or service offered or product sold on the premises.

"Awning Sign" means a fireproof space frame structure with translucent flexible reinforced vinyl or similar covering designed in awning form, but whose principal purpose and use is signage. Such signs may be internally illuminated by fluorescent or other light sources in fixtures approved under national and local electrical codes.

"Area of Sign" means that area enclosed by one continuous line, connecting the extreme limits or edges of writing, representation or similar figures or characters together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed on a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any point. This area does not include the main supporting sign structure, but other ornamental attachments are to be included in determining area of sign.

"Banner Sign" means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, fabric, or similar flexible material of any kind. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be regulated as banner signs for the purpose of this ordinance.

Section 17.08 3.

"Commission" means the Plan Commission of the Town.

"Building Front Foot" means the maximum building width measured at grade on a straight line parallel to the street on which the building is addressed.

"Business Front Foot" means the lineal distance of the building space occupied by the particular business measured on a straight line parallel to the street. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.

"Changeable Copy Sign" means a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.

"Contractor Sign" means any sign giving the name or names of principal contractors, subcontractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon. (See section 11.E.).

"Development Sign" means any sign used to identify future residential or nonresidential development or such a development under construction. (See section 11.B.).

"Electronic Message Board" means a type of changeable copy sign whose message or display is presented with patterns of lights or other means that may be changed at intermittent intervals by an electronic process.

"Fascia" means a parapet-type wall used as part of the fascia of a flat roofed building and projecting not more than six (6) feet from the building face immediately adjacent thereto. Such a wall shall enclose at least three (3) sides of the projecting flat roof and return to a parapet wall or the building.

"Flag" means banner sign as defined above.

"Free-Standing Sign" means any sign which is supported by structures or supports in or upon the ground and independent from any building.

"Grand Opening Sign" means a sign which calls attention to a new business or the announcement of a change in ownership of a business.

"Height of Sign" means the overall height of a sign and/or the supporting structure of a sign, where applicable, measured from the nearest adjacent road grade at the edge of the pavement to the highest point of the sign and/or supporting structure of the sign.

"Holders of Permit" means collectively the owner(s) of the premises on which a sign is located and the lessee(s) of the premises to which such sign pertains, all of whom must sign the application for a sign permit. (See section 7.).

"Illegal Sign" means any sign except the following:

1. A sign allowed by this chapter and not requiring a permit.
2. A sign allowed by this chapter carrying a valid permit.
3. A sign not allowed by this chapter but which has been legalized by variance and proper permit granted.

"Legal Nonconforming Sign" means a sign that met code regulations when it was originally erected, either by adherence to a previous sign ordinance or by a variance granted to that ordinance, but which does not comply with all the present regulations of this chapter.

"Maintenance" means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner, or the reprinting of existing copy without changing the wording, composition or color of said copy.

"Master Identification Sign" means a free standing sign which identifies a Multiple Tenant Commercial Building or center. (See section 9.A.).

"Master Sign Program" means the establishment of an identification program for any multi-tenant operation within the town, including but not limited to office parks, industrial parks and multi-tenant office and retail buildings. The intent of a Master Sign Program is to give a uniform theme of size, color and style to signs in such a development. Each sign covered by a master sign program must be permitted separately. (See section 10.).

"Meaningful Open Space" means the area around the base of a sign, determined to be necessary for aesthetics and safety by the Board. Meaningful Open Space shall be no less than 250 square feet and shall be landscaped with plantings and grass or ground cover as per site development standards.

"Multiple Tenant Commercial Building" (MTCB) means a commercial development in which there exists a number of separate commercial activities, in which there are appurtenant facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a MTCB may, but need not, include common ownership of the real property upon which the center is located, common wall construction, a multiple-occupant commercial use of a single structure. For the purpose of this chapter MTCB shall also include separate parcels sharing common walls and facilities but not necessarily common owners. MTCB can be office, retail or mixed use in character.

"Off-Premise Sign" means a sign which is not appurtenant to the use of the property or to a product sold or a service offered upon the property where the sign is located, and which does not identify the property where the sign is located as a purveyor or source of the merchandise or services advertised upon the sign.

"Parapet Wall" means a wall extending above the plate line of the building.

"Pennant" means a tapered or dove-tailed banner, sign, streamer or flag, with or without any representation or writing thereon.

"Permanent Sign" means any sign which is intended to be and is so constructed as to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in some permanent manner affixed to the ground, wall or building.

"Planned Development" means a collection of like-use buildings, residential, office or industrial in nature, designed and constructed contemporaneously and in close proximity to each other as part of a single integrated project, including but not limited to residential subdivisions and office or industrial parks.

"Plate Line" means the point at which any part of the main roof structure first touches or bears upon an external wall.

"Political Sign" means a temporary sign supporting a candidacy for office or urging action on any other matter on the ballot of a primary, general or special election.

Section 17.08 3.

"Portable Sign" means any sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building, including but not limited to trailorized signs and vehicles.

"Projecting Sign" means any sign other than a wall sign affixed to any structure, building or wall whose leading edge extends beyond such structure, building or wall.

"Roof Line" means the highest point of the main roof structure or highest point on a parapet but shall not include cupolas, pylons, projections or minor raised portions of the roof.

"Roof Sign" means a sign extending above the roof line.

"Sale, Lease and Rent Sign" means a temporary sign which indicates that some premises or vacant land are for sale, lease or rent.

"Sandwich Board" means a two-sided portable sign constructed of wood, cardboard or similar rigid material generally displayed outside of a commercial establishment to identify a product or service.

"Seasonal Sign" means a sign for seasonal commercial establishments, including but not limited to garden centers, Christmas tree lots and fruit and vegetable stands.

"Shingle Sign" means a sign used to identify a business whose front is under a roof overhang, covered walkway, covered porch, or open lattice walkway.

"Sign" means any device for visual communications and the structure which supports it, which is used or is intended to attract the attention of the public, when the display of this device is visible beyond the boundaries of the property upon which the display is made. The term "sign" shall not include any flag, badge or insignia of the United States, State of Wisconsin, Waukesha County, Town or foreign countries or official historic plaques.

"Streamer" means pennant as defined above.

"Temporary Sign" means any sign constructed of cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, and any type of sign not permanently attached to the ground, wall or building which is permitted for display for a limited period of time only. (See section 11.).

"Tenant Directory Board" means any sign on which the names of occupants or the uses of a building is given, including but not limited to those utilized at office buildings, retail centers and other MTCBs.

"Traffic Directional Sign" means a sign designed and located solely for the purpose of relieving traffic congestion and directing and promoting the safe flow of traffic.

"Wall Sign" means any sign painted on, or attached to and erected parallel to the face of, or erected and confined within the limits of, the exterior wall of any building or structure and supported by such wall, building or structure and which displays only one advertising surface. This definition includes signs composed of individual letters or symbols.

"Window Sign" means any sign placed inside or upon a window facing the outside of a building and which is usually intended to be seen from the exterior of the building. Signs displayed on glass panels which are integral to doors visible from the exterior of the building will be considered to be window signs for purposes of this chapter.

4. LEGAL NONCONFORMING SIGNS.

- A. Any legal nonconforming sign, as defined in section 3., shall either be removed or brought up to the requirements of this chapter within the period of time prescribed herein dated from the effective date of this ordinance, which is the date that it is posted and published:**

VALUE OF SIGN

\$100.00 or less	90 days
\$100.01 - \$1,000.00	2 years
\$1,000.00 - \$5,000.00	5 years
Over \$5,000.00	10 years

- B. Reasonable repairs and alterations may be made to legal nonconforming signs within the above periods, provided that they may not be relocated, expanded, enlarged, repositioned or raised in height. However, in the event any such sign and/or its supporting structure is hereafter damaged or altered to an extent exceeding fifty (50) percent of the reproduction value according to appraisal thereof by competent appraisers, or is removed by any means whatsoever, including an act of God, such sign must be restored, reconstructed, altered or repaired to conform with the provisions of this chapter.**
- C. Any change in ownership or tenancy of premises which is accompanied by any change in the signs for the premises shall necessitate that the signs for the premises be brought into compliance with the provisions of this chapter.**

5. REVOCATION OF PERMITS.

The Code Enforcement Officer shall have the authority to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this chapter.

- A. Notice of the Code Enforcement Officer's decision to revoke a sign permit and the reason(s) therefor shall be served upon the holders of the permit (a) by delivering personally copies of the notice to the holders of the permit or to one of their officers, or (b) by leaving a copy of the notice with any person in charge of the premises, or (c) in the event that no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of copies of the notice to the post office addresses of the holders of the permit specified in the application for the permit.**
- B. The holders of the permit may appeal to the Plan Commission the decision of the Code Enforcement Officer to revoke the permit. This appeal must be filed within fifteen (15) days from the date when the notice was served. The Plan Commission shall consider this appeal at its next regularly scheduled meeting subject to established agenda length limits and notice requirements. The decision of the Plan Commission shall be final.**
- C. If no appeal has been taken by the end of the fifteen (15) day appeal period, or if the Plan Commission has upheld the decision of the Code Enforcement Officer on appeal, the permit is deemed revoked and the sign is illegal. The Code Enforcement Officer then shall initiate the procedure for the removal of the illegal sign.**

6. REMOVAL OF SIGNS.

- A. The Code Enforcement Officer is hereby authorized to remove any illegal sign as defined by this chapter.**

Section 17.08 6. B.

- B. Before taking action to require removal of any illegal sign, the Code Enforcement Officer shall give a written compliance notice to the holders of the permit for the sign or, if no permit has been issued, to the owner(s) of the premises on which such sign is located and to the lessee(s) of the premises to which such sign pertains. The notice shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign with reasonable definiteness, and the violations charged, if any. Such notice shall specify what repairs, if any, will make the sign conform to the requirements of this chapter and specify that the sign must be removed or made to conform with the provisions of this chapter within the compliance period provided below. Service of notice shall be made on the parties specified above (a) by delivering personally copies of the notice to said parties, or (b) by leaving a copy of the notice with any person in charge of the premises, or (c) in the event that no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of copies of the notice to the post office addresses of the holders of the permit as specified in the application for the permit, if any, or to the last known post office addresses of the parties specified above.
- C. The compliance period shall be:
 - 1. Ten (10) days for permanent signs.
 - 2. Forty-eight (48) hours for temporary signs.
- D. Re-erection of any sign or any substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuance of the original violation.
- E. If the holders of the permit or the owner(s) and lessee(s) of the premises upon which the sign is located have not demonstrated to the satisfaction of the Code Enforcement Officer that the sign has been removed or brought into compliance with the provisions of the chapter by the end of the compliance period, the Code Enforcement Officer shall certify the violations to the Town Attorney for prosecution.
- F. The Code Enforcement Officer is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. The actual cost and expense of any such removal by the Code Enforcement Officer shall be borne by the holders of the permit or, if no permit had been issued, by the owner(s) of the premises on which the sign is located and the lessee(s) of the premises to which such sign pertains. All such parties shall be jointly and severally liable for such cost and expense and subject to the penalties provided by the provisions of this chapter.
- G. In addition to any remedies and penalties noted above, any person who fails to remove a sign after being notified to remove the sign by the Code Enforcement Officer shall be subject to penalties as provided in section 14. of this chapter.

7. REQUIREMENTS AND PROCEDURES.

- A. Requirement of Permit.
 - 1. A sign permit shall be required before the erection, re-erection, construction, alteration, placement, maintenance or location of all signs except as otherwise provided in this chapter. Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the Electrical Code of the Town.

2. A permit shall not be required for the following signs or activities; provided, however, that such signs or activities shall be subject to any and all applicable provisions of this chapter:
 - a. Nameplate signs for single family residences as allowed under section 8.A.
 - b. Any sign four (4) square feet or less in area unless otherwise prohibited by this chapter.
 - c. Repainting of signs without changing wording, composition or colors, or minor non-structural repairs of signs (except electrical repair).
 - d. Relocation of signs if required by the Town.
 - e. Political signs as permitted under section 11.D.
 - f. Certain window signs only as permitted under sections 9.I. and 11.H.
 - g. Residential sale and lease signs six (6) square feet or less in area.
 - h. Address markers/signs.
 - i. Flags as allowed under section 9.D.
 - j. Signs located in the interior of any building or structure.
 - k. Signs, not to exceed 12 square feet in area, displaying the name of a farm or farm organization.
3. Nothing contained herein shall prevent the erection, construction, alteration, placement, maintenance or location of official traffic, fire and police signs, signals, devices, and markings of the State of Wisconsin and the Town or other public authorities, or the posting of notices required by law.

B. Permit Application and Expiration.

1. **Application.** All applications to obtain a sign permit shall be made on a form furnished by the Code Enforcement Officer. All such applications shall be signed by the owner(s) of the premises on which the sign is to be located and the lessee(s) of the premises to which the sign pertains, which signatures shall indicate agreement to be bound by the terms of this ordinance. Throughout this chapter, these owner(s) and lessee(s) may be referred to collectively as holders of the permit, as defined herein.
2. **Requirement of Plans.** Two copies of specifications, plans, renderings, or other pictorializations of nonresidential signs shall be submitted with the application for each sign in excess of four (4) square feet in area. One copy shall be returned to the applicant(s) at the time the permit is granted. Such submissions shall detail the size of the sign, the method of attachment or support, the location of the proposed sign, the location of any building(s) on the premises and any other signs located or proposed to be located on the premises or within 150 feet of the proposed sign, the materials to be used, and the name, address and profession of the person designing plans and specifications for such sign. Plans for supports for any sign subject to excessive stress as determined by the Code Enforcement Officer shall be

accompanied by structural computations. Sufficient data shall be submitted to show that the supporting surface and other members of an existing building to which the sign is to be attached are in good condition and are adequate to support the load, including the proposed sign.

3. Permit Fees.

- a. In conjunction with the filing of an application for a sign permit, the applicants must tender a fee as set from time-to-time by separate resolution of the Town Board.
- b. The owner of a legal nonconforming sign which has been removed or brought into conformance with the terms of this chapter shall not be required to pay a fee in order to obtain a permit for the replacement or conforming sign.
- c. Where work for which a permit is required by this chapter is begun before a permit has been obtained, the fees specified shall be quadrupled, but the payment of such quadrupled fee shall not relieve any persons from complying fully with the requirements of this chapter in the execution of the work or from any penalties prescribed herein.
- d. Sign permits must be renewed every three (3) years and the appropriate fee tendered in accordance therewith. Permit renewal and fees shall not be required for permanent signs erected for subdivisions, condominiums and apartment complexes. All development signs shall include the "Town of Delafield" in an appropriate location on the sign. If re-erection, alteration, maintenance or some other activity requires the issuance of a new sign permit less than three (3) years from the issuance of the previous permit for that sign, the calculation of the three (3) year renewal period for that sign permit shall date from the issuance of the last permit. Renewal fees not paid by February 28th of a given year will be charged a late payment fee of \$10.00. Fees not paid by November 20th will be placed on the tax rolls for the appropriate property with a surcharge of 10 percent.

4. Procedure.

- a. All applications for sign permits shall be reviewed initially by the Code Enforcement Officer, who may issue permits for temporary signs and such other signs which pursuant to this chapter can be issued without review by the Plan Commission. The Code Enforcement Officer shall have the authority to deny such permits if the proposed signs do not comport with the requirements of this chapter.
- b. Should the Code Enforcement Officer conclude, in his discretion, that the Plan Commission should review an application for a sign permit, or should this chapter require such review for a particular sign, the application will be forwarded to the Plan Commission for review at its next regularly scheduled meeting subject to established agenda length limits. The Plan Commission may vote to recommend approval or disapproval of the application based on the following factors:

- (1) The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of said area.
 - (2) The proposed sign conforms to the location, size and style requirements set forth in this chapter.
 - (3) The proposed sign conforms to the Town's long-range planning for the area as set forth in the Town's Master Plan as that term is defined in Section 62.23(3), Wis. Stats., or relevant portions thereof.
- c. The Plan Commission may establish guidelines, with the confirmation of the Town Board, which further define and interpret this chapter. Those guidelines, if any, shall be made available to all sign applicants.
- d. After the Plan Commission has voted to recommend approval or disapproval of a sign application, or if it declines to do so, it shall forward its minutes containing this decision to the Town Board for ratification or disapproval at its next regularly scheduled meeting subject to established agenda length limits and notice requirements. Upon ratification or disapproval by the Town Board, the application shall be returned to the Code Enforcement Officer, who shall issue approved permits or notify applicants of disapproval of their application and the reasons therefor.

C. Construction Requirements.

1. **Wind Pressure and Dead Load Requirements.** All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square feet of area and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the Town.
2. **Lighting.** Illumination shall be so installed to avoid any glare or reflection into any adjacent property, or onto a street or alley to create a traffic hazard as determined by the Code Enforcement Officer.

D. Prohibited Lighting, Movement, and Signs.

1. **Lighting.** Bare light bulbs shall not be permitted. No flashing, blinking, or rotating lights shall be permitted for either permanent or temporary signs other than for Time and Temperature signs if so permitted by the Plan Commission. (See section 9.J.)
2. **Action Signs.** No sign shall be permitted which moves by any means, except flags as permitted in section 9.D. and Time and Temperature signs as permitted by the Plan Commission pursuant to section 9.J.
3. **Prohibited Signs.** It shall be unlawful to erect or maintain the following signs:
 - a. Electronic Message Boards
 - b. Portable Signs

Section 17.08 7. E.

- c. Projecting Signs
- d. Off Premise Signs
- e. Roof Signs
- f. Pennants or Streamers
- g. Sandwich Boards

E. **Required Signs.** Every building or group of buildings must be identified by a street number.

F. **Location Requirements.**

1. **Obstruction of Exits.** No sign shall be constructed or maintained so as to obstruct any door, window, stairway or fire escape of any building.
2. **Signs Prohibited Within or in Proximity to Limits of any Street or Highway.**
 - a. No sign shall be erected, placed, located, or maintained within the limits of any street, road or highway. Street, road or highway limits include all the dedicated right-of-way, encompassing the travelled portion of the street, road or highway, the shoulders, ditches and adjacent dedicated areas. This prohibition applies to free-standing signs and those placed on trees, utility poles, fence post stakes, and all other structures within the right-of-way limits.
 - b. Failure to comply with the provisions of this section shall be a violation of Section 86.19, Wis. Stats., as well as this chapter.
 - c. Any sign in violation of this section shall be removed without notice by the Highway Department or the Police Department.
 - d. This prohibition shall not apply to signs placed within the limits of streets, roads or highways by duly constituted municipal, county, or state authorities for the guidance or warning of traffic, as provided in Sections 86.19(1) and (4), Wis. Stats., or to mail boxes and paper boxes.
 - e. No sign shall be erected, placed, located or maintained at or near the intersection of any streets, roads or highways so as to obstruct free and clear vision; or at any location where, by reason of position, shape and color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "LOOK", "DANGER" or other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
3. **Construction Over Public Property.** No person or entity shall erect or cause to be erected any sign which projects over any public sidewalk, street, road, highway, alley or public place.

G. **Inspections.** Unless waived by the Code Enforcement Officer, all signs for which a permit is required shall be subject to the following inspections:

1. Electrical Inspection on all illuminated signs.
2. Site inspection to ensure that the sign has been constructed according to an approved application and a valid sign permit.

Section 17.08 7. G. 3.

3. **Inspection every three (3) years in conjunction with renewal of the sign permit to ensure that the sign continues to conform to the permit and has been adequately and properly maintained.**

H. **Maintenance.** Each sign, including those specifically exempt from the permit requirements of this code, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The Code Enforcement Officer shall have the authority at any time to inspect and order the painting, repair, alteration, or removal of a sign which constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or change in local conditions. The Code Enforcement Officer shall follow the procedure of notification concerning such maintenance or removal as outlined in section 6.

8. **PERMITTED SIGNS BY USE.**

A. **Single Family Residence.** A single-family residence is allowed a name plate sign not to exceed three (3) sq. ft. in area.

B. **Public Uses, Institutional Uses, Schools and Churches.**

1. **The total permanent sign area allowed for public uses, institutional uses, schools and churches shall be determined by the Plan Commission.**
2. **One-half of the free-standing sign area allowed by the Plan Commission may be a changeable copy sign. (See section 9.B.).**
3. **Traffic directional signs are allowed if deemed appropriate by the Plan Commission.**

C. **Residential Subdivisions, Condominiums and Apartment Complexes.** Residential subdivisions, condominiums, and apartment complexes are allowed entry-way signs or markers if approved by the Plan Commission. Proponents of such developments shall follow the application procedures outlined in section 7.B., and if such entry-way signs or markers are requested in that application, the Code Enforcement Officer must forward the application to the Plan Commission in accordance with the procedures therein.

D. **Multiple Tenant Commercial Buildings.** (MTCB) All applicants for a single sign for an MTCB must file an application for such sign with the Code Enforcement Officer, which application must be forwarded to the Plan Commission for consideration pursuant to the procedures outlined in section 7.B.

E. **Planned Developments.** All applicants for an entry-way sign or marker or any other single sign for a Planned Development must file an application for such sign with the Code Enforcement Officer, which application must be forwarded to the Plan Commission for consideration pursuant to the procedures outlined in section 7.B.

F. **Theater and Motel/Hotel.** Theater and motel/hotel free-standing signs may include a changeable copy sign component if approved by the Plan Commission after receipt of an application therefor from the Code Enforcement Officer pursuant to section 7.B.

G. **All others.** All other establishments or locations where signs may be utilized which are not covered specifically by this section are governed by section 9.

Section 17.08 9.

9. PERMITTED SIGNS BY DEFINITION AND REQUIREMENTS.

A. Master Identification Signs.

- 1. Master Identification signs shall not contain the names of tenants or occupants of the center, unless the identification of the center is or includes the name of a principal tenant.**
- 2. Application for a Master Identification sign must be made to the Code Enforcement Officer, who shall forward to the Plan Commission for consideration pursuant to the procedure outlined in section 7.B. The following entities may make such application:**
 - a. Retail MTCB or centers of six (6) or more individual tenants or at least 50,000 sq. ft. of building area.**
 - b. Office MTCB or centers of six (6) or more tenants having exterior entrances.**
 - c. Office Parks and Industrial Parks (See section 9.E.2.).**
- 3. MTCBs or centers of five (5) or less tenants may not make application for a Master Identification sign except as provided in subsection 2.a. above.**
- 4. Area of Master Identification Signs.**
 - a. MTCBs or centers under 100,000 sq. ft. of building area may be permitted one free-standing sign of no more than 120 sq. ft. in area for retail and 80 sq. ft in area for office, subject to Plan Commission approval.**
 - b. MTCBs or centers between 100,000 sq. ft. and 500,000 sq. ft. of building area may be permitted one free-standing sign per arterial street of 120 sq. ft. in area each, or one sign per building or center of 180 sq. ft. in area $120 \times 1.5 = 180$, subject to Plan Commission approval.**
 - c. Determination of signage area for MTCBs or centers over 500,000 sq. ft. of building area shall be determined by the Plan Commission.**
- 5. Master Identification signs shall meet meaningful open space requirements.**
- 6. The Plan Commission shall not approve any Master Identification Sign greater than sixteen (16) feet in height for retail or twelve (12) feet in height for office except for centers over 500,000 sq. ft. in building or structure area, which height shall be subject to Plan Commission discretion considering the factors set forth in section 9.E.2.c.**
- 7. No free-standing signs other than the Master Identification Signs(s) allowed pursuant to this section will be permitted for any MTCB or center; provided, however, that any tenant (but not more than two (2) tenants per MTCB or center) occupying one-third (1/3) or more of the building area or structure area of an office MTCB or center may be identified on such Master Identification Sign, such identification to be subject to all terms, conditions, restrictions and other requirements of this chapter which apply to such sign.**

Section 17.08 9. B.

B. Changeable Copy Signs.

1. The computation of sign area for changeable copy signs shall be included in the total permitted sign area allowed for the building or development, where changeable copy signs are permitted by this chapter and/or by the Plan Commission.
2. Changeable copy signs must be integrated into the free-standing or wall sign for such building or development.
3. In addition to the uses specifically enumerated elsewhere in this chapter, changeable copy signs may be permitted for businesses of a seasonal nature, public uses, institutional uses, schools, churches, motels/hotels and theaters, if approved by the Plan Commission to be justified at such location and for such use. Unless in the discretion of the Plan Commission such use is justified, changeable copy signs shall not be permitted for retail use.
4. Where changeable copy signs are allowed, the following restrictions apply in all cases, subject to further restriction as may be imposed by the Plan Commission to particular applications:
 - a. There shall be only one changeable copy sign on each lot or parcel of land.
 - b. If free-standing, the sign may be double-faced.
 - c. Each sign shall be permanently installed or located.
 - d. Each sign shall be placed in such a manner so as to not interfere with, confuse, or present any hazard to traffic.

C. Tenant Directory Boards. Exterior Tenant Directory Boards for the purpose of guiding pedestrians to individual businesses within a MTCB or center are allowed, subject to the provisions hereof. Letters on a Tenant Directory Board identifying occupants may not exceed three (3) inches in height. Reorganization of a Tenant Directory Board may be done for purposes of appearance or clarity. Changes in the structure, style or design of a Tenant Directory Board or to add or delete the name of an occupant shall be allowed unless such Tenant Directory Board is a legal nonconforming sign, in which case such Tenant Directory Board must first be brought into compliance with all of the provisions of this chapter.

D. Flags. Pursuant to section 7.A.2.i., a sign permit is not required for flags, provided that said flags conform to the requirements set forth herein. This section is not intended to include pennants or streamers, which are prohibited by section 7.D.3.f., or to regulate the flying of Government flags.

1. Maximum area of a flag shall be 24 square feet.
2. Flags may be suspended on a pole no higher than 35 feet.
3. The flag must display only the name and/or logo of the business, building, or building complex over which it is displayed. Only one flag may be displayed per business, building, structure or building complex.
4. The flag pole shall be located in a setting of meaningful open space, as defined in this chapter.

Section 17.08 9. E.

E. **Free-standing Signs.**

1. **Application.** All applications for free-standing signs shall be filed with the Code Enforcement Officer and forwarded to the Plan Commission for consideration pursuant to the procedure outlined in section 7.B. A free-standing sign may be permitted by the Plan Commission for the following uses:

- a. One sign per building site for public uses, institutional uses, schools and churches.
- b. Commercial establishments as restricted below.

2. **Placement and Construction Requirements.**

- a. A free-standing sign shall be permanent in construction and subject to the requirements of the Building Code of the Town as determined, imposed and inspected by the Code Enforcement Officer.
- b. The sign may be double-faced if so permitted by the Plan Commission.
- c. The height of a free-standing sign shall be regulated and approved by the Plan Commission in consideration of the location of the proposed sign, the height, size, appearance, number and location of other signs in the vicinity of the proposed sign, the propriety of the proposed sign with respect to a master sign plan, if any, and such other facts as the Plan Commission deems appropriate.
- d. The allowable height of a free-standing sign at a particular site is to be established by drawing a line from the height of the building or structure at setback to a theoretical wall of five (5) feet at the property line. A free-standing sign must be of no greater height than what can be placed within the area of the resulting geometric figure. (See Figure 1). However, in no event shall the height of such sign be greater than twelve (12) feet for office, retail or mixed use and sixteen (16) feet for Master Identification Signs. Dimensions shall be provided by the applicant. An offset of no less than five (5) feet from the ultimate right-of-way line should be maintained. Notwithstanding anything herein to the contrary, all signs which were legal conforming signs prior to adoption of this Ordinance, but which do not comply with the height limitations set forth herein, shall be deemed legal nonconforming signs with respect to height only, and, notwithstanding the provisions of section 4., above, may exist indefinitely unless other provisions of this chapter require that a new permit be obtained.

Figure 1: Sign height/setback standards.

- e. The area of a free-standing sign shall be regulated and approved by the Plan Commission in consideration of the factors enumerated in subsection (c), above, and shall be computed as either .5 sq. ft. x the lineal front foot of the lot line or .65 sq. ft. x the building or structure front foot, whichever is greater, to a maximum of 120 sq. ft. for retail and 80 sq. ft. for office or mixed use, as allowed by the Plan Commission. Should the Plan Commission approve both a free-standing sign and a wall sign for a given building or center, the area allowed must be apportioned between these signs.

- f. A free-standing sign must identify the individual business, building, structure or building complex only by name, or by name and principal service offered where the name does not identify the principal service offered. The sign may identify up to two businesses that occupy the same building or structure and may identify the availability of an automatic teller machine on the site.
- g. The sign shall be located in an area of meaningful open space, which shall be appropriately landscaped.
- h. Free-standing signs located on the subject property or adjoining or abutting properties must be at least 150 feet apart.
- i. The sign structure or post of a free-standing sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building or structure to which the sign refers. The sign must also be architecturally compatible with the building or structure to which it refers.

F. Shingle Signs.

- 1. Shingle signs shall be allowed without the necessity of obtaining a permit, provided that any such sign is a part of a Master Sign Program, and, provided further, that such sign is in compliance with all other applicable provisions of this chapter.
- 2. One shingle sign may be allowed for each business front and shall be adjacent to the business which it identifies.
- 3. The shingle sign shall be suspended from a roof overhang, covered walkway, covered porch, or open lattice walkway. No part of a shingle sign shall extend beyond the edge of the overhang. Signs placed parallel to the street, road or highway may be attached to the fascia. A minimum clearance of 6 feet 8 inches must be maintained between the bottom of the sign and the nearest grade or sidewalk. The size of a shingle sign may not exceed one (1) square foot in area.
- 4. The shingle sign must display only the name of the individual business, building, structure or building complex which it identifies.

G. Traffic Directional Signs.

- 1. All permits for traffic directional signs shall be issued by the Code Enforcement Officer upon approval of a proper application therefor.
- 2. No more than one single-faced, double-faced, or four (4) sided free-standing sign shall be permitted for each driveway. No traffic directional sign shall be affixed to a pole or structure greater than five (5) feet in height.

3. The area of each side of a traffic directional sign shall not exceed six (6) square feet. If a driveway is shared by two or more businesses or premises, and each such business or premise would be permitted one traffic directional sign pursuant to this chapter, such signs may be incorporated into one eight (8) square foot traffic directional sign affixed to a pole or structure no greater than five (5) feet in height.
4. Twenty-five (25) percent of the area of each side of a traffic directional sign may be used for the business name or logo.

H. Wall Signs.

1. **Application.** All applications for wall signs shall be processed in accordance with section 7.B.
2. **Identification.** A wall sign may identify the individual business, building, structure or building complex only by name, or by name and principal service offered where the name does not identify the principal service offered.
3. **Total Area.**
 - a. The area of a permitted wall sign shall be computed as .5 sq. ft. x the lineal front foot of the lot line or .65 sq. ft. x the building or structure front foot, whichever is greater, to a maximum of 120 sq. ft. for retail or 80 sq. ft. for office or mixed use.
 - b. The maximum allowable area of wall signs for retail centers shall be computed as 1.2 sq. ft. per lineal foot of business frontage.
 - c. Individual wall signs submitted to the Plan Commission in conjunction with a master sign program shall be permitted a minimum area of 24 sq. ft. to a maximum area of 120 sq. ft., subject to Plan Commission approval. (See section 10.).
 - d. Total Permitted sign area allowed for a building or center may be apportioned between wall signs and/or a free-standing sign if permitted pursuant to section 9.E. Where a changeable copy sign is permitted pursuant to section 9.B., the area of the changeable copy sign must be included in the total computation of allowable signage.
4. **Placement.**
 - a. A wall sign may not project more than twelve (12) inches from the wall surface.
 - b. A wall sign must be placed on an exterior wall of the business which the sign identifies.
 - c. No part of a wall sign shall extend more than four (4) feet above the plate line, nor shall a wall sign extend above a roof line except when it is erected on a parapet wall or fascia which extends above the roof line of a flat roof on at least three (3) sides of a building.

Section 17.08 9. H. 4. d.

- d. A wall sign may be allowed on a roof surface only if the roof surface is within twenty-five (25) degrees of vertical (such as a mansard roof), and only if the Code Enforcement Officer deems that such use is acceptable.
 - I. **Window Signs.** Permanent window signs do not need a permit if less than ten (10) percent of all of the windows are covered by all of the window signs. If greater than ten (10) percent of the window is covered, a sign permit must be obtained pursuant to the procedures outlined in section 7.B. In no instance may more than twenty-five (25) percent of the window space be covered by window signs. All window signs which are to be illuminated must be inspected and approved by the Code Enforcement Officer.
 - J. **Time and Temperature Signs.** Application for a Time and Temperature sign shall be made to the Code Enforcement Officer, who shall forward it to the Plan Commission pursuant to the procedures outlined in section 7.B.
 - K. **Informational Signs.** Signage developed for purely informational reasons (except menu boards as more fully described below) shall be allowed without the necessity of obtaining a permit so long as such signs comply with all other applicable provisions of this chapter. Such signs must be no greater than four (4) square feet in area. Examples of information signs are signs indicating separate buildings or services on a premise (e.g. body shop, car wash, drive-up window). Informational signs consisting of menu boards may exceed four (4) square feet in area; provided, however, that no menu board, regardless of size, may be erected unless a permit is first obtained pursuant to section 7.B., above.
10. **MASTER SIGN PROGRAM.**
- A. All MTCBs and Planned Developments, including but not limited to office parks, industrial parks, office centers, retail centers and office and limited business structures, must have a master sign program if more than one sign will be erected in conjunction with such building, structure, development or center as defined herein.
 - B. An application for a Master Sign Program must first be filed with the Code Enforcement Officer, who shall forward it to the Plan Commission for consideration pursuant to the procedures outlined in section 7.B.
 - C. Each individual sign proposed in accordance with an approved Master Sign Program must be applied for and permitted separately in accordance with this chapter, and in no event shall any recommendation or approval of a Master Sign Program be deemed an approval of or permission to construct any particular sign under that Program. All applications for permits for such individual signs must be filed with the Code Enforcement Officer for approval under the terms and conditions of the previously approved Master Sign Program.
 - D. A Master Sign Program, as presented to the Code Enforcement Officer and the Plan Commission, must include the following components:

1. An aesthetically developed theme on color, size and style.
2. A proposed location of all signs for the building, development or center.
3. The proposed size of individual signs, which may be expressed in maximums and minimums for purposes of the proposed Master Sign Program, but which must be proposed in exact terms when application is made for such individual signs after approval of the Program.

Section 17.08 10. D. 4.

4. Categories of signs proposed, which may include some or all of the following:
 - a. Master Identification Sign (See sections 3. and 9.A.).
 - b. Tenant Identification Signs
 - (1) Tenant identification signs at individual tenant entrances in an office center may not exceed four (4) sq. ft. in area if permitted.
 - (2) Retail tenants occupying not less than 20% of an office and limited business structure with individual entrances to the exterior may be allowed tenant identification similar to tenants in retail centers. In both instances, the area of such signage shall not exceed 1.2 x the lineal front foot of the space occupied.
 - c. Tenant/Directory Board for an office center or office and limited business structure. (See section 9.C.).
 - d. Entrance Markers.
 - e. Traffic Directional Signs. (See section 9.G.).
 - f. Wall signs for retail centers. (See section 9.H.).
 - g. Such other signs as requested by the applicant.
 5. Type of signage proposed (i.e., individual letters, box, etc.).
 6. Blueprints, drawings, and written policies governing the color, size, style, location and other features of the proposed signs.
- E. The Plan Commission, in its discretion, will consider the type and location of the building or structure site, the proposed tenant mix, the size of the development and such other factors as it deems appropriate in evaluating a Master Sign Program.

11. TEMPORARY SIGNS.

- A. Permits. All permits for temporary signs shall be issued by the Code Enforcement Officer upon approval of a proper application therefor. Permits for temporary signs shall be issued by the Code Enforcement Officer only when the sign is specifically allowed by this chapter. A temporary sign permit shall be issued only for the period of active use of the sign. Temporary signs shall be permitted in all zones unless otherwise specified, and may not be illuminated. Unless otherwise specified in this chapter or in the permits as issued by the Code Enforcement Officer, permit for temporary signs shall expire after thirty (30) days of issuance. Any temporary sign erected without a permit or for which

Section 17.08 11. B.

the permit has expired may be removed by the Code Enforcement Officer pursuant to the procedure outlined in section 6.

B. Development Signs.

1. A development may have one development sign on each street which the development abuts. Each sign must be placed on the property being developed.
2. Each development sign may not exceed 32 square feet in area. This sign may be single or double-faced and may be perpendicular or parallel to the street.
3. Each sign may not exceed eight (8) feet in height.
4. Even if the permit for such signs has not yet expired, all development signs shall be removed within ten (10) days after the completion of a nonresidential development or in the case of a residential development, after 90% of the units are sold or rented. The Code Enforcement Officer shall have the authority to cause such sign(s) to be removed if, in his discretion, a nonresidential development has been completed or, upon information and belief, 90% of the units of a residential development have been sold or rented. In effecting such removal the Code Enforcement Officer shall follow the notice procedures outlined in section 6.

C. Sale, Lease and Rent Signs.

1. Premises or vacant land for sale, lease or rent may be allowed one temporary sign on each street, road or highway which the premises or land abuts. Each sign must be placed on the property being sold, leased, or rented. The sign(s) may be single or double faced.
2. Non-residential signs will be originally permitted for one hundred eighty (180) days. Permits may be renewed for periods up to ninety (90) days only until the premise is at least ninety (90) percent occupied, or vacant space of 2,000 square feet or less remains to be sold, leased, or rented. Upon 90% occupancy or less than 2,000 square feet of vacant space remaining, the sign must be removed within seven (7) days. The Code Enforcement Officer shall have the authority to cause such sign(s) to be removed if, in his discretion or upon information and belief, the premise is at least 90% occupied or less than 2,000 square feet of vacant space remains to be sold, leased or rented. In effectuating such removal the Code Enforcement Officer shall follow the procedures outlined in section 6.
3. Permitted sign area for non-residential sale, lease or rent signs is as follows:
 - a. Parcels containing less than ten (10) acres are allowed sign(s) not exceeding twelve (12) square feet in area each.
 - b. Parcels containing ten (10) acres or more are allowed sign(s) not exceeding sixteen (16) square feet in area each.
 - c. The height of each nonresidential sale, lease or rent sign may not exceed five (5) feet.
4. Residential sale, lease or rent signs may be no larger than six (6) square feet in area and five (5) feet in height and need not obtain a permit. (See section 7.A.2.g.)

D. Political Signs.

1. The display of any political signs shall be limited to a period of thirty (30) days immediately preceding the primary, general or special election to which they refer.
2. The sign area of a political campaign sign displayed in other than residential or agricultural zoning districts shall not exceed 32 square feet. The sign area of such signs displayed in residential or agricultural zoning districts shall not exceed six (6) square feet. In any zoning district, such signs may be free-standing and shall not exceed six (6) feet in height.
3. Political campaign signs shall not be displayed on any building, structure or grounds that are owned, operated or maintained by any public agency, or on any Town owned post or traffic control device, or on any pole, post or appurtenance owned or operated by a utility. Such signs shall be located only on private property with the owner's consent.
4. The candidate, entity or property owner responsible for the erection or distribution of any such signs shall be jointly and severally liable for the removal of them within ten (10) days after the primary, general, or special election to which they refer. Noncompliance will subject such responsible candidate or entity to a forfeiture of \$25.00. If such signs are not removed within the prescribed period, the Code Enforcement Officer may remove them pursuant to the procedures outlined in section 6.
5. No permit shall be required for political campaign signs. (See section 7.A.2.e.).

E. Contractor Signs.

1. Contractor signs shall be not more than four (4) square feet in area per contractor, subcontractor, architect or lending institution, and may be free-standing. Such signs may be single or double-faced. Pursuant to section 7.A.2.b., no permit is required for such a sign.
2. Contractor signs may not exceed six (6) feet in height.
3. All contractor signs may be consolidated on one sign, the area of which consolidated sign is to be calculated at four (4) square feet per contractor, subcontractor, architect or lending institution listed, to a maximum area of 24 square feet. All contractor signs may also be incorporated within the development sign and subject to the restrictions set forth in section 11.B. In the event such consolidation or incorporation occurs, a sign permit must be obtained through the procedures outlined in section 11.A.
4. Contractor signs must be removed within seven (7) days from the first occupancy of the premises. The Code Enforcement Officer shall have the authority to cause such signs to be removed if, in his discretion or upon information and belief, the first occupancy of the premises has occurred or the work done by the contractor, subcontractor or architect, or financed by the lending institution, has been completed. In effectuating such removal the Code Enforcement Officer shall follow the procedures outlined in section 6.

Section 17.08 11. F.

F. Grand-Opening Signs.

1. All permits for grand-opening signs shall be issued by the Code Enforcement Officer upon approval of a proper application therefor and shall be subject to reasonable size and location limitations as are established by the Code Enforcement Officer.
2. Grand-opening signs shall not be displayed more than ten (10) days and may be removed by the Code Enforcement Officer after the expiration of such time period, pursuant to the procedure outlined in section 6.
3. Only one grand-opening sign shall be allowed per business.

G. Banners.

1. All permits for banners shall be issued by the Code Enforcement Officer upon approval of a proper application therefor.
2. Banners may not exceed 30 square feet in area.
3. No business shall be issued sign permits for more than four (4) banners in any year.

H. Temporary Window Signs.

1. Temporary window signs are allowed for all commercial uses and do not require a permit.
2. In no instance may more than twenty-five (25) percent of the total glass area of window space be covered by temporary window signs. The area of such signs shall not be deducted from the total area of signs allowed for a particular premise or business, but the total area of all window signs at such premise or business shall not exceed the total sign area allowed for such use.
3. Temporary window signs must be placed behind a glass surface and may not be placed in unglazed openings. Temporary window signs shall not contain internal lighting.

- I. Seasonal Signs. Signs for seasonal commercial establishments shall be permitted if so approved by the Code Enforcement Officer upon application therefor. The area of such signs shall not exceed 32 square feet. In the discretion of the Code Enforcement Officer, the temporary permit for a seasonal sign shall be granted for the term of the season instead of the regular thirty (30) day period.

12. NON-COMMERCIAL SIGNS PERMITTED.

Any sign authorized or otherwise permitted under this ordinance shall be allowed to contain non-commercial copy in lieu of any other copy.

13. SIGN ORDINANCE VARIANCES.

- A. Purpose. Sign Ordinance variances are intended to allow flexibility in sign regulation while fulfilling the purpose of the ordinance. Nothing in this section, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the Town's Master Plan or relevant portions thereof.

B. Procedure.

1. Any applicant who desires a variance from any provision or requirement of this chapter may request an oral hearing before the Plan Commission by submitting a written request therefor to the Town Clerk not less than ten (10) days before the next regularly scheduled meeting of the Plan Commission. A fee of \$75.00 shall be required of the applicant at the time that a request for a hearing before the Plan Commission is made.
2. The Plan Commission shall review such requests for variances using the following criteria:
 - a. Area Enhancements.
 - (1) The sign as proposed will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs;
 - (2) The proposed sign is unique and of exceptional design or style, so as to enhance the area.
 - b. Site Difficulties. Unusual site factors preclude the construction of a sign in accordance with this chapter which would be visible to the roadway adjacent to the site frontage.
3. Should the Plan Commission find that a variance should be granted, the application will be forwarded to the Code Enforcement Officer with directions to issue a permit in accordance with its decision. If the Plan Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision in writing within ten (10) days of the date of such decision. The decision of the Plan Commission shall be final unless the Plan Commission requests review of same by the Town Board.