



PLAN COMMISSION MEETING AGENDA

Tuesday, September 22, 2015 at 5:30 P.M.

Sister Bay-Liberty Grove Fire Station – 2258 Mill Road, Sister Bay, WI

For additional information check: [Http://www.sisterbaywi.gov](http://www.sisterbaywi.gov)

In order for everyone to hear the discussion please, turn off your cell phone. Thank you.

Call Meeting to Order / Roll Call Deviations from the agenda order shown may occur.

Comments, correspondence and concerns from the public

Approval of the agenda

Approval of minutes as published

Business Items

1. Discussion on Reed v. Gilbert, and review of possible amendments to the Sister Bay Zoning Code; Consider a motion to bring to public hearing.
2. Discussion on 66.0405, Parking of Vehicles in Residential Districts; Consider a motion for action if necessary
3. Report by the Zoning Administrator regarding development activities, various enforcement actions, and issuance of Sign and Zoning Permits.
4. Matters to be placed on a future agenda or referred to a Committee, Official or Employee

Adjournment

Public Notice

Questions regarding the nature of the agenda items or more detail on the agenda items listed above scheduled to be considered by the governmental body listed above can be directed to Zeke Jackson, Village Administrator at 920-854-4118 or at zeke.jackson@sisterbaywi.gov.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Sister Bay Village Administrator at 854-4118, (FAX) 854-9637, or by writing to the Village Administrator at the Village Administration Building, 2383 Maple Drive, PO Box 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are available for review at the Village Administration Building during operating hours. (8 a.m. – 4 p.m. weekdays).

I hereby certify that I have posted a copy of this agenda at the following locations:		
<input type="checkbox"/> Administration Building	<input type="checkbox"/> Library	<input type="checkbox"/> Post Office
_____ / _____		
Name	Date	

1 Randy Nesbitt, the Village Attorney, explained that the quarry has been operated in its current
2 location for a number of years. In 2010 blasting started to occur at the quarry, and at that time a
3 number of noise and dust complaints were received. The owners of the quarry were cited for
4 Zoning Code violations. The case was contested, and the Judge who was assigned to the case
5 made it very clear that he was not going to order the quarry to be shut down. Instead, he
6 ordered that the Village and the owner of the quarry must participate in mediation sessions. The
7 existing quarry is considered to be a pre-existing, non-conforming use, or in other words, was
8 "grandfathered", and there is no requirement that it ever be shut down. Brandon Small, the
9 owner of the quarry has requested that he be allowed to expand the quarry on the condition
10 that the quarry must be closed in ten years. There will be two steps to the process which must
11 be followed with respect to Small's request. First, a Zoning Code text amendment will be
12 required which would allow a quarry as a conditional use in the B-1 District, and, if that
13 amendment is approved, then another public hearing must be conducted with respect to an
14 application for a Conditional Use Permit to expand the quarry. Nesbitt stressed that Village
15 officials have informed him that they have no intention of allowing quarries to be operated
16 throughout the Village, but, since they have been ordered to try to resolve this matter, they are
17 conducting this public hearing. If a text amendment is approved it would be possible to include
18 limiting language.

19
20 *Denise Bhirdo indicated that she does not wish to speak for or against expansion of the quarry,*
21 *but as past President of the Plan Commission firmly believes that a "sunset clause" and limiting*
22 *language which states that the regulations only pertain to the property which is the subject of*
23 *this hearing must be included in the text amendment.*

24
25 *Pat Duffy indicated that he is a former Plan Commission member and is fully aware of the*
26 *history behind this issue. He purchased his property from the University of Oregon for \$1,100,*
27 *and basically was informed that his land was devalued to "nothing" because of its close*
28 *proximity to the existing quarry. Duffy indicated that he firmly believes quarrying should not be*
29 *allowed anywhere in the Village.*

30
31 *Tom Sadler read a prepared statement aloud. In that statement he pointed out that a number of*
32 *problems have been created as a result of the operation of the quarry, and, therefore, he does*
33 *not support the proposed Zoning Code text amendment. He also does not trust the Small family*
34 *at all, and does not believe it would be wise for Village officials to grant them a Conditional Use*
35 *Permit.*

36
37 *Steve Musinzky indicated that he also owns property which is adjacent to the quarry, and read*
38 *a prepared statement aloud. A copy of that statement is hereby attached and incorporated by*
39 *reference.*

40
41 *Kathleen Hudson asked if it would be possible for the Village to appeal the Trial Court's ruling,*
42 *and Nesbitt responded that the Judge has not issued a final ruling yet. She then read a prepared*
43 *statement aloud in which she indicates that she moved to the Village to get away from dust and*
44 *noise and is concerned that a number of ground water contamination and health issues will*
45 *arise if the quarry is expanded.*

46
47 *Mary Kay Shumway indicated that she is a realtor and is aware that there are seven streets in*
48 *the Village which would be considered to be in the "impact zone". At the present time a*
49 *revaluation is going on within the Village, and the quarry expansion could have negative*

1 *impacts on property values. If she was selling a home near the quarry she would be obligated to*
2 *point that fact out to the potential buyer(s).*

3
4 *Carol Kennewig asked what would happen if Village officials “vote this down”. She also asked*
5 *what would prevent the Smalls from asking that the Conditional Use Permit be amended if it is*
6 *granted. Kufrin responded that if a Conditional Use Permit is issued and an amendment is*
7 *requested, another Public Hearing would be required.*

8
9 *Shannon Stragola indicated that her property abuts the quarry. She and her family moved up*
10 *here from Iowa two years ago and were never informed that the quarry would be in their back*
11 *yard. It really upsets her that the quarry is there, and, unfortunately, she and her family*
12 *members no longer wish to stay in their home because there are so many noise and dust issues.*
13 *If the quarry is expanded there will be negative impacts upon families who live and work here*
14 *no matter what time of the year it is.*

15
16 *Kathy Kunstman of Fieldcrest Road indicated that she believes Village officials made a major*
17 *mistake by allowing the quarry to continue to be operated after it was sold by the Krist family.*
18 *She is concerned that more mistakes will be made if the proposed text amendment is approved.*

19
20 *Kufrin indicated that he did a lot of research regarding this issue and determined that the quarry*
21 *was, in fact, a pre-existing non-conforming use. Therefore, there was no alternative but to allow*
22 *the operations to continue after the property was sold.*

23
24 *Janet Janisse of Fieldcrest Road indicated that when she first purchased her home she did not*
25 *even know there was a quarry in the neighborhood. Now that the quarry is getting a lot of use a*
26 *number of dust and noise issues have arisen. Janisse suggested that the Village “buy em out and*
27 *get rid of em”.*

28
29 *Judy Wegehaupt of Fieldcrest Road read a petition which had been signed by a number of*
30 *individuals aloud, and pointed out that all the petitioners are opposed to expansion of the*
31 *quarry. Therefore, they are requesting that Village officials not grant Brandon Small’s request to*
32 *amend §66.0320(c) of the Zoning Code.*

33
34 *Jim Olejniczak, who owns vacant property on Cherrywood Lane, indicated that he is having*
35 *second thoughts about constructing a home on his property because the quarry is in close*
36 *proximity to it. He is very concerned about all the noise and dust issues which have been*
37 *complained about this evening.*

38
39 *Greg Kennewig asked, “How much is enough if the violations keep piling up?”.*

40
41 *Nesbitt responded that there is no clear answer to that question. He did state that more*
42 *citations could be issued to the owners of the quarry, but there is no guarantee that the Village*
43 *will prevail.*

44
45 *Kathy Kunstman asked for clarification of the proposed Zoning Code text amendment language*
46 *and Kufrin complied with her request.*

47
48 *Kufrin also reiterated that if the text amendment is approved and Small wishes to proceed*
49 *further he would have to submit a Conditional Use Permit Application. Another Public Hearing*
50 *would be required, and if a Conditional Use Permit is granted Brandon Small and Village*

1 officials would have to sign a Development Agreement. That agreement would include a
2 number of conditions.

3
4 Mark Kunstman asked who decides what penalties are imposed for violations of the Zoning
5 Code.

6
7 Nesbitt responded that the Village Board is ultimately responsible for adopting regulations and
8 the penalties for violation of them.

9
10 Attorney Chuck Koehler indicated that when this whole process started the goal was to shut the
11 quarry down. A Judge with twenty-five years experience ordered that the parties must enter into
12 mediation, and in the spirit of compromise Small is proposing that a Conditional Use Permit
13 which states that the quarry will shut down in ten years be granted.

14
15 Greg Kennewig asked where the ten year time frame Attorney Koehler referred to came from,
16 and Kufirin responded that that was the time period which had been proposed by Small. It
17 would be possible for the Plan Commission to recommend a different time limit.

18
19 Steve Musinsky stated that he believes the main problem is that there is a lack of trust in the
20 Smalls. It really concerns him that none of them have even said that they "are sorry" about the
21 problems which have arisen to date.

22
23 At 7:19 P.M. Lienau asked if anyone else wished to comment, and when no one responded he
24 declared that the hearing was officially closed. A brief recess was then taken, and the
25 Commission members reconvened at 7:31 P.M.

26
27 Lundquist indicated that it is his understanding that all the neighbors agree that the quarry is "a
28 problem", and since they will be directly impacted by the proposed regulation amendments he
29 believes their wishes must be taken into consideration.

30
31 Baker noted that because there is a possibility that a specific deadline for operation of the
32 quarry could be established if a Conditional Use Permit is granted, he would be in favor of
33 recommending that the proposed text amendment be approved.

34
35 Grutzmacher stated that she is concerned that the audience members appeared to be very
36 confused about the procedures which would be followed with respect to Small's request. She
37 also indicated that that she believes having more control will benefit everyone.

38
39 Howard indicated that he is concerned that the proposed regulation amendments will affect
40 everyone in the B-1 District. He also can't visualize any conditions which would convince him
41 that it would be a good idea to open a new quarry in Sister Bay.

42
43 Lienau noted that he is directly negatively impacted by the quarry operations at his business
44 and his home, and definitely struggles with this issue. While he heard a number of his
45 neighbors voice their concerns loudly and clearly he does not believe Brandon Small has been
46 given an opportunity to describe what he actually wants to do, which is a due process issue.
47 With that said, he is in favor of recommending that the text amendment be approved and
48 proceeding to public hearing on an Application for a Conditional Use Permit.

49

1 Nesbitt noted that if Small's request gets "shot down" at this stage and Small alleges that he was
 2 not granted "due process" the Trial Court will not be happy, as he ordered that the parties
 3 attempt to resolve the issue through mediation.

4
 5 *A motion was made by Howard that the recommendation is made to the Village Board that*
 6 *Brandon Small's request to amend §66.0320(c) of the Zoning Code in such fashion that*
 7 *quarries are allowed as a conditional use in the B-1 General Business District be denied. That*
 8 *motion failed due to lack of a second.*

9
 10 *A motion was made by Grutzmacher, seconded by Baker that the recommendation is made to*
 11 *the Village Board that Brandon Small's request to amend §66.0320(c) of the Zoning Code in*
 12 *such fashion that quarries are allowed as a conditional use in the B-1 General Business District*
 13 *be approved on the condition that the Board establish a constraining condition(s). Motion*
 14 *carried with Lundquist and Howard opposed.*

15
 16 *At 8:32 P.M. another brief recess was taken, and the Commission members reconvened at 8:42*
 17 *P.M.*

18
 19 Kufirin noted that he will not be available for the September Village Board Meeting, and,
 20 therefore, it was the consensus that this issue shall be addressed on October 20, 2015.

21
 22 **Item No. 2. Discussion on Chapter 66.0404 – Boat and Trailer Parking; Consider a motion for**
 23 **action if necessary:**

24 In June of 2015 Jackson issued a Notice of Violation to Beacon Marine for having boats parked
 25 on a vacant lot in a residential district. The owners of that establishment have requested that
 26 Village officials consider Zoning Code text amendments which would allow them to park boats
 27 on their vacant lot.

28
 29 Several of the Commission members pointed out that this issue has come up in the past when
 30 the property in question was owned by Cal-Marine. At that time the decision was made that the
 31 existing regulations should stand as Cal-Marine was deemed to have a detrimental non-
 32 conforming use.

33
 34 Connie Carlson was present and indicated that if Beacon Marine's request is granted their
 35 clients would have easier access to their parking lot.

36
 37 *A motion was made by Lienau, seconded by Grutzmacher that Agenda Item No. 2 – Discussion*
 38 *on Chapter 66.0404 – Boat and Trailer Parking; Consider a motion for action if necessary, shall*
 39 *be tabled until the next meeting of the Plan Commission. Motion carried – All ayes.*

40
 41 **Item No. 3. Discussion on a proposed Mural Code; consider a motion for action if necessary:**

42 *It was the consensus that the proposed Mural Code should not only pertain to murals but all*
 43 *types of public art.*

44
 45 *A motion was made by Lienau, seconded by Grutzmacher that discussion on a proposed Public*
 46 *Art Code shall be tabled until the next meeting of the Plan Commission. Motion carried – All*
 47 *ayes.*

48
 49 **Item No. 4. Discussion on §66.0501(b)(3)(e) – Accessory buildings in the front yard setback**
 50 **area; consider a motion for action if necessary:**

1 At the present time accessory structures are not allowed in the front yards of properties which
 2 are not on the water unless a Conditional Use Permit is issued to the property owner. A draft a
 3 proposed text amendment was included in the meeting packets.
 4

5 *A motion was made by Howard, seconded by Grutzmacher that a public hearing shall be*
 6 *conducted on the proposed amendment to §66.0501(b)(3)(e) – Accessory buildings in the*
 7 *front yard setback area, at the next meeting of the Plan Commission. Motion carried – All ayes.*
 8

9 **Item No. 5. Plan Commission review of a zoning determination of front vs. side yard**
 10 **placement of a propane tank at 2241 Maple Drive; Consider a motion for action if necessary:**

11 A complaint has been received that a propane tank is located in the front yard of a residence at
 12 2241 Maple Drive. The Commission members reviewed an aerial photo of the property in
 13 question, and determined that the propane tank was actually in the side yard of the property in
 14 question; not the front yard. They did indicate that they would like to see the propane tank
 15 screened.
 16

17 **Item No. 6. Report by the Zoning Administrator regarding development activities, various**
 18 **enforcement actions, and issuance of Sign and Zoning Permits:**

19 A copy of the Zoning Administrator's Report for August was included in the meeting packets
 20 and the Commission members jointly reviewed that document.
 21

22 **Item No. 11. Discussion regarding matters to be placed on a future agenda or referred to a**
 23 **Committee, Official or Employee:**

24 It was the consensus that the following issues shall be addressed at the next meeting of the Plan
 25 Commission:

- 26 • **A public hearing shall be conducted on the proposed amendment to §66.0501(b)(3)(e) –**
 27 **Accessory buildings in the front yard setback area.**
- 28 • **Discussion on Chapter 66.0404 – Boat and Trailer Parking; Consider a motion for action**
 29 **if necessary:**
- 30 • **Discussion on a proposed Public Art Code; consider a motion for action if necessary:**
 31

32 **Adjournment:**

33 *A motion was made by Baker, seconded by Grutzmacher to adjourn the meeting of the Plan*
 34 *Commission at 9:17 P.M. Motion carried – All ayes.*
 35

36 Respectfully submitted,

37 

38 Janal Suppanz,
 39 Assistant Administrator



August Case Law Update August 31, 2015

A summary of Wisconsin court opinions decided during the month of August related to planning

For previous Case Law Updates, please go to: www.wisconsinplanners.org/learn/law-and-legislation

United States Court of Appeals for the Seventh Circuit

Regulation of Speech After *Reed v. Town of Gilbert*

It did not take long for the U.S. Supreme Court's June decision in *Reed v. Town of Gilbert* concerning sign regulation to impact other cases. (For a summary of decision in *Reed v. Town of Gilbert*, see the [APA-WI June Case Law Update](#).) In *Norton v. City of Springfield*, the U.S. Court of Appeals for the Seventh Circuit (the federal intermediate appellate court covering the region that includes Wisconsin) found that an ordinance prohibiting panhandling in the City of Springfield, Illinois' "downtown historic district" violates the First Amendment because it embodies content discrimination subject to strict scrutiny under the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*.

(A recent article in the [New York Times](#) discussing *Reed v. Town of Gilbert* described the legal concept of "strict scrutiny" in the following way: "Strict scrutiny requires the government to prove that the challenged law is 'narrowly tailored to serve compelling state interests.' You can stare at those words as long as you like, but here is what you need to know: Strict scrutiny, like a Civil War stomach wound, is generally fatal.")

The *Norton* case highlights how *Reed v. Town of Gilbert* has significantly changed the legal framework for understanding content-based regulation of speech -- something frowned upon under the First Amendment. The City of Springfield's ordinance at issue in *Norton* prohibited panhandling in the City's "downtown historic district," an area encompassing less than 2% of the City. (For those of you who are Abraham Lincoln buffs and have been to Springfield, you know the area.) The ordinance defined panhandling as an oral request for an immediate donation of money. Signs requesting money and oral pleas to send money later were allowed. The plaintiffs in the case contended that the ordinance's rule barring oral requests for money now but not regulating requests for money later was a form of content discrimination in violation of the First Amendment.

The case went before the Seventh Circuit Court of Appeals two times. Initially, the Court of Appeals decided that Springfield's anti-panhandling ordinance **did not** draw lines based on the content of anyone's speech. Following that decision, however, the plaintiffs petitioned for a rehearing. The Court of Appeals deferred consideration of the petition for rehearing to wait for the U.S. Supreme Court to issue its decision in *Reed v. Gilbert*.

Following the U.S. Supreme Court’s decision in *Reed v. Town of Gilbert*, the Seventh Circuit Court of Appeals reconsidered the Norton case and the **outcome was much different** -- the Court enjoined enforcement of the City’s anti-panhandling due to First Amendment concerns. According to the Seventh Circuit Court:

[The U.S. Supreme Court in] *Reed* understands content discrimination differently [than the way it was considered before]. It wrote that “regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.” . . . Springfield’s ordinance regulates “because of the topic discussed”. The Town of Gilbert, Arizona, justified its sign ordinance in part by contending, as Springfield also does, that the ordinance is neutral with respect to ideas and viewpoints. The majority in *Reed* found that insufficient: “A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of ‘animus toward the ideas contained’ in the regulated speech.” . . . It added: “a speech regulation targeted at specific subject matter is content based even if it does not discriminate among view - points within that subject matter.”

Sign regulations after *Reed*

The Seventh Circuit’s decision in *Norton* underscores the sweeping impact of the Supreme Court’s decision in *Reed* for sign regulations. Local governments need to review their sign ordinances and ask “Does this regulation apply to a sign because of the content on the sign?” In other words, if you have to read the message to figure out how a sign is to be regulated, then it is content-based and subject to challenge under *Reed*. Examples include the categorical regulations found in many sign codes for “political signs,” “temporary directional signs,” “ideological signs,” “identification signs,” “real estate signs,” “homeowner association signs,” “drive-through restaurant signs” “business hours of operation signs,” or signs based on other content distinctions.

Previous U.S. Supreme Court cases recognized content-based distinctions between commercial and non-commercial speech. The Court drew distinctions based on the content of the sign and held that regulation of commercial speech is subject to a lower level of scrutiny by the courts than non-commercial speech. *Reed* did not overrule the line of cases drawing distinctions between commercial and non-commercial speech so, at least for the time being, sign ordinances that include provisions for commercial signage, such as special regulations for “temporary business signs” should be okay.

Justice Thomas, who wrote the majority opinion for the Court in *Reed*, offered some other content-based regulations that may be acceptable if they are narrowly tailored to ensure public safety: “such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses.” It will be critical that local communities clearly articulate the purpose for these regulations.

Justice Thomas also offered examples of content-neutral sign regulations that are not impacted by *Reed*. Regulations that have nothing to do with a sign’s message include: size, building materials, lighting, moving parts, and portability. Justice Thomas also states: “on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner.” This would include the public right-of-way. If signs are allowed, the regulations must not distinguish based on the content of the message, like only allowing signs by non-profit organizations such as a church sign about a spaghetti supper.

Justice Alito wrote a concurring opinion that included a non-exhaustive list of the type of sign regulations that would be content-neutral. (The full list was included in the June Case Law Update.) However, the list raises some questions. Justice Alito's list includes time restrictions on signs for one-time events. This seems at odds with the temporary directional sign challenged in *Reed*. Nevertheless, after *Reed* it would presumably be appropriate to have sign ordinances that regulate "temporary signs" based on factors other than the event that is the subject of the sign such as allowing the sign to remain for a certain number of days.

Justice Alito's list also indicated that it would be appropriate to have signs that distinguish between on-premises and off-premises signs. In order to determine if a sign is off-premises or on-premises, the local government will need to read the sign. Presumably the on-premise/off-premise distinction is still valid based on Justice Alito's statement and the fact that prior U.S. Supreme Court decisions recognized those distinctions and those decisions were not overruled. For example, not allowing off-premise billboards in residential areas should still be appropriate.

As communities remove content-based restrictions, they can explore alternatives such as allowing "yard signs" (as opposed to "yard sale" which would not be content-neutral) of a certain number and dimension in residential districts. Regulations could also be based on the type of building material of the sign. From a planning perspective, it will be important to stand back and evaluate what a community is trying to accomplish through sign regulations and how much regulation is necessary. It is important to review other ordinances that may relate to speech, like Springfield's panhandling ordinance, to insure they are content-neutral.

Certainly we will see additional cases on these issues.

Wisconsin Supreme Court Opinions

[No planning-related cases to report.]

Wisconsin Court of Appeals Opinions

Boundary Change Via Intergovernmental Agreement Was Proper

On February 19, 2013, voters in the Town of Harrison in Calumet County approved incorporating a 4.6-square-mile area as the Village of Harrison. On June 6, 2013, the Town and Village of Harrison published notice of a joint public hearing "to discuss proposed Intergovernmental Cooperation Agreement affecting the provision of municipal services, apportionment of costs of municipal services, apportionment of assets and liabilities, and boundary line adjustments between the Town of Harrison and the Village of Harrison." The Town and Village of Harrison sent notice of the meeting via certified mail to 1910 property owners entitled to receive notice pursuant to Wis. Stat. § 66.0301(6). [Note: this case deals with an intergovernmental agreement enacted under the general intergovernmental cooperation authority, NOT under the authority to create cooperative boundary agreements under Wis. Stat. § 66.0307.]

The Town and the Village boards approved the agreement on July 2, 2013. The agreement permitted the Village board to “trigger the boundary line change” through the adoption of an ordinance, which the Village board passed on August 6, 2013. As a result of the boundary change, 1736 parcels that had been located in the Town were relocated to the Village. The nearby Cities of Kaukauna and Menasha, the Village of Sherwood, and some individual property owners sued the Village and Town of Harrison arguing that the agreement is void because it involved a “major” boundary change that exceeded the scope allowed by statute and that the Town and Village did not comply with the statutory notice requirements for intergovernmental agreements because the notice did not tell property owners that approval of the cooperative agreement would mean they would be relocated to the village.

The Wisconsin Court of Appeals disagreed. The Court noted that the statute is silent on the scope of boundary changes permitted by intergovernmental agreements. The Court was unwilling to read language into the statute creating a distinction between “major” boundary changes and more modest boundary changes. As for the notice, the Court also noted that the statute does not specify what information must be contained in the notices. As a result, the Court concluded the general notice that there would be “boundary line adjustments” was sufficient to meet the statutory requirements.

The case is [City of Kaukauna v. Village of Harrison](#) and is recommended for publication in the official reports.

Distinguishing Between Rules, Ordinances, and Resolutions

[Wisconsin Carry, Inc. v. City of Madison](#), involved the validity of a rule adopted by the City of Madison’s Transit and Parking Commission that prohibits a person from traveling in a city bus with a weapon (the “bus rule”). The City of Madison General Ordinances authorize the City’s Transit and Parking Commission, the City agency responsible for overseeing the City’s bus system, to establish “rules and procedures” related to transit. The Commission adopted the bus rule under that authority. Wisconsin Carry, Inc., an organization that describes itself as a “gun rights organization,” and one of its members, brought suit asking the court to declare that the bus rule is preempted by Wis. Stat. § 66.0409 which prohibits local governments from adopting “ordinances” and “resolutions” that regulate firearms. The Wisconsin Court of Appeals determined that the Commission’s rule is neither an ordinance nor a resolution and therefore the rule was not preempted by the prohibition on local regulation of firearms.



IMLA Model Sign Code – Rough Draft

This Model proposes a content neutral sign code developed based on the decision of *Reed v. Town of Gilbert*, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444, 25 Fla. L. Weekly Fed. S 383 (U.S. 2015). The sign code recognizes that government signs are government speech intended to ensure public safety. These government signs include those described and regulated in the Manual on Uniform Traffic Control Devices and signs that are necessary to identify properties and to implement the laws of the state. The skeleton of this Model derives from the Washington County, Oregon sign regulations which were found to be content neutral by the United States District Court for Oregon, Portland Division in *Icon Groupe, LLC v. Washington Cnty.*, 2015 U.S. Dist. LEXIS 67682 (D. Or. May 26, 2015).

Definitions.

1.1 Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

1.1.1 Electric. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

1.1.2 Flashing. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, shall be considered a flashing sign.

1.1.3 Freestanding. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

1.1.4 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.



Comment: This model recognizes, as did the Supreme Court in Reed v. Town of Gilbert, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015), that the government must speak and in doing so is not regulated as private individuals under the First Amendment. While the Government often speaks directly, its speech can often be found in requirements of law that demand members of a community, residents and property owners to post notices to protect the rights afforded by the government. This Cat's Paw form of speech finds protection in this Model as when a property owner must post a property against trespassing, solicitors and others; or where a property owner must warn of dangers on the property to protect public safety and limit liability such as warning of dangerous animals, high voltage, sinkholes, gun or weapon usage among other dangers. While these postings are sometimes voluntary, all are required by the government to be in a certain form and constitute the government's speech.

1.1.5 Ground Mounted. A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

1.1.6 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.

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

1.1.8 Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

1.1.9 Outdoor Advertising. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

1.1.10 Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

1.1.11 Projecting. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

1.1.12 Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

1.1.13 Temporary. 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 to be displayed for a limited period of time.

1.1.14 Flat Wall (Façade-Mounted). A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.



1.1.15 Digital Billboard. A sign that is static and changes messages by any electronic process or remote control.

1.2 Prohibited Signs.

Signs are prohibited in all Districts unless:

1.2.1 Constructed pursuant to a valid building permit when required under this Code; and

1.2.2 Authorized under this Code.

1.3 Authorized Signs.

The following signs are authorized under Section 1.2.2 in every District:

1.3.1 Government signs in every zoning district which include the signs described and regulated in 1.3.1.1, 1.3.1.2, 1.3.1.3 and 1.3.1.4.

1.3.1.1 Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

1.3.1.2 Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. This size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the identifier shall be located on the mailbox or other suitable device such that it is visible from the street.

1.3.1.3 Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.

1.3.1.4 A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

1.3.2 Temporary Signs, Generally.

1.3.2.1 One temporary sign per 0.25 acre of land may be located on the owner's property for a period of thirty (30) days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located.

1.3.2.2 One temporary sign may be located on the owner's property when:

- a. that property is being offered for sale through a licensed real estate agent;
- b. if not offered for sale through a real estate agent, when that property is offered for sale through advertising in a local newspaper of general circulation; and



c. for a period of 15 days following the date on which a contract of sale has been executed by a person purchasing the property.

1.3.2.3 One temporary sign 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 two days in a year and the days must be consecutive and may not use this type of sign in any [Commercial District] for more than 14 days in a year and the days must be consecutive. For purposes of this Section 1.3.2.3 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.

1.3.2.4 During the 26 day period December 15 to January 10, a property owner may place [insert number] temporary signs on the property.

1.3.2.5 A property owner may place and maintain one temporary sign on the property on July 4.

1.3.2.6 A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.

1.3.2.7 A property owner may place one sign with a sign face no larger than two (2) square feet on the property at any time.

1.3.2.8 A person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per 0.25 acre at any one time to 2 plus a sign allowed in 1.3.2.6.

1.3.2.9 The sign face of any temporary sign, unless otherwise limited in this Section 1.3.2 must not be larger than two (2) square feet.

Comment: Section 1.3.2 allows property owners to place temporary signs on their property during certain time periods and allows the property owner to select whatever message the owner chooses during those periods. This provision complies with both Reed v Town of Gilbert and City of Ladue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36, 1994 U.S. LEXIS 4448, 62 U.S.L.W. 4477 (U.S. 1994) as it allows a property owner the ability to make use of the property for free expression but in a manner designed to reduce clutter and advance aesthetic interests of the community without any content based limitations.

1.3.3 For purposes of this Section (1.3) the lessor of a property is considered the property owner. If there are multiple lessors of a property then each lessor shall have the same rights and duties as the property owner and the size of the property shall be deemed to be the property that the lessor has the sole right to occupy under the lease.

1.4 Specific Sign Regulations

The following sign regulations shall apply to all Use Districts as indicated.

1.4.1 Residential Districts

1.4.1.1 Scope:



This Section (1.4.1) shall apply to all Residential Districts.

1.4.1.2 Size:

A. When a sign is authorized on a property, the sign must not exceed two (2) square feet in area. Where attached dwellings exist on a property the total square footage of signs must not exceed two square feet per dwelling unit and must not exceed a total of twelve (12) square feet in area per structure.

B. For Residential Developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:

- (1) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.
- (2) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.
- (3) Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet.

1.4.1.3 Location:

Permitted signs may be anywhere on the premises, except in a required side yard or within ten (10) feet of a street right-of-way.

1.4.1.4 Height:

The following maximum heights shall apply to signs:

- A. If ground-mounted, the top shall not be over four (4) feet above the ground; and
- B. If building mounted, shall be flush mounted and shall not project above the roof line.

1.4.1.6 Illumination:

Illumination if used shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign and upon the property within the premises.

1.4.2 Commercial and Institutional Districts

1.4.2.1 Scope:

This Section (1.4.2) shall apply to all [insert appropriate titles Commercial Districts and the Institutional District].

1.4.2.2 Number and Size:

For each lot or parcel a sign at the listed size may be authorized:



A. [insert name of district] signs shall not exceed thirty-five (35) square feet. [For additional standards for the [insert name of district] District see Section [if additional standards apply insert here]].

B. [insert appropriate district titles here: Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM)] signs shall not exceed the following area requirements based on the speed limit and number of traffic lanes of the adjacent public street:

Maximum Speed Limit	No. of traffic lanes	Max. Sq. Footage of sign
30 mph or less	3 or less	32 sq. ft.
35 mph or more	3 or less	50 sq. ft.
30 mph or less	4 or more	40 sq. ft.
35 mph or more	4 or more	72 sq. ft.

C. Two (2) or more lots or parcels having a combined linear frontage of eighty-five (85) feet may combine their sign areas allowed by Section 1.4.2.2 B. for the purpose of providing one common free-standing or ground-mounted sign. The sign shall not exceed one hundred fifty (150) square feet.

D. Corner Lots:

Where a lot fronts on more than one street, only the square footage computed for each street frontage shall face that street frontage.

E. If not otherwise regulated as to maximum sign area in this code, signs are governed by the following:

Maximum Sign Area	Street Frontage
20 sq. ft.	85 ft. or less
25 sq. ft.	86-90 ft.
30 sq. ft.	91-99 ft.
35 sq. ft.	100 ft. or more

F. Commercial Center:

Signs used for Commercial Centers shall be allowed as follows:

- (1) Only one (1) sign of one hundred fifty (150) square feet shall be permitted for centers less than five (5) acres and greater than one (1) acre.
- (2) A maximum of two (2) signs of four hundred (400) square feet shall be permitted for complexes for five (5) to fifty (50) acres.
- (3) A maximum of three (3) signs of four hundred (400) square feet shall be permitted for complexes of more than fifty (50) acres.



- (4) Individual businesses are allowed a face building mounted sign pursuant to Section 1.4.2.2 A. and B.

G. Outdoor Signs:

Outdoor signs, including digital billboards and excluding bench signs (see Section 1.4.5.2), shall be permitted only in the [insert appropriate district here, for example: General Commercial (GC) District]. Such signs shall not exceed three hundred (300) square feet per face, nor shall the face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following shall apply:

- (1) Minimum spacing shall be as follows:

Type of Highway	Minimum space from Interchange (in feet)	Minimum space between signs on same side of Highway (in feet)
Interstate Hwy	500	1000
Limited Access (Freeway)	500	1000
Other Roads	None	500

- (2) For the purpose of applying the spacing requirements of Section (1) above, the following shall apply:

- (a) Distances shall be measured parallel to the centerline of the highway; and
- (b) A back-to-back, double-faced or V-type sign shall be considered as one sign.

1.4.2.3 Location:

- A. Flat Wall Signs may be located on any wall of the building.
- B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and [fifteen (15)] feet above driveways or alleys.
- C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 1.4.1.2 B. and 1.4.2.2 F. may be located anywhere on the premises except as follows:
 - (1) A ground-mounted sign shall not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.
 - (2) A freestanding sign shall not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of [eight (8) feet six (6) inches] and provided the location complies with the Manual on Uniform Traffic Control Devices.



D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than [eight (8) feet six (6) inches (8' 6")]. The maximum vertical dimension of signs shall be determined as follows:

Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

E. Wall signs shall not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.

F. Permitted outdoor signs, including digital billboards, may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of-way.

G. No portion of a digital billboard shall be located within two hundred and fifty (250) linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

1.4.2.4 Height:

- A. Ground-mounted signs shall not exceed four (4) feet in height from ground level.
- B. Freestanding signs shall not exceed twenty-eight (28) feet in height from ground level.
- C. Outdoor signs, including digital billboards, shall not exceed thirty-five (35) feet in height from ground level.

1.4.2.5 Content:

- A. Any of the signs pursuant to this Section (1.4.2) may be changeable copy signs.
- B. The primary identification sign for each firm shall contain its street number. The street number shall be clearly visible from the street right-of-way.

1.4.2.6 Illumination:

Shall be as provided in Section 1.4.6.

1.4.3 Industrial

1.4.3.1 Scope:

This Section shall apply to the Industrial District.



1.4.3.2 Number and Size:

- A. One (1) sign for each street frontage, each with a maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage shall be permitted.
- B. One freestanding or ground-mounted sign not exceeding fifty (50) square feet per lot or parcel.
- C. The maximum size and number of signs that the owner or owners of an Industrial Park development may erect and maintain at the entrances to the development shall be controlled according to the following:
 - (1) A maximum of two (2) signs of three hundred (300) square feet per face shall be permitted for industrial parks or complexes of less than ten (10) acres;
 - (2) A maximum of three (3) signs of four hundred (400) square feet shall be permitted for complexes of ten (10) acres or more. More than three (3) signs may be approved through [a Type I procedure], provided the total sign area does not exceed twelve hundred (1200) square feet.

1.4.3.3 Location:

Shall be as provided in Section 1.4.2.3.

1.4.3.5 Illumination:

Shall be as provided in Section 1.4.6.

1.4.4 Agriculture and Forestry Signs

1.4.4.1 Scope:

This Section shall apply to the [insert appropriate language describing rural/agricultural and forestry areas] outside the [insert appropriate designation such as: Urban Growth Boundaries].

1.4.4.2 Size:

A maximum area of thirty-two (32) square feet per sign.

1.4.4.3 Location:

Signs shall be at least five (5) feet from a right-of-way, and shall be at least twenty-five (25) feet from an adjacent lot.

1.4.4.4 Illumination:

As provided in Section 1.4.6.

1.4.4.5 Maximum number of signs:



Acreage	No. of Signs
0 – 20	2
21 – 40	3
41 – 60	4
61 & over	5

1.4.5 Supplemental Criteria

1.4.5.1 Temporary Signs:

Temporary signs are subject to the following standards:

- A. Shall not on one property exceed a total of sixteen (16) square feet in area;
- B. Shall not be located within any dedicated right-of-way;
- C. Shall only be located on property that is owned by the person whose sign it is and shall not be placed on any utility pole, street light or similar object;
- D. Shall not be illuminated except as allowed in 1.4.1.6 or 1.4.6 based on the District in which the sign is located; and
- E. Shall be removed within fourteen (14) days after the election, sale, rental, lease or conclusion of event or if a different standard is required in Section 1.3.2 shall be removed within the time period required by that Section.

1.4.5.2 Bench Signs:

On street benches provided:

- A. The benches shall not be higher than four (4) feet above ground;
- B. Limited to fourteen (14) square feet in area;
- C. The benches are not located closer than five (5) feet to any street right-of-way line;
- D. Benches are located in a manner not to obstruct vision;
- E. Shall be included as part of the total permitted sign area of the premise on which it is located.

1.4.5.3 Integral Signs:

There are no restrictions on sign orientation including whether it is freeway-oriented. Integral sign shall not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but shall not be illuminated internally.

1.4.5.4 Private Traffic Direction:



Illumination of signs erected as required by the Manual on Uniform Traffic Control Devices shall be in accordance with Section 1.4.6. Horizontal directional signs flush with paved areas are exempt from these standards.

1.4.5.5 Original Art Display

Original art displays are allowed provided that they meet the following requirements:

- A. Located [designate where they are allowed such as: Urban Growth Boundary];
- B. Shall not be placed on a dwelling;
- C. Shall not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;
- D. Shall be no more than sixty-four (64) square feet in size, per lot or parcel;
- E. Compensation will not be given or received for the display of the original art or the right to place the original art on site; and
- F. Shall not be illuminated.

1.4.6 Illumination

No sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

1.4.6.1 No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

1.4.6.2 When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred (300) milliamperes rating for white tubing or one hundred (100) milliamperes rating for any colored tubing.

1.4.6.3 When fluorescent tubes are used for the interior illumination of a sign, such illumination shall not exceed:

A. Within Residential districts:

Illumination equivalent to four hundred twenty-five (425) milliamperes rating tubing behind a Plexiglas face with tubes spaced at least seven inches, center to center.

B. Within land use districts other than Residential:

Illumination equivalent to eight hundred (800) milliamperes rating tubing behind a Plexiglas face spaced at least nine (9) inches, center to center.

1.4.6.4 Digital billboards allowed pursuant to Section 1.4.2.2 G shall:



- A. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
- B. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;
- C. Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
- D. Change from one message to another message no more frequently than once every ten (10) seconds and the actual change process is accomplished in two (2) seconds or less;
- E. Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction; and
- F. Not be authorized until the Building Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital billboard.

1.4.7 Prohibited Signs

The following signs or lights are prohibited which:

- 1.4.7.1 Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
- 1.4.7.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;
- 1.4.7.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;
- 1.4.7.4 Are roof signs except as allowed in Section 1.4.5.4;
- 1.4.7.5 Are freeway-oriented signs;
- 1.4.7.6 Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti; or
- 1.4.7.6 Are portable signs.

1.4.8 Procedures

Applications for a sign permit shall be processed through [insert appropriate permitting procedure here].

1.4.9 Nonconformity and Modification



Except as provided in Section 1.4.9.2 of this Chapter, signs lawfully in existence on the date the provisions of this Code were first advertised, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained shall be regarded as nonconforming. Provided, however, a sign constructed during the period of time following the day on which the Supreme Court released its opinion in *Reed v. Town of Gilbert*, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015) and the date the provisions of this Code were first advertised for adoption shall not be considered a non-conforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the Supreme Court’s decision in *Reed v. Town of Gilbert*, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015).

*Comment: This section attempts to address two issues common to regulation. 1. The race to vest – often a person who sees a regulation being proposed attempts to establish a vested right before the regulation can take effect where notice and public hearing are required. This race to vest often leads to a flurry of activity that can be difficult to process and allows uses that are considered undesirable to flourish while the government attempts to limit them. Allowing an ordinance to apply to properties based on the date it is first advertised provides a more fair solution allowing the government to provide public notice and give thoughtful contemplation to the issues involved rather than engaging in a race to adopt a measure before its utility is thwarted by a rash of construction and that insures the limited effect on individual property owners and the community as whole that the public process embraces. 2. The effect of a regulated business enjoying a period where there is no regulation due to a court decision. Clearly, the Supreme Court did not aim to eliminate sign regulation; it only sought to eliminate content based sign regulation. Rather than allow the decision in *Reed v. Gilbert* to extend authority beyond its intent, the Model limits the effect of an unregulated period by recognizing that signs constructed during that period do not deserve protection from the application of the law.*

1.4.9.1 For the purpose of amortization, these signs may be continued from the effective date of this Code for a period not to exceed ten (10) years unless under a previous regulation the signs were to be amortized and in that case the amortization period shall be as previously required or ten years whichever is less.

1.4.9.2 Signs which were nonconforming to the prior Ordinance and which do not conform to this Code shall be removed immediately.

1.4.10 Compliance

Any sign which is altered, relocated, replaced or shall be brought immediately into compliance with all provisions of this Code.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0711 SHOPPING CENTER SIGNAGE WITH PERMIT

SEC. 66.0711 SHOPPING CENTER SIGNAGE WITH PERMIT

195	0.410	0.451	0.492
200	0.400	0.440	0.480
Over 200	0.390	0.429	0.468

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- (c) **Window Advertising.**
All businesses are allowed window advertising, which may be placed only on the inside of buildings and shall not exceed 25 percent of the glass area of the windows fronting on a public street. The advertising shall not include the store or business name. Window advertising as specified above shall not require a permit.
- (d) **Awning Signage.**
All businesses are allowed signage on awnings subject to permit. Awning signage may include logos, business names, symbols and wording placed only on the flap. Awning/canopy covering pedestrian or vehicle access areas signs shall provide no less than eight feet vertical clearance between the bottom of the sign and the ground, (finished surface), directly beneath the awning/canopy. Signage on awnings shall not count towards total signage.
- (e) **Directory Signage.**
One entrance directory sign for each separate tenant space in multi-tenant buildings may be placed on the building and each directory sign shall not exceed two square feet per side. In lieu of one entrance directory sign for each separate tenant space, a single wall sign may be permitted. The area of the wall sign shall be no larger than the cumulative amount of the permitted separate entrance directory signs. The in lieu of sign shall be in addition to the sign areas allowed in (b) above and shall conform to all of the requirements of this section.
- (f) **Certain Sandwich Board Signs.**
See Section 66.0713.
- (g) **Permitted Types of Signs.**
A business may divide the total permitted signage into any combination of the four types listed below, not to exceed the total permitted area limits set forth in (b) above.
 - (1) Wall signs placed flat against the exterior walls of a building shall not extend above the roofline. Wall signs shall not extend beyond the ends of the wall to which they are attached.
 - (2) Projecting signs fastened to, suspended from or supported by struc-

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- tures, shall not extend more than six feet into the required yard area, shall not extend into any public right-of-way, shall not extend over any driveway and, shall be at least ten feet from all side lot lines. The projecting sign shall not be located at a point higher than 75% of the wall measured from the top of the foundation where it is located.
 - (3) Ground signs shall not exceed eight feet in height. Ground signs shall be located at least ten feet from any street right-of-way and at least ten feet away from any side or rear lot line except as specified in (a) below. Ground signs shall comply with the traffic visibility requirements set forth in section 66.0401 [See page 81]. All ground signs shall include landscaping at the base of the sign.
 - a. In the B-3 Downtown Business District ground signs may be located no closer than ten feet from the face of the curb, if the existing building and/or terrain is not suitable for the setback as specified above.
 - b. All parcels shall be limited to one ground sign, regardless of the number of businesses, buildings on the site or the number of street frontages abutting the property.
 - (4) Vending machines.
Only vending machines without internal illumination are permitted in all business districts.
- Sec. 66.0711 Shopping Center Signage with Permit**
A shopping center is defined as a multi-tenant, multi-building commercial and retail development under common ownership or management that exceeds two acres in size and located in the B-1 zoning district. The shopping center may be permitted the following signage in addition to the approved building signage as specified in Section 66.0710.
- (a) **On Premise Master Identification Signage.**
A two master identification marque ground sign may be provided which displays the name of the shopping center, and may also include information such as, but limited to: names or lists of individual stores and the

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0712 BUSINESS OFF-PREMISE SIGNAGE WITH PERMIT

SEC. 66.0712 BUSINESS OFF-PREMISE SIGNAGE WITH PERMIT

- 1 hours of operation. Two marque master 54
 2 identification signs may be permitted along 55
 3 the State highway abutting a shopping center. 56
 4 The marque master identification signs 57
 5 shall not exceed 72 square feet per side in 58
 6 total area, and not exceed 12 feet in 59
 7 height. The location shall be approved by 60
 8 the Plan Commission prior to the issuance 61
 9 of a Sign Permit. 62
- 10 (b) Business or Tenant Signage. 63
 11 Signage specified in Section 66.0710(g)(1) 64
 12 and (2) may be provided for each individual 65
 13 tenant business in a shopping center. In 66
 14 a multi-tenant building, each business shall 67
 15 be permitted signage up to twelve (12) 68
 16 square feet per side. In a single tenant 69
 17 building the business shall be permitted 70
 18 signage up to sixteen (16) square feet per 71
 19 side on the interior of the shopping center 72
- 20 (c) Additional On Premise Identification Signage 73
 21 74
 22 One additional identification ground sign 75
 23 on the shopping center property may be 76
 24 permitted which displays the name of the 77
 25 shopping center subject to the following 78
 26 restrictions: 79
 27 (1) The maximum size of the sign shall 80
 28 not exceed 36 square feet per side. 81
 29 (2) The location shall be approved by 82
 30 the Plan Commission prior to the issuance 83
 31 of a Sign Permit. (Amended 84
 32 Ordinance 193-050312) 85
 86
 87
- 33 **Sec. 66.0712 Business Off-Premise Signage**
 34 **with Permit** 88
 35 This section shall only apply to businesses not 89
 36 located on a State highway. Off-premise directional 90
 37 signs shall only be allowed for businesses located 91
 38 within the Village limits. All off-premise signs 92
 39 shall require a sign permit and shall be restricted 93
 40 to the following uses: 94
 95
- 41 (a) Off-premise directional signs on Highway 96
 42 42 or 57. 97
 43 (1) Off-premise directional signs on 98
 44 State Highways 42 and 57 indicating 99
 45 the direction to a business not 100
 46 located on either state highway require 101
 47 a permit. 102
 48 (2) The basis of approval shall be as follows: 103
 49 104
 50 a. It is proven essential to have 105
 51 a sign to direct the traveling 106
 52 public to the correct highway 107
 53 turnoff.
- b. The sign must be located 108
 within 300 feet of the inter-
 section where the turn must
 be made.
- c. There shall be only one di-
 rectional sign for each such
 business.
- (3) Off-premise sign standards:
 a. All such directional signs
 shall be attached to the Vil-
 lage-owned common posting
 standard and shall not ex-
 ceed two square feet in area
 per side. The Village shall es-
 tablish the color and font for
 the directional sign.
- (b) Off-premise directional signs not located
on a state highway.
 (1) Off-premise directional signs on Vil-
 lage streets indicating the direction
 to a business require a permit.
 (2) The basis of approval shall be as fol-
 lows:
 a. It is proven essential to have
 a sign to direct the traveling
 public to the correct highway
 turnoff.
 b. The sign must be located
 within 300 feet of the inter-
 section where the turn must
 be made.
 c. There shall be only one di-
 rectional sign for each such
 business.
- (3) Off-premise sign standards:
 a. All such directional signs
 shall be attached to the Vil-
 lage-owned common posting
 standard and shall not ex-
 ceed two square feet in area
 per side. The Village shall es-
 tablish the color and font for
 the directional sign.
- (c) Other Off-premise signs.
 The purpose of this section is to allow Vil-
 lage businesses to place business signs off
 their property subject to the following con-
 ditions:
 (1) The applicant is not able to obtain a
 sign permit under subsection (a) or
 (b) above.
 (2) The sign shall comply with WisDOT
 Trans 201 Scenic Byways regula-
 tions.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0713 SANDWICH BOARD SIGNAGE WITH PERMIT

SEC. 66.0720 ON-PREMISE SIGNS WITHOUT PERMIT

- 1 (3) The applicant shall provide written 56
2 documentation from the landowner 57
3 demonstrating permission for the 58
4 location of the off-premise sign. 59
5 (4) The overall shape, height, material, 60
6 color and setback must have the 61
7 approval of the Plan Commission. 62
8 (5) The exact location of the sign shall 63
9 be approved by the Plan Commis- 64
10 sion. 65 (d) The sandwich board sign must be removed
11 (6) The overall size, shape, height, ma- 66 from its display location whenever the
12 terial, color and setback must have 67 business is not open. Festivals, non-profits,
13 the approval of the Plan Commis- 68 organizations and businesses under con-
14 sion. 69 tract with the Village may use sandwich
15 (7) Off-premise signs are not permitted 70 board signs on Village owned property or
16 in R-1, R-2, R-3 or R-4 districts. 71 other property for advertising purposes in
72 any district as permitted provided that the
73 sandwich board signs will not be located
74 on any sidewalk or bikeway if one is pre-
75 sent or in any public right-of-way. 76
77 (e) The Plan Commission shall establish a
78 Sandwich Board Design, Guide which will
79 reflect various preferred designs and col-
80 ors. The Guide shall be updated periodi-
81 cally. 82
83 (f) All existing sandwich board signs are con-
84 sidered temporary and are no longer per-
85 mitted after May 1, 2011. 86
87 (g) After May 1, 2011, the cost for a temporary
88 sandwich board sign permit shall be
89 \$20.00 except for existing sandwich board
90 permit holders. 91
- 17 **Sec. 66.0713 Sandwich Board Signage with**
18 **Permit**
19 Sandwich board signs are permitted subject to the
20 following conditions:
21 (a) Retail businesses and restaurants may use
22 sandwich board signs on their property in
23 front of their businesses for advertising
24 purposes in the B-1, B-2, B-3, I-1 and P-1
25 districts as permitted provided that the
26 sandwich board signs will not be located
27 on any sidewalk or bikeway if one is pre-
28 sent or in any public right-of-way.
29 (b) Sandwich board sign impact on total per-
30 mitted signage.
31 (1) A sandwich board where the mes-
32 sages and content change on a
33 weekly basis; noticing a special
34 event or other activity that is of a
35 short duration shall not count to-
36 wards the total signage allowed un-
37 der Section 77.0710. Any sign
38 wording that duplicates other per-
39 mitted or allowed signage on a
40 property other than the business
41 name is not permitted.
42 (2) A sandwich board where the word-
43 ing or image is unchanging shall
44 count towards the total signage al-
45 lowed under Section 77.0710. Any
46 sign wording that duplicates other
47 permitted or allowed signage on a
48 property other than the business
49 name is not permitted. Any sand-
50 wich board permitted under this
51 subsection shall also comply with
52 (c)–(g) below.
53 (c) The sandwich board sign must be located
54 in front of the business or restaurant and
55 cannot be located closer than ten feet to an
56 adjacent property or driveway, and will not
57 cause a hazard to traffic or adjoining prop-
58 erties. These signs shall require a permit
59 and shall not exceed six (6) square feet in
60 area on one side or 12 square feet on all
61 sides. No more than 25% percent of the
62 area on each side of the sign may be used
63 for name of the business.
64 (d) The sandwich board sign must be removed
65 from its display location whenever the
66 business is not open. Festivals, non-profits,
67 organizations and businesses under con-
68 tract with the Village may use sandwich
69 board signs on Village owned property or
70 other property for advertising purposes in
71 any district as permitted provided that the
72 sandwich board signs will not be located
73 on any sidewalk or bikeway if one is pre-
74 sent or in any public right-of-way.
75 (e) The Plan Commission shall establish a
76 Sandwich Board Design, Guide which will
77 reflect various preferred designs and col-
78 ors. The Guide shall be updated periodi-
79 cally.
80 (f) All existing sandwich board signs are con-
81 sidered temporary and are no longer per-
82 mitted after May 1, 2011.
83 (g) After May 1, 2011, the cost for a temporary
84 sandwich board sign permit shall be
85 \$20.00 except for existing sandwich board
86 permit holders.
- 87 **Sec. 66.0720 On-Premise Signs without Per-**
88 **mit**
89 Except as prohibited in section 66.0770 of this
90 chapter, the following signs are permitted in all
91 zoning districts without a permit, subject to the
92 following regulations:
93 (a) **Real estate signs.**
94 Real estate signs, not to exceed six square
95 feet in area on one side and 12 square feet
96 in area on all sides. Temporary real estate
97 signs shall be located no closer than ten
98 feet to any street right-of-way, nor closer
99 than ten feet to a side or rear lot line.
100 (b) **Election signs.**
101 Election campaign signs provided, that
102 permission shall be obtained from the
103 property owner, renter or lessee; and pro-
104 vided that such sign shall not be erected
105 prior to the first day of the "election cam-
106 paign period" as defined in Section §12.04
107 of the Wisconsin Statutes, and shall be re-
108 moved within seven days following the
109 election. No campaign sign shall be erect-

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0721 ON/OFF-PREMISE SIGNS WITHOUT PERMIT

SEC. 66.0721 ON/OFF-PREMISE SIGNS WITHOUT PERMIT

- 1 ed in a street right-of-way or on any utility 55
 2 poles. Campaign signs shall not be located 56
 3 within a vision clearance triangle, and 57
 4 shall not exceed 24 square feet in area on 58
 5 one side and 48 square feet in area on all 59
 6 sides. 60
- 7 (c) Rummage sale signs. 61
 8 Rummage sale and garage sale signs pro- 62
 9 vided that no such signs shall be erected or 63
 10 placed within a public right-of-way and 64
 11 further provided that such signs are re- 65
 12 moved within 12 hours following the sale. 66
- 13 (d) Bulletin boards. 67
 14 Bulletin boards for public, charitable or re- 68
 15 ligious institutions not to exceed four 69
 16 square feet in area on one side located on 70
 17 the building. 71
- 18 (e) Memorial signs. 72
 19 Memorial signs, tablets, names of build- 73
 20 ings, and date of erection when cut into 74
 21 any masonry surface or when constructed 75
 22 of metal and affixed flat against a structure. 76
- 23 (f) Official signs. 77
 24 Official signs, such as traffic control, park- 78
 25 ing restrictions, Village welcome signs and 79
 26 related entrance signs, and public notices 80
 27 when approved by the Zoning Administra- 81
 28 tor. 82
- 29 (g) Illuminated Open Signs. 83
 30 A single internally illuminated sign with 84
 31 the specific word "OPEN" not exceeding 85
 32 two square feet. 86
- 33 (h) Directional signs. 87
 34 On-premise directional signs such as "EN- 88
 35 TER," "EXIT," and "DO NOT ENTER" signs 89
 36 shall not exceed two square feet. 90
- 37 (i) Parking signs. 91
 38 Customer parking signs shall be mounted 92
 39 no less than four feet from the ground and 93
 40 shall not exceed 24 inches high by 30 94
 41 inches wide. The lower one-third of the 95
 42 sign shall be lettered with the words "Cus- 96
 43 tomer Parking" and may include a direc- 97
 44 tional arrow below. The upper two-thirds 98
 45 of the sign may be used for the business 99
 46 name or logo, but no other advertising 100
 47 message. 101
- 48 (j) Flags. 102
 49 One decorative flag, seasonal flag or flag 103
 50 containing words no larger than 15 square 104
 51 feet per side shall be permitted on a lot. No 105
 52 flagpole shall exceed 35 feet in height. 106
 53 There shall be no limit on the number or 107
 54 size of country, national, state, local or 108
- government affiliated flags displayed on a 109
 lot. 110
- 111
- (k) Restaurant Menu Boards.
 One menu board is allowed per restaurant.
 The maximum allowable size for a menu board is four square feet. If it is over four square feet in size the menu board's area shall be included in the total signage calculation. All menu boards must be mounted on the building and match the design of the building and/or any signage displayed on that building. Erasable blackboards or glass-enclosed cases are acceptable.
- (l) Temporary construction signs.
 Temporary construction signs such as a sign identifying a contractor, designer, or equipment provider may be placed on a construction site without a permit, provided that there shall be no more than one construction sign located on the premises; no sign shall exceed 18 square feet in area on one side or 36 square feet on all sides; and the construction sign shall be removed within 72 hours following the issuance of an occupancy permit. Temporary signs issued as part of a development agreement shall be removed as specified in that agreement.
- 84 **Sec. 66.0721 On/Off-Premise Signs without**
 85 **Permit**
- (a) Seasonal signs.
 Seasonal signs advertising the sale of seasonal products, including Christmas trees and pumpkins, provided that:
- (1) Only one sign per business site will be allowed.
 - (2) The sign shall be set back a minimum of 10 feet from all lot lines.
 - (3) The sign area shall not exceed 24 square feet.
 - (4) The sign shall not exceed six feet in height.
 - (5) The sign shall not be posted for more than 30 consecutive days in any calendar year.
- (b) Special Event and Fund Raising Signage.
 The temporary use of banners, balloons, inflatable signs, streamers, pennants, and other similar signage used for special event, fund raising and other advertising purposes in any district may be allowed provided that the advertising media will not be located on any sidewalk or bikeway

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0722 OTHER ON/OFF-PREMISE SIGNS WITH PERMIT

SEC. 66.0731 COUNTRYSIDE DISTRICT SIGNAGE WITH PERMIT

1 if one is present or in any public right-of-
 2 way. Special events or other advertising for
 3 businesses shall be covered under Section
 4 66.0722(a) below. The signs cannot be
 5 erected more than 14 days before the event
 6 and must be removed within 2 days after
 7 the event. The property owner must grant
 8 permission in writing for the placement of
 9 the sign/media. The sign/media, will not be
 10 located closer than ten feet to an adjacent
 11 property; driveway, and will not cause a
 12 hazard to traffic or adjoining properties.
 13 These sign/media shall not require a permit
 14 and shall not exceed 24 square feet in area
 15 on one side or 48 square feet on all sides.
 16 (c) Failure to Comply with Standards.
 17 Any group, business or entity utilizing (a)
 18 or (b) above that fails to follow the stand-
 19 ards shall be notified in writing that all fu-
 20 ture seasonal, special event and fund rais-
 21 ing signage shall require a regular sign
 22 permit.

23 **Sec. 66.0722 Other On/Off-Premise Signs**
 24 **with Permit**

25 (a) Long Duration Special Event and Fund
 26 Raising Signage.
 27 The temporary use of banners, balloons,
 28 inflatable signs, streamers, pennants, and
 29 other similar signage used for special event
 30 or fund raising and other advertising pur-
 31 poses in any district may be permitted pro-
 32 vided that the advertising media will not be
 33 located on any sidewalk or bikeway if one
 34 is present or in any public right-of-way.
 35 The signs cannot be erected more than 45
 36 days in a calendar year and must be re-
 37 moved within 2 days after the event. The
 38 property owner must grant permission in
 39 writing for the placement of the
 40 sign/media. The sign/media, will not be lo-
 41 cated closer than ten feet to an adjacent
 42 property; driveway, and will not cause a
 43 hazard to traffic or adjoining properties.
 44 These sign/media shall require a permit
 45 and shall not exceed 24 square feet in area
 46 on one side or 48 square feet on all sides.
 47 (b) Time and Temperature signs.
 48 Time and Temperature signs require a
 49 permit but may be erected as wall signs,
 50 projecting signs, monument signs, or free-
 51 standing signs, provided that they meet the
 52 requirements for each of those sign types.
 53 The area of the time and temperature sign
 54 shall be included in the total permitted
 55 signage.

56 (c) Changeable copy signs.
 57 Changeable copy signs, fixed or moveable,
 58 may be permitted for theaters, churches
 59 and schools. If approved by the Plan
 60 Commission, gas station price signs will be
 61 considered permitted addition signage.

62 **Sec. 66.0730 Residential Districts Signage**
 63 **with Permit**

64 The following signs are permitted in any residen-
 65 tial district and are subject to the following regula-
 66 tions:

- 67 (a) Residential development signs.
 68 Single family, two family and multifamily
 69 residential development signs, not to ex-
 70 ceed six feet in height and 24 square feet
 71 in area on one side and 48 square feet in
 72 area on all sides, placed at the entrance to
 73 a subdivision or development. The sign
 74 shall be located no closer than ten feet to
 75 any street right-of-way, nor closer than ten
 76 feet to any side or rear lot line.
- 77 (b) Temporary development signs.
 78 Temporary development signs for the pur-
 79 pose of designating a new building or de-
 80 velopment, or for promotion of a subdivi-
 81 sion may be permitted for a limited period
 82 of time provided that the sign shall not ex-
 83 ceed 18 square feet in area on one side
 84 and 36 square feet in area on all sides and
 85 shall be located not closer than ten feet
 86 from any street right-of-way, nor closer
 87 than ten feet to any side or rear lot line.
 88 The Plan Commission shall specify the pe-
 89 riod of time the sign may remain based on
 90 the size of the development allowing a rea-
 91 sonable time to market the development
 92 provided that the sign shall not be in place
 93 for more than 60 days of the issuance of an
 94 occupancy permit. Projects covered by a
 95 development agreement shall specify the
 96 date for the removal of the sign.
- 97 (c) Home occupations signs.
 98 Home occupation, cottage rental and pro-
 99 fessional home office signs not to exceed
 100 three square feet in area. The signs shall be
 101 set back at least six feet from the nearest
 102 property line and shall not be over five feet
 103 above the ground. No more than one such
 104 sign for each use located on the premises
 105 shall be permitted.
- 106 (d) Other signs.
 107 Signs over show windows or doors or a
 108 non-conforming business establishment
 109 announcing without display or elaboration



VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0731 COUNTRYSIDE DISTRICT SIGNAGE WITH PERMIT

SEC. 66.0750 SIGN PERMIT

- 1 only the names and occupation of the pro- 54
 2 priator and not to exceed eight square feet 55
 3 in area. 56 (5) Such signs shall be permitted sub- 57
 4 **Sec. 66.0731 Countryside District Signage**
 5 **with Permit** 58 **Sec. 66.0750 Sign Permit**
 6 The following on-premise signs are permitted in 59 Application for a sign permit shall be made on
 7 the CS-1 district: 60 forms provided by the Zoning Administrator and
 8 (a) All signs permitted in the residential dis- 61 shall contain or have attached thereto at least the
 9 tricts. 62 following information:
 10 (b) On-premise signs advertising a public or 63 (a) Name, address and telephone number of
 11 semipublic use or a legal non-conforming 64 the applicant. Location of building, struc-
 12 business establishment, which do not ex- 65 ture, or lot to which or upon which the
 13 ceed 24 square feet in area. There shall be 66 sign is to be attached or erected.
 14 no more than one such sign for each high- 67 (b) Name of person, firm, corporation, or as-
 15 way upon which the property faces. If at- 68 sociation erecting the sign.
 16 tached to the building, such signs shall be 69 (c) In cases where more than one business oc-
 17 no higher than the roofline. If located on 70 cupies a single building, the assignment of
 18 the ground, such signs shall not be higher 71 on-building sign area to the various busi-
 19 than eight feet above the ground. 72 nesses shall be at the discretion of the
 20 (c) Ground signs advertising the sale of farm 73 property owner. This allocation shall be
 21 products produced on the premises, which 74 specified in the Sign Application.
 22 do not exceed 24 square feet in area on 75 (d) Written consent of the owner or lessee of
 23 one side or 48 square feet on all sides. 76 the building, structure, or land to which or
 24 **Sec. 66.0732 Institutional and Park Districts** 77 upon which the sign is to be affixed.
 25 **Signage with Permit** 78 (e) A scale drawing of such sign indicating the
 26 The following signs are permitted in the Institu- 79 dimensions, the materials to be used, the
 27 tional and Park districts and are subject to the fol- 80 colors on the sign, the type of illumination,
 28 lowing regulation: 81 if any, and the method of construction and
 29 (a) Private and public institutional and park 82 attachment. The drawing shall be drawn at
 30 name signs when approved by the Plan 83 a scale no smaller than one-eighth inch
 31 Commission. 84 equals one foot and shall be prepared,
 32 (b) Signs containing advertising for placement 85 signed and sealed by a registered profes-
 33 on publicly owned land shall meet the fol- 86 sional engineer when required by the Zon-
 34 lowing criteria: 87 ing Administrator.
 35 (1) Such signs shall be securely fast- 88 (f) A scale drawing indicating the location
 36 ened, constructed and continuously 89 and position of such sign in relation to
 37 maintained in such a manner as to 90 nearby buildings or structures. The drawing
 38 prevent damage from the natural el- 91 shall be at a scale no smaller than one inch
 39 ements. 92 equals 50 feet.
 40 (2) Such signs shall be located in such 93 (g) Copies of any other permits required.
 41 a manner to minimize visual im- 94 (h) Signs requiring state approval shall provide
 42 pacts to areas located outside of the 95 a copy of such approval with the sign per-
 43 park facilities. 96 mit application.
 44 (3) Such signs shall be permitted for the 97 (i) Additional information may be required by
 45 sole purpose of generating funds for 98 the Zoning Administrator or Plan Commis-
 46 Village authorized programs and fac- 99 sion.
 47 ilities. In all cases, the overall aes- 100 (j) Sign permit applications shall be filed with
 48 thetics of the park and the surround- 101 the Zoning Administrator after review and
 49 ing area shall be significant consid- 102 approval by the Plan Commission, if re-
 50 eration in the placement and design 103 quired, who shall review the application
 51 of the signs. 104 for its completeness and accuracy and ap-
 52 (4) An agreement between the Village 105 prove or deny the application, in writing,
 53 and the sign sponsor shall be exe- 106 within 15 working days after submittal. A
 107 sign permit shall become invalid, if work

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0751 CONSTRUCTION STANDARDS

SEC. 66.0753 MEASURING SIGNS

<p>1 authorized under the permit has not been 2 completed within six months of the date of 3 issuance.</p> <p>4 (k) At the time of the filing of the application 5 for a permit, the applicant shall furnish to 6 the Zoning Administrator the fee for the 7 permit in accordance with the current fee 8 schedule set by the Village Board.</p> <p>9 (l) The Commission may specify the size, col- 10 or, shape, construction and location of the 11 signs as conditions of the permit.</p> <p>12 (m) Waiver of some requirements. 13 The Zoning Administrator may waive the 14 requirements for certain plans, specifica- 15 tion, data, or drawings when the applica- 16 tion is to execute minor alterations or re- 17 pairs to a sign, provided that the proposed 18 construction, alteration, or repair is suffi- 19 ciently described in the application for the 20 permit.</p> <p>21 (n) The sign permit fee shall be established 22 annually by the Village.</p> <p>23 Sec. 66.0751 Construction Standards</p> <p>24 (a) <u>Sign Materials.</u> 25 Signs should be constructed predominantly 26 of natural materials, such as rough cedar, 27 pine or other types of wood. Stained glass 28 may also be used. Manufactured materials 29 that give the appearance of natural materi- 30 als are also permitted. Signs with relief are 31 encouraged. Supporting members or bracs- 32 es of all signs shall be constructed of ap- 33 proved materials.</p> <p>34 (b) <u>Covering Architectural Details.</u> 35 Signs shall not cover architectural details 36 such as, but not limited to arches, sills, 37 moldings, cornices and transom windows. 38 It may be required that existing signboards 39 or sign bands be used for placement of 40 signs.</p> <p>41 (c) <u>Construction Standards.</u> 42 The applicant shall be responsible for ob- 43 taining the necessary permits to comply 44 with Village and State building, electric 45 and WisDOT codes.</p> <p>46 (d) <u>Protection of the public.</u> 47 The temporary occupancy of a sidewalk or 48 street or other public property during con- 49 struction, removal, repair, alteration or 50 maintenance of a sign is permitted provid- 51 ed the space occupied is roped off, fenced 52 off or otherwise isolated. The Zoning Ad- 53 ministrator shall be notified at least 24 54 hours in advance of such proposed ob- 55 struction. 56</p>	<p>57 (e) <u>Sign Location Affecting Egress</u> 58 No signs or any part thereof or sign an- 59 chors, braces, or guide rods shall be at- 60 tached, fastened, or anchored to any fire 61 escape, fire ladder, or standpipe and no 62 such sign or any part of any such sign or 63 any anchor, brace or guide rod shall be 64 erected, put up, or maintained so as to 65 hinder or prevent ingress or egress through 66 such door, doorway, or window or so as to 67 hinder or prevent the raising or placing of 68 ladders against such building by the Fire 69 Department, as necessity may require.</p> <p>70 Sec. 66.0752 Color and Lighting</p> <p>71 (a) The Plan Commission shall approve and 72 maintain appropriate sign colors. For all 73 signs, the Zoning Administrator shall main- 74 tain samples of the approved colors.</p> <p>75 (b) Signs shall not resemble, imitate or approx- 76 imate the shape, size, form or color of traf- 77 fic signs, signals or devices. Signs may be 78 illuminated, but non-flashing.</p> <p>79 (c) Signs in residential districts shall not be il- 80 luminated.</p> <p>81 (d) No sign shall be illuminated except as fol- 82 lows: 83 (1) Natural illumination or background 84 illumination from street lighting or 85 parking lot lighting. 86 (2) Shielded spotlights designed to fo- 87 cus the light only on the sign. 88 (3) The maximum permitted illumina- 89 tion on the face shall not exceed 90 five foot-candles.</p> <p>91 (e) Searchlights may not be used in the Village 92 without a permit. The Plan Commission 93 may permit the temporary use of a search- 94 light for advertising purposes in business 95 districts, provided that the searchlight will 96 not be located in any public right-of-way, 97 will not be located closer than twenty feet 98 to an adjacent property, and will not cause 99 a hazard to traffic or adjoining properties. 100 Searchlight permits shall not be granted for 101 a period of more than five days in any six- 102 month period. If, however, representatives 103 of federal, state or local government agen- 104 cies wish to operate a searchlight in the 105 Village for official business, no permit will 106 be required.</p> <p>107 Sec. 66.0753 Measuring Signs</p> <p>108 (a) <u>Area of Sign.</u> 109 Measurement of sign area shall be calcu- 110 lated as the sum of the area within the 111 smallest regular rectangle that will encom- 114</p>
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VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0754 MAINTENANCE OF SIGNS

SEC. 66.0754 MAINTENANCE OF SIGNS

- 1 pass all elements of the actual sign face, 57
 2 including any writing, logos, representa- 58
 3 tions, emblems, or any figures or similar 59
 4 characters, together with any material 60
 5 forming an integral part of the display or 61
 6 forming the backing surface or background 62
 7 on which the message or symbols are dis- 63
 8 played.
 9 (b) Wall Sign.
 10 For a sign painted on or applied to a build- 64
 11 ing or to a freestanding wall, the area shall 65
 12 be considered to include all lettering, 66
 13 wording, and accompanying designs or 67
 14 symbols, together with any background of 68
 15 a different color than the natural color, or 69
 16 finish material of the building or architec- 70
 17 tural wall. The architectural wall shall be 71
 18 subject to Plan Commission approval of 72
 19 the site and landscaping plan. The main 73
 20 supporting sign structure (i.e., brackets, 74
 21 posts, foundation, etc.) shall not be includ- 75
 22 ed in the area measurement. 76
 23 (c) Letter Signs.
 24 The gross surface area of a skeleton letter 77
 25 wall sign consisting of individual letters 78
 26 and/or symbols shall be determined by 79
 27 calculating the horizontal length of the 80
 28 combined areas of the smallest rectangles, 81
 29 which encompass each word, letter, figure 82
 30 and emblem on the sign by the vertical 83
 31 height of the outside dimensions of the 84
 32 whole sign. 85
 33 (d) Two-sided Sign.
 34 When a sign has two or more faces, the area 86
 35 of all faces shall be included in deter- 87
 36 mining the area, except that where two 88
 37 faces are placed back to back and the angle 89
 38 between the faces measures 45 degrees 90
 39 or less, the total sign area shall be comput- 91
 40 ed by measuring the square footage of a 92
 41 single face. When the angle between sign 93
 42 faces measures greater than 45 degrees, the 94
 43 total sign area shall be computed by add- 95
 44 ing the square footage of each face. 96
 45 (e) Sign height.
 46 Maximum or minimum sign height shall be 97
 47 measured from the ground surface adjacent 98
 48 to the center of the bottom of the structure 99
 49 supporting the sign to the top of the sign 100
 50 surface being regulated. 101
 51 (f) Length of Lineal Building Front Foot.
 52 The length of the front wall of the building 102
 53 adjacent and parallel or closely parallel to 103
 54 any abutting street or public right-of-way. If 104
 55 the building is located on a corner lot then 105
 56 the side of the building used for addressing 106
 107
 108
 109
 110
 111
 112
 115
- purposes shall be deemed the front of the building. If the front of the building is uneven then that portion of the building that is adjacent and parallel to the abutting street that is within 25 feet of the primary front wall shall be included in the total length of the lineal building front foot.
- Sec. 66.0754 Maintenance of Signs**
- (a) Maintenance and repair.
 Every sign, including, but not limited to those signs for which permits are required, shall be maintained in safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning, and other acts required for the maintenance of such sign.
- (b) Compliance standards.
 The Zoning Administrator shall require compliance with all standards of this section. If the sign is not modified to comply with the standards outlined in this section, the Zoning Administrator shall require its removal in accordance with subsection (d) of this section.
- (c) Abandoned signs.
 All signs or messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertises is no longer conducted or, for an off-premise sign, when the lease payment and rental income are no longer provided, unless there is evidence that the owner or agent is marketing the property for sale or lease. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 30 days written notice to remove such sign. Upon failure of the owner or lessee to comply with this notice, the Village may cause the sign to be removed and all costs of such removal shall be collected as a special assessment on the next succeeding tax roll.
- (d) Deteriorated or dilapidated signs.
 The Zoning Administrator shall give the owner or lessee of any premises on which a deteriorated or dilapidated sign is located, 60 days written notice to repair any deteriorated or dilapidated signs and remove such condition, without enlarging or structurally altering such signs.
- (1) If it is determined that such deteriorated or dilapidated signs cannot be repaired without structurally altering

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0770 PROHIBITED SIGNS

SEC. 66.0780 LEGAL NON-CONFORMING SIGNS

1	or changing the sign, then the own-	56			
2	er or lessee of such sign shall obtain	57			
3	a permit from the Zoning Adminis-	58			
4	trator for such changes or altera-	59			
5	tions.	60			
6	(2) Upon failure of the owner or lessee	61			
7	to comply with the notice set forth	62			
8	in subsection (c) of this section, or	63			
9	in the event of the failure of the	64			
10	owner or lessee to obtain a permit	65			
11	as set forth in section 66.0750, [See	66			
12	page 113] the Village may cause the	67			
13	sign to be removed and all costs of	68			
14	such removal shall be collected as a	69			
15	special assessment on the next suc-	70			
16	ceeding tax roll.	71			
17	Sec. 66.0770 Prohibited Signs	72			
18	The following signs are prohibited in all districts:	73			
19	(a) Abandoned signs.	74			
20	Any sign advertising or identifying a busi-	75			
21	ness or organization, which is either de-	76			
22	funct or no longer located on the premises.	77			
23	Exceptions are granted to landmark signs,	78	(h) Inflatable advertising devices or signs.		
24	which may be preserved and maintained	79	(i) Changeable copy signs, fixed or moveable,		
25	even if they no longer pertain to the pre-	80	except for theaters, churches, schools or		
26	sent use of the premises.	81	gas station price signs.		
27	(b) Flashing, alternating, rotating or swinging	82	(j) Murals or other artwork painted or applied		
28	signs or devices, whether illuminated or	83	to a building		
29	not, visible from the right-of-way.	84	(k) Billboard signs larger than the maximum		
30	(c) Floodlighted or reflection illuminated signs	85	permitted square footage per face.		
31	of which the light source is positioned so	86	(l) Painted wall signs, which are painted di-		
32	that its light sources is visible from a public	87	rectly on the surface of the building.		
33	right-of-way by the vehicular traffic or	88	(m) Signs taller than eight feet in height.		
34	which the light source is visible from ad-	89	(n) No beacons or laser lights used for promo-		
35	joining property.	90	tional display.		
36	(d) Internally illuminated signs, neon and back	91	(o) A "V" sign shall be prohibited unless the		
37	lighted signs other than OPEN signs.	92	backs of both signs display no letters or		
38	(e) Flashing signs, signs with an intermittent or	93	symbols and are landscaped to screen their		
39	flashing light source, signs containing mov-	94	backsides.		
40	ing parts, and signs containing reflective	95	(p) Reflective lights.		
41	elements, which sparkle or twinkle in the	96	(q) Mobile signs unless permitted as a tempo-		
42	sunlight.	97	rary use.		
43	(f) Electronic message centers, variable mes-	98	(r) Signs on vehicles. No persons shall park		
44	sage signs that utilize computer generated	99	any vehicle or trailer on a public right-of-		
45	messages or some other electronic means	100	way or public property or on private prop-		
46	of changing copy, including displays using	101	erties so as to be seen from a public right-		
47	incandescent lamps, LED's, LCD's or a	102	of-way which has attached thereto or lo-		
48	flipper matrix.	103	cated thereon any sign or advertising de-		
49	(g) Unclassified signs:	104	vice for the basic purpose of providing ad-		
50	(1) That is a hazard or dangerous dis-	105	vertisement of projects or directing people		
51	traction to vehicular traffic or a nui-	106	to a business activity located on the same		
52	sance to adjoining residential prop-	107	or nearby property or any other premises.		
53	erty.	108	This section shall not prohibit "For Sale"		
54	(2) No sign shall resemble, imitate or	109	signs on vehicles for sale, provided the ve-		
55	approximate the shape, size, form	110	hicle is not parked on a public right-of-		
		111	way.		

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0780 LEGAL NON-CONFORMING SIGNS

SEC. 66.0791 COMPLIANCE

- 1 (s) No sign shall be located, erected, moved, 57
 2 reconstructed, extended, enlarged, 58
 3 converted or structurally altered in the Wet- 59
 4 land W-1 district. 60
- 5 **Sec. 66.0780 Legal Non-conforming Signs** 61
- 6 (a) Notification of non-conformance. 62
 7 Upon determination that a sign is non- 63
 8 conforming, the sign administrator shall 64
 9 use reasonable efforts to so notify, in writ- 65
 10 ing, the user or owner of the property on 66
 11 which the sign is located of the following: 67
 12 (1) The sign's non-conformity. 68
 13 (2) Whether the sign is eligible for 69
 14 characterization as a legal non- 70
 15 conforming sign or is unlawful. 71
 16 (b) Signs eligible for characterization as legal 72
 17 non-conforming. 73
 18 Any sign located within the Village limits 74
 19 or located in an area annexed to the Vil- 75
 20 lage hereafter, which does not conform to 76
 21 the provisions of this chapter, is eligible for 77
 22 characterization as a legal non-conforming 78
 23 sign and is permitted, providing it also 79
 24 meets the following requirements: 80
 25 (1) The sign was covered by a sign 81
 26 permit prior to the date of adoption 82
 27 of the prior zoning ordinance, this 83
 28 ordinance or amendment. 84
 29 (2) If no permit was required by the Vil- 85
 30 lage at the time, the sign was erect- 86
 31 ed, and the sign was not changed or 87
 32 altered after the effective date of this 88
 33 ordinance or a prior zoning ordi- 89
 34 nance in a manner that under this 90
 35 chapter would have caused a loss of 91
 36 non-conforming status. 92
 37 (3) An existing sign located closer than 93
 38 ten feet to the street right-of-way in 94
 39 the B-3 district shall not be deemed 95
 40 non-conforming solely on that basis. 96
 41 (4) Any existing pole sign as of No- 97
 42 vember 13, 2004, taller than eight 98
 43 feet shall be deemed non- 99
 44 conforming after January 1, 2015 100
 45 and may be replaced at its existing 101
 46 height, but with the sign in compli- 102
 47 ance with section 66.0710. 103
- 48 (c) Loss of legal non-conforming status. 104
 49 A sign loses its legal non-conforming status 105
 50 when any one of the following occurs: 106
 51 (1) The sign is structurally altered in 107
 52 any way, except for normal mainte- 108
 53 nance or repair, which tends to or 109
 54 makes the sign less in compliance 110
 55 with the requirements of this section 111
 56 then it was before alteration. 112
- (2) The sign is damaged to such an extent that the cost to repair or reconstruct such sign exceeds 50 percent of the assessed value of the sign.
- (3) The design, logo or wording of the sign is altered.
- (4) The replacement of a non-conforming sign with an identical sign may be allowed, subject to obtaining a permit. The new sign must utilize permitted materials.
- (d) Legal non-conforming sign maintenance and repair.
 Nothing in this section shall relieve the owner or user of a legal non-conforming sign, or the owner of the property in which the sign is located, from the provisions of this section regarding safety, maintenance and repair of the sign. All work, including repainting, requires a permit.
- 77 **Sec. 66.0790 Historic Signs**
- (a) Signs of historic significance which make a contribution to the cultural, historic or aesthetic quality of the Village because of their unique construction materials or **unique design**, unusual age, prominent location within the Village, or unique craftsmanship from another period of time may be exempted from any or all size, height, animation, lighting, or setback requirements of the section, when the Plan Commission finds the following conditions exist:
- (1) The sign is of exemplary technology, craftsmanship, or design of the period in which it was constructed; uses historic sign materials (wood, metal, or paint applied directly to a building) and means of illumination (neon or incandescent fixtures); and is not significantly altered from its historic period. If the sign has been altered, it must be restored to its historic function and appearance.
- (2) The sign is integrated into the architecture of a period building.
- (3) A sign not meeting the criteria listed above may be considered if it demonstrates extraordinary aesthetic quality, creativity or innovation in design.
- (b) Historic signs are exempt from the requirements of section 66.0780 "Legal Non-conforming Signs." [See page 117]

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0791 COMPLIANCE

SEC. 66.0791 COMPLIANCE

1 Sec. 66.0791 Compliance

2 Except as otherwise authorized, no sign visible
 3 from a state or county road, from any Village
 4 street, from a private street, from a public parking
 5 lot, from a private parking lot, from the water or
 6 from any adjacent property shall be located,
 7 erected, moved, repainted with different colors,
 8 reconstructed, extended, enlarged or structurally
 9 altered, including the placement of various com-
 10 ponents of the sign, until a permit has been re-
 11 viewed and approved by the Plan Commission or
 12 designated representative and a permit has been
 13 issued to the property owner or building occupant
 14 by the Zoning Administrator. Signs located on a
 15 property or location with multiple buildings or
 16 businesses under common or separate ownership
 17 shall not be exempt from the requirements of this
 18 Code. Additions to and alterations of existing
 19 signs and support structures require a new permit.

20 Note: This entire section was revised by Ordi-
 21 nance 185-041211.

22

23

1. Is this a content based ordinance- Do you need to read the sign to determine whether it's governed by this ordinance?
2. What is the point of this specific regulation?
3. Is that a compelling government interest that would withstand the test of strict scrutiny?
4. Safety and aesthetics- is the ordinance under or overinclusive?

Sec. 66.0713 Sandwich Board Signage with Permit

Sandwich board signs are permitted subject to the following conditions:

- (a) Retail businesses and restaurants may use sandwich board signs on their property in front of their businesses for advertising purposes in the B-1, B-2, B-3, I-1 and P-1 districts as permitted provided that the sandwich board signs will not be located on any sidewalk or bikeway if one is present or in any public right-of-way.
- (a) Sandwich board sign impact on total permitted signage.
 - (1) A sandwich board where the messages and content change on a weekly basis; noticing a special event or other activity that is of a short duration shall not count towards the total signage allowed under Section 77.0710. Any sign wording that duplicates other permitted or allowed signage on a property other than the business name is not permitted.
 - (2) A sandwich board where the wording or image is unchanging shall count towards the total signage allowed under Section 77.0710. Any sign wording that duplicates other permitted or allowed signage on a property other than the business name is not permitted. Any sandwich board permitted under this subsection shall also comply with (c)–(g) below.

The sandwich board sign must be located in front of the business or restaurant and cannot be located closer than ten feet to an adjacent property or driveway, and will not cause a hazard to traffic or adjoining properties. These signs shall require a permit and shall not exceed six (6) square feet in area on one side or 12 square feet on all sides. No more than 25% percent of the area on each side of the sign may be used for name of the business.

The sandwich board sign must be removed from its display location whenever the business is not open. Festivals, non-profits, organizations and businesses under contract with the Village may use sandwich board signs on Village owned property or other property for advertising purposes in any district as permitted provided that the sandwich board signs will not be located on any sidewalk or bikeway if one is present or in any public right-of-way.

The Plan Commission shall establish a Sandwich Board Design, Guide which will reflect various preferred designs and colors. The Guide shall be updated periodically.

All existing sandwich board signs are considered temporary and are no longer permitted after May 1, 2011.

After May 1, 2011, the cost for a temporary sandwich board sign permit shall be \$20.00 except for existing sandwich board permit holders.

Sec. 66.0720 On-Premise Signs without Permit

Except as prohibited in section 66.0770 of this chapter, the following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- (a) Real estate signs.

Comment [WT1]: Have to read the sign to determine whether it's duplicative but is this content based?

Real estate signs, not to exceed six square feet in area on one side and 12 square feet in area on all sides. Temporary real estate signs shall be located no closer than ten feet to any street right-of-way, nor closer than ten feet to a side or rear lot line.

Comment [WT2]: Signs posted near homes? Near new homes?

(b) Election signs.

Election campaign signs provided, that permission shall be obtained from the property owner, renter or lessee; and provided that such sign shall not be erected prior to the first day of the "election campaign period" as defined in Section §12.04 of the Wisconsin Statutes, and shall be removed within seven days following the election. No campaign sign shall be erected in a street right-of-way or on any utility poles. Campaign signs shall not be located within a vision clearance triangle, and shall not exceed 24 square feet in area on one side and 48 square feet in area on all sides.

Comment [WT3]: Any sign posted in the time frame leading up to an election?

(c) ~~Rummage sale~~ Yard signs.

~~Rummage sale and garage sale~~ Yard signs provided that no such signs shall be erected or placed within a public right-of-way ~~and further provided that such signs are removed within 12 hours following the sale.~~

(d) Bulletin boards.

~~All~~ Bulletin boards ~~for public, charitable or religious institutions~~ not to exceed four square feet in area on one side located on the building.

(e) ~~Memorial~~ Signs cut into buildings.

~~Memorial signs, tablets, names of buildings, and date of~~ erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(f) Official signs.

Official signs, such as traffic control, parking restrictions, Village welcome signs and related entrance signs, and public notices when approved by the Zoning Administrator.

Comment [WT4]: I think this can say the same because it is in the public interest and goes towards public safety

(g) Illuminated ~~Open~~ Signs.

A single internally illuminated sign ~~with the specific word "OPEN"~~ not exceeding two square feet.

(h) Directional signs.

On-premise directional signs such as "ENTER," "EXIT," and "DO NOT ENTER" signs shall not exceed two square feet.

Comment [WT5]: Public Safety, but what's the reason for the size restriction- can say any on premise signs cannot exceed X amount of feet

(i) Parking signs.

Customer parking signs shall be mounted no less than four feet from the ground and shall not exceed 24 inches high by 30 inches wide. The lower one-third of the sign shall be lettered with the words "Cus-

Comment [WT6]: Why

toomer Parking” and may include a directional arrow below. The upper two-thirds of the sign may be used for the business name or logo, but no other advertising message.

Comment [WT7]: Change to “any parking lot signs”?

(j) Flags.

One ~~decorative flag, seasonal flag or flag containing words~~ no larger than 15 square feet per side shall be permitted on a lot. No flagpole shall exceed 35 feet in height. ~~There shall be no limit on the number or size of country, national, state, local or government affiliated flags displayed on a lot.~~

Comment [WT8]: Either all the signs are allowed or none are allowed- cant claim some are necessary for beautifying the town while others aren't

(k) Restaurant ~~Menu Boards~~ signs.

~~One menu board is allowed per restaurant.~~ The maximum allowable size ~~for a menu board~~ is four square feet. If it is over four square feet in size ~~the menu board's, the sign's~~ area shall be included in the total signage calculation. All ~~menu boards~~ must be mounted on the building and match the design of the building and/or any signage displayed on that building. Erasable blackboards or glass-enclosed cases are acceptable.

(l) Temporary construction signs.

Temporary construction signs ~~such as a sign identifying a contractor, designer, or equipment provider~~ may be placed on a construction site without a permit, provided that there shall be no more than one construction sign located on the premises; no sign shall exceed 18 square feet in area on one side or 36 square feet on all sides; and the construction sign shall be removed within 72 hours following the issuance of an occupancy permit. Temporary signs issued as part of a development agreement shall be removed as specified in that agreement.

Sec. 66.0721 On/Off-Premise Signs without Permit

(a) Seasonal signs.

Seasonal signs advertising the sale of seasonal products, including Christmas trees and pumpkins, provided that:

- (1) Only one sign per business site will be allowed.
 - (2) The sign shall be set back a minimum of 10 feet from all lot lines.
 - (3) The sign area shall not exceed 24 square feet.
 - (4) The sign shall not exceed six feet in height.
 - (5) The sign shall not be posted for more than 30 consecutive days in any calendar year.
- (b) Special Event and Fund Raising Signage.

Comment [WT9]: This whole thing seems so arbitrary- take the whole thing out- if for aesthetics need a content neutral way of regulating otherwise it shouldn't be in here

The temporary use of banners, balloons, inflatable signs, streamers, pennants, and other similar signage ~~used for special event, fund raising and other advertising purposes~~ in any district may be allowed provided that the ~~advertising media signs~~ will not be located on any sidewalk or bikeway if one is present or in any public right-of-way. Special events or other advertising for businesses shall be covered under Section 66.0722(a) below. ~~The signs cannot be erected more than 14 days before the event and must be removed within 2 days after the event.~~ The property owner must grant permission in writing for the placement of ~~the any~~ sign/media. The sign/media, will not be located closer than ten feet to an adjacent property; driveway, and will not cause a hazard to traffic or adjoining properties. These sign/media shall not require a permit and shall not exceed 24 square feet in area on one side or 48 square feet on all sides.

Comment [WT10]: This part may need to be removed

(c) Failure to Comply with Standards.

Any group, business or entity utilizing (a) or (b) above that fails to follow the stand-ards shall be notified in writing that all fu-ture seasonal, special event and fund rais-ing signage shall require a regular sign permit.

Sec. 66.0722 Other On/Off-Premise Signs with Permit

(a) Long Duration Special Event and Fund Raising Signage.

The temporary use of banners, balloons, inflatable signs, streamers, pennants, and other similar signage ~~used for special event or fund raising and other advertising purposes~~ in any district may be permitted provided that ~~the advertising media~~ will not be located on any sidewalk or bikeway if one is present or in any public right-of-way. The signs cannot be erected more than 45 days in a calendar year and must be removed within 2 days after the ~~event~~. The property owner must grant permission in writing for the placement of the sign/media. The sign/media, will not be lo-cated closer than ten feet to an adjacent property; driveway, and will not cause a hazard to traffic or adjoining properties. These sign/media shall require a permit and shall not exceed 24 square feet in area on one side or 48 square feet on all sides.

Comment [WT11]: Aesthetics for time limits?

1. Provisions of this section (a) shall be allowed for an unlimited number of days during the Bayshore Drive Recon-struction Project. Subsection (1) shall au-tomatically expire on May 25, 2016 or the completion of the Bayshore Drive Project as determined by the Village Administrator; whichever occurs first.

(b) Time and Temperature signs.

Time and Temperature signs require a permit but may be erected as wall signs, projecting signs, monument signs, or free-standing signs, provided that they meet the requirements for each of those sign types. The area of the time and temperature sign shall be included in the total permitted ~~signage~~.

Comment [WT12]: Why is this being regulated

(c) Changeable copy signs.

Changeable copy signs, fixed or moveable, may be permitted for theaters, churches and schools. If approved by the Plan Commission, gas station price signs will be considered permitted addition signage.

Sec. 66.0730 Residential Districts Signage with Permit

The following signs are permitted in any residential district and are subject to the following regulations:

(a) Residential development signs.

Single family, two family and multifamily residential development signs, not to exceed six feet in height and 24 square feet in area on one side and 48 square feet in area on all sides, placed at the entrance to a subdivision or development. The sign shall be located no closer than ten feet to any street right-of-way, nor closer than ten feet to any side or rear lot line.

(b) Temporary development signs.

Temporary development signs for the purpose of designating a new building or development, ~~or for promotion of a subdivision~~ may be permitted for a limited period of time provided that the sign shall not exceed 18 square feet in area on one side and 36 square feet in area on all sides and shall be located not closer than ten feet from any street right-of-way, nor closer than ten feet to any side or rear lot line. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development provided that the sign shall not be in place for more than 60 days of the issuance of an occupancy permit. Projects covered by a development agreement shall specify the date for the removal of the sign.

(c) Home occupations signs.

Home occupation, cottage rental and professional home office signs not to exceed three square feet in area. The signs shall be set back at least six feet from the nearest property line and shall not be over five feet above the ground. No more than one such sign for each use located on the premises shall be permitted.

Comment [WT13]: delete

(d) Other signs.

Signs over show windows or doors or a non-conforming business establishment ~~announcing without display or elaboration only the names and occupation of the proprietor and~~ not to exceed eight square feet in area.

Sec. 66.0731 Countryside District Signage with Permit

The following on-premise signs are permitted in the CS-1 district:

(a) All signs permitted in the residential districts.

(b) On-premise signs ~~advertising a public or semipublic use or a legal non-conforming business establishment,~~ which do not exceed 24 square feet in area. There shall be no more than one such sign for each high-way upon which the property faces. If attached to the building, such signs shall be no higher than the roofline. If located on the ground, such signs shall not be higher than eight feet above the ground.

- (c) Ground signs ~~advertising the sale of farm products produced on the premises,~~ which do not exceed 24 square feet in area on one side or 48 square feet on all sides.

Sec. 66.0732 Institutional and Park Districts Signage with Permit

The following signs are permitted in the Institutional and Park districts and are subject to the following regulation:

- (a) Private and public institutional ~~and park name signs~~ when approved by the Plan Commission.
- (b) Signs ~~containing advertising for placement on publicly owned land~~ shall meet the following criteria:
 - (1) Such signs shall be securely fastened, constructed and continuously maintained in such a manner as to prevent damage from the natural elements.
 - (2) Such signs shall be located in such a manner to minimize visual impacts to areas located outside of the park facilities.
 - (3) Such signs shall be permitted for the sole purpose of generating funds for Village authorized programs and facilities. In all cases, the overall aesthetics of the park and the surrounding area shall be significant consideration in the placement and design of the signs.
 - (4) An agreement between the Village and the sign sponsor shall be executed specifying annual fees and a maintenance schedule.
 - (5) Such signs shall be permitted subject to Plan Commission discretion.



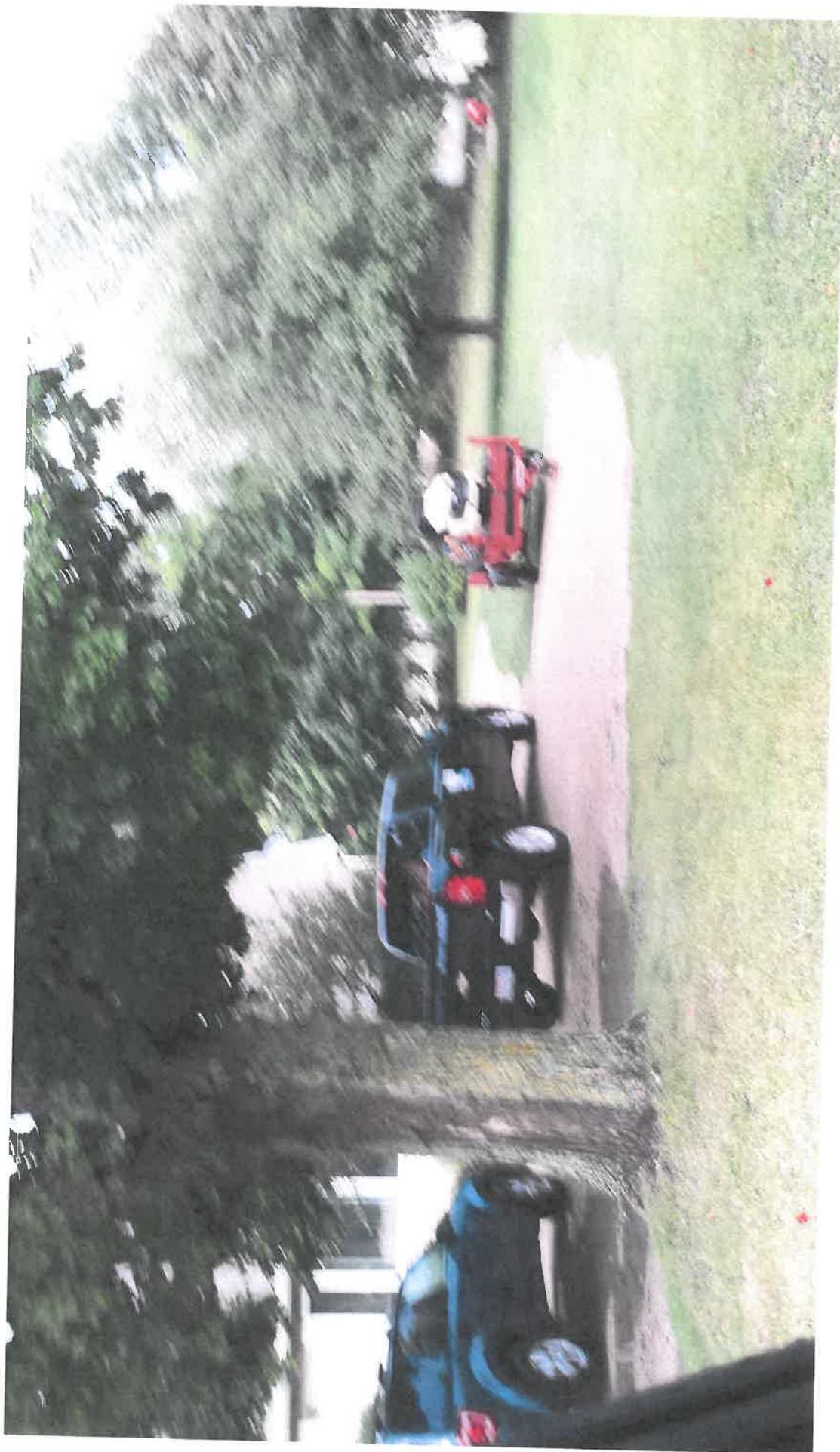


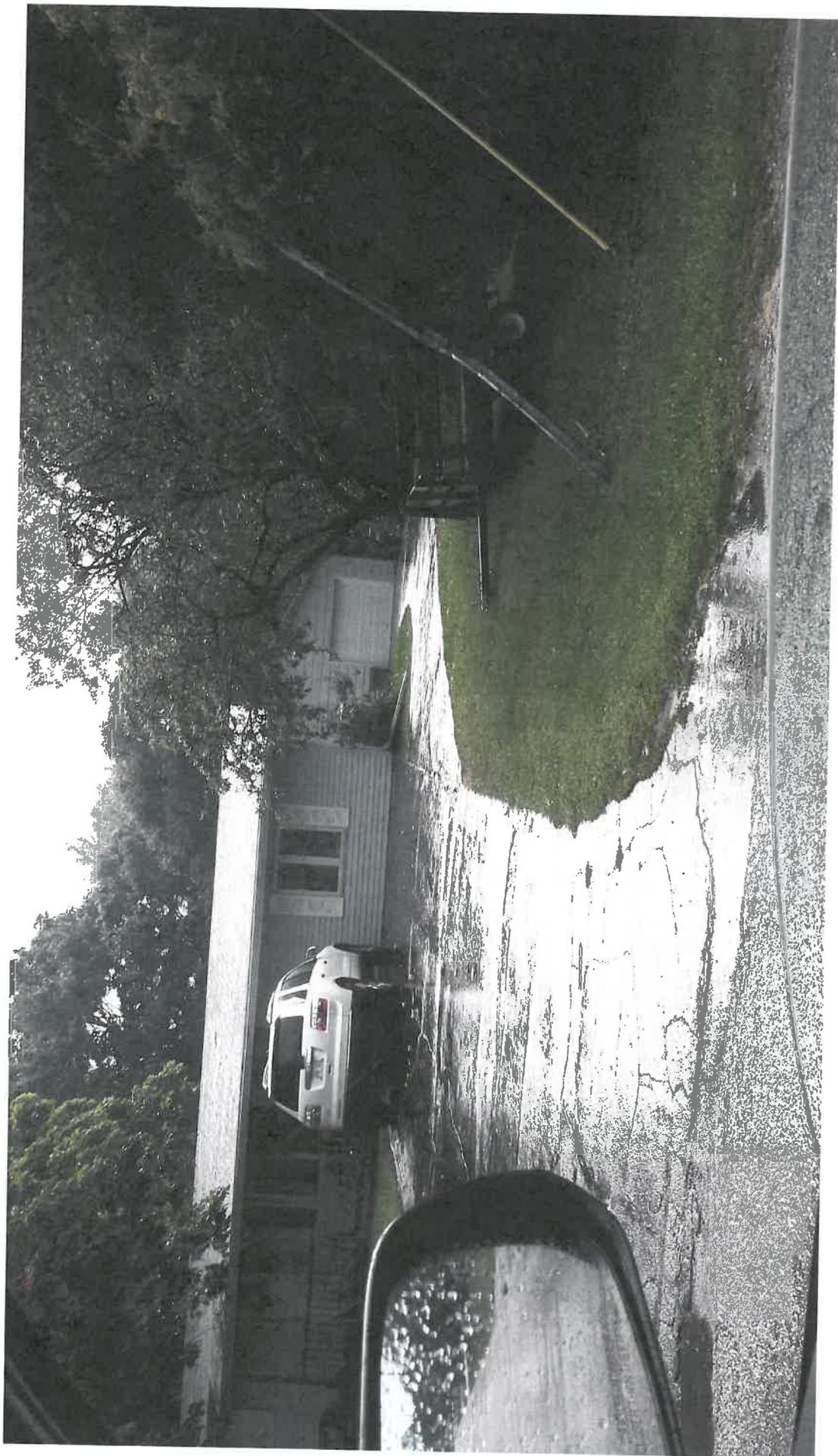
















VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0405 PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

SEC. 66.0405 PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

1	new use. [See section 66.1532(a) page	55		
2	158] (Amended Ordinance 120-061306)	56		
3	(f) <u>Changes in intensity of use.</u>	57		
4	When the intensity of use of a building,	58		
5	structure or land is increased by an addi-	59		
6	tion of employees, gross floor area, seating	60		
7	capacity, or other unit of measurement,	61		
8	additional parking spaces shall be con-	62		
9	structed for such additions in the amount	63		
10	necessary to conform to this chapter. [See	64		
11	section 66.1532(b) page 158] (Amended	65		
12	Ordinance 120-061306)	66		
13	(g) <u>Plan Commission review and verification.</u>	67		
14	The Plan Commission shall review the ad-	68		
15	equacy of parking where an adjustment to	69		
16	parking requirements has been granted	70		
17	within one year following such parking	71		
18	modification grant and periodically there-	72		
19	after to determine that the conditions justi-	73		
20	fying the parking requirement still exist. If	74		
21	the parking is found to be in-adequate, the	75		
22	Plan Commission shall order the use of the	76		
23	property to comply with the parking re-	77		
24	quirements set forth in section 66.0403	78		
25	[See page 81] of this chapter. (Amended	79		
26	Ordinance 120-061306)	80		
27	(h) <u>B-3 District Exemption.</u>	81		
28	The exemption from certain parking re-	82		
29	quirements granted by this section shall au-	83		
30	tomatically expire 48 months from the date	84		
31	of the adoption of the enabling ordinance.	85		
32	The parking exemption and related re-	86		
33	quirements shall only apply to the B-3 dis-	87		
34	trict. (Amended Ordinance 201-091112)	88		
35	(1) Subject to the requirements of site	89		
36	and zoning approval all proposed	90		
37	new uses, new buildings, expan-	91		
38	sions of existing buildings, expand-	92		
39	ed uses, changes in intensity of use	93		
40	or changes in occupancy shall be	94		
41	evaluated for the required number	95		
42	of customer and employee parking	96		
43	spaces.	97		
44	(2) A calculation would be done to de-	98		
45	termine the amount of parking re-	99		
46	quired to achieve compliance with	100		
47	the open space and related re-	101		
48	quirements.	102		
49	(3) The business shall be given the op-	103		
50	tion of installing the required park-	104		
51	ing or leaving the equivalent area as	105		
52	landscaped open space except for:	106		
53	a. All required parking for resi-	107		
54	dential dwelling units or mo-	108		
			tel/hotel spaces must be con-	-
			structed.	-
			b. All required parking spaces	-
			for more than four employ-	-
			ees must be constructed.	-
			c. All required parking in ex-	-
			cess of forty (40) spaces must	-
			be constructed.	-
			(4) Other credits and adjustments relat-	-
			ed to parking spaces provided for in	-
			the Code would also apply.	-
			(i) <u>B-2 District Exemption.</u>	-
			If a development project includes contigu-	-
			ous parcels zoned both B-3 and B-2 the	-
			exemption from certain parking re-	-
			quirements granted by section (h) shall apply to	-
			that portion of the project in the B-2 district	-
			in the same manner. (Amended Ordinance	-
			157-120809)	-
			Sec. 66.0405 Parking of Vehicles in Residen-	-
			tial Districts	-
			(a) <u>General restrictions.</u>	-
			No car, truck, construction equipment or	-
			commercial truck shall be parked regularly	-
			upon a driveway or front yard in any resi-	-
			dential zoning district except as provided	-
			herein. Properties currently zoned residen-	-
			tial and still used for agricultural purposes	-
			shall be exempt from the provisions of this	-
			section.	-
			(1) Vehicles that do not exceed 12,000	-
			lb. manufacturer's gross vehicle	-
			weight may be parked on a drive-	-
			way. Parking on lots that are used as	-
			a one or two-family residence shall	-
			be limited to parking within garag-	-
			es, carports and upon residential	-
			driveways consisting of crushed	-
			stone, asphalt, concrete, brick or	-
			other similar hard surface material.	-
			(2) Additional vehicles may be parked	-
			or stored on the lot within a fully	-
			enclosed building.	-
			(3) Vehicles shall be located outside of	-
			all ultimate right-of-ways, vision	-
			clearance triangles and drainage	-
			and utility easement areas.	-
			(4) A semi-tractor or vehicles over	-
			12,000 lb. manufacturer's gross ve-	-
			hicle weight may be parked in a re-	-
			sidential district if it is parked on the	-
			owner's developed property and the	-
			property is located along and hav-	-
			ing access to a Class A highway.	-

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0406 HIGHWAY ACCESS

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- 1 a. Vehicles over 12,000 lb. 57
 2 manufacturer's gross vehicle 58
 3 weight which were parked 59
 4 prior to the adoption of this 60
 5 chapter or prior to the 61
 6 change in the class designa- 62
 7 tion of the highway on prop- 63
 8 erty fronting a road that had 64
 9 been changed from a Class A 65
 10 Highway to a Class B High- 66
 11 way or is changed in the fu- 67
 12 ture from a Class A Highway 68
 13 to a Class B Highway, may 69
 14 be parked on the owner's 70
 15 property, subject to the regu- 71
 16 lations in this section. 72
- 17 (b) Boat and trailer parking. 73
 18 No boat, boat trailer, mobile home, motor 74
 19 home, motor coaches, truck campers, 75
 20 camping trailers, travel trailers, fifth-wheel 76
 21 trailers, large utility trailers, race cars and 77
 22 their trailers, sport aircraft and their trailer, 78
 23 canoes or kayaks and their trailers, all- 79
 24 terrain vehicles and their trailers, tent 80
 25 campers, folding campers, snow mobiles 81
 26 and their trailers, cases or boxes used to 82
 27 transport recreational vehicles or their 83
 28 equipment, yard maintenance equipment 84
 29 and similar equipment or vehicles shall be 85
 30 parked or stored outside on a residentially 86
 31 zoned lot for more than 24 hours, except 87
 32 as provided herein: 88
- 33 (1) They shall be located in the rear or 89
 34 side yard and not closer than ten 90
 35 feet to a side or rear lot line. 91
- 36 (2) Front yard location shall only be al- 92
 37 lowed on a driveway or turnaround, 93
 38 parked as close to the home as possi- 94
 39 ble except for the following which 95
 40 are prohibited in the front yard past 96
 41 the 24-hour limit: mobile homes, 97
 42 motor homes, motor coaches, truck 98
 43 campers and large utility trailers. 99
- 44 (3) They shall be located outside of all 100
 45 ultimate right-of-ways, vision clear- 101
 46 ance triangles and drainage and 102
 47 utility easement areas. 103
- 48 (4) The recreational vehicle shall be 104
 49 maintained in operable condition.
- 50 (5) Recreational vehicles that require 105
 51 registration shall be properly regis- 106
 52 tered. 107
- 53 (6) No recreational vehicles or equip- 108
 54 ment shall be stored in any open 109
 55 space outside a building unless such 110
 56 equipment is owned by the property 111
- owner or children of the property 112
 owner or resident at the property in 113
 question. If the property is rented, 114
 such storage shall be permitted for 115
 the tenant only if such equipment is 116
 owned by the tenant.
- (7) All equipment shall be parked or 117
 stored as inconspicuously as possi- 118
 ble on the property. The area 119
 around the equipment or vehicle 120
 must be kept weed-free and free of 121
 accumulation of other stored mate- 122
 rial.
- (c) Recreation vehicle parking. 123
 One major recreational vehicle may be 124
 stored outside in the rear or side yard of an 125
 occupied residential or agricultural lot of 126
 20,000 square feet or more provided it 127
 shall not exceed 8.5 feet in width, 13 feet 128
 in height and 32 feet in overall length. 129
- (d) Living in trailers. 130
 Except within an approved campground or 131
 mobile home park, no recreational vehicle 132
 shall be used for the purpose of permanent 133
 habitation, living or housekeeping pur- 134
 poses in the Village. Permanent habitation 135
 is defined as living in one place for more 136
 than ten consecutive days. 137
- (e) Private parking restrictions. 138
 This chapter is not intended to allow park- 139
 ing and storage of recreational vehicles or 140
 equipment where they may be otherwise 141
 prohibited by deed restriction, covenant, 142
 prior orders, developer's agreement, or 143
 otherwise limited to topography or envi- 144
 ronmental restrictions. 145
- (f) Semi-trailer parking. 146
 No semi-trailers or tractors are allowed to 147
 be parked in any residential zoning district. 148