

ORDINANCE NO. 2016-14

Ordinance to Repeal and Recreate Chapter 70 of the Village of Pewaukee Code of Ordinances Regarding Signs

SECTION I

WHEREAS, the US Supreme Court ruled in 2015 that sign regulations established by government entities shall be established in a content neutral manner; and

WHEREAS, the Plan Commission has reviewed changes to the Village of Pewaukee Sign Code to reflect the ruling of the US Supreme Court over multiple meetings in 2016.

SECTION II

NOW, THEREFORE, the Village Board does hereby adopt the following as the Village of Pewaukee Sign Code:

Chapter 70 - SIGNS
ARTICLE I. - IN GENERAL

Sec. 70.100. - Purpose.

The purpose of this chapter shall be to:

- (1) Regulate the size, type, quantity, construction standards, maintenance and placement of signs situated within the boundaries of the Village of Pewaukee, Wisconsin.
- (2) Promote the public health, safety, welfare and comfort of the general public by:
 - a. To enable the public to locate goods, services, activities, places and facilities without difficulty or confusion;
 - b. To protect property values, public investment and overall neighborhood character by promoting an attractive, harmonious and aesthetically-pleasing environment free from excessive visual clutter of signs and preventing conditions which have undesirable impacts on surrounding properties;
 - c. Reducing distractions and obstructions from signs which could adversely impact pedestrian and/or traffic safety; and
 - d. Alleviating potential hazards caused by signs projecting over or encroaching upon the public right-of-way; and
 - e. Preserving or enhancing the natural beauty and unique physical characteristics of the Village as a community in which to live and work by requiring new and replacement signage which is:
 - 1. Aesthetically harmonious with the nearby buildings, surrounding neighborhood aesthetics and other signs in the area as to, for instance but not necessarily limited

to, materials, colors, scale, placement/location, landscaping, manner/hours of illumination;

2. Complementary to the Village's architectural character and unobtrusive style of development.

Sec. 70.101. - Scope of regulations.

Except as otherwise noted in this chapter, the regulations of this chapter shall govern all outdoor signs, sign structures, and sign devices with respect to location, safety, size, construction standards, erection, attachment, support, lighting, anchorage, maintenance, physical appearance and aesthetics for all areas of the Village.

Sec. 70.102. - Definitions.

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

Area means measurement of sign area calculated as the sum of the area within the smallest regular polygon that will encompass all elements of the actual sign face including any writing, representation, emblem or any figure or similar character together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed.

- (1) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color or finish material of the building.
- (2) The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.
- (3) When a sign has two or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

Awning means a stationary or retractable structure that serves as a shelter over a door, window or building front.

Awning sign means any lettering or imagery sewn or printed on the fabric portion of an awning. Decorative awnings without imagery are not considered signs.

Banner means a sign intended to be hung either with or without a frame, and which possesses characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind.

Base setback line means the edge of the established ultimate street right-of-way.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention.

Canopy sign means any sign that is attached to or part of an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

Changeable copy means a sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged manually without altering the face or surface of such sign. Also referred to as "reader boards".

Contiguous project/development area means a grouping of individual parcels, buildings and/or uses conceived, approved and developed as a unified whole (i.e. Subdivision plat, condominium plat, mixed use or multi-building PUD).

Display surface means the surface made available on the sign, either for the direct mounting of letters and decorations, or for the mounting of facing material intended to carry the entire advertising message.

Downtown area means the area of the village described as commencing at Highway 16, proceeding west on Capitol Drive including properties on both sides of the street to the intersection of Capitol Drive and West Wisconsin Avenue. Proceeding south along the lakefront to a point intersecting Park Avenue, proceeding along both sides of Park Avenue up to Highland. From Lake Street to Richmond Drive Richmond Drive to First Street, West along Main Street to Prospect. Proceed northeast on Prospect to East Wisconsin Avenue. East on East Wisconsin Avenue to Clark Street. Proceeding north on Clark St. until it intersects with Oakton Avenue and then east on Oakton Avenue to the railroad right-of-way and east over to Highway 16.

Election Campaign Period means that period of time as described in Wis Stats Section 12.04.

Electronic message means signs with alphabetic, pictographic, or symbolic informational content that can be changed or altered on a fixed display screen composed of electrically illuminated segments. Includes LED displays, electronic signs, LED video displays and electronic variable message signs.

External illumination means illumination of a sign with an exterior light source.

Facing means the surface of the sign or billboard upon, against or through which the message of the sign or billboard is displayed.

Flashing sign means a sign whose illumination is not kept constant in intensity at all times when in use and/or which exhibits changes in light, color, direction, animation and word/text changes. Illuminated signs that indicate the date, time and temperature will not be considered flashing signs.

Freestanding sign means a sign that is attached to or part of a completely self-supporting structure other than a building. The supporting structure shall be set firmly in, upon or below the ground surface and shall not be attached to any building.

Height means the distance between the existing preconstruction grade at the base of the sign and the highest point on the sign or supporting structure.

Illuminated sign means a sign in which an artificial source of light is used in connection with the display of such sign.

Internal illumination means the illumination of a sign in which the source of light is contained within the sign itself.

Letters and decorations means the letters, illustrations, symbols, figures, insignia, logo and other media employed to express and/or illustrate the sign message.

Lot means a designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law.

Lot line means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Major tenant means the tenant within a multi-tenant building that occupies the greatest square footage of that building.

Marquee means a permanent roof like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal or glass.

Marquee sign means a sign attached to, painted on, or supported by a marquee.

Neon or other gas tube illumination means illumination from a light source consisting of a neon or other gas tube which forms letters, symbols or other shapes.

Nonconforming sign means a sign existing at the effective date of the ordinance from which this chapter is derived which does not conform to the terms of this chapter.

Off-premises sign means any sign that calls or directs attention to goods, products, facilities or services not located on the premises where the sign is located, or a sign that identifies or directs persons to a different location from where the sign is located or a sign that identifies an occupant or business that is not situated on the same lot as the sign.

Offset means the regulated minimum distance of a structure from a side or rear lot line.

On-premises sign means any sign that calls or directs attention to goods, products, facilities or services located on the premises where the sign is located or identifies an occupant, business or property situated on the same lot as the sign.

Outdoor advertising means any outdoor structure, device or image that is used as an announcement, declaration, demonstration, display, illustration, instruction, guide, indication, symbol, insignia, logo, emblem or advertisement.

Pennant means a variety of flags usually tapering to a point or swallowtail or a long rectangle.

Portable sign means a sign not permanently affixed to the ground, building or other structure and which may be easily moved from place to place.

Projecting sign means a sign affixed or attached directly to the exterior wall of a building or structure and extending more than ten inches from the exterior wall of the building or structure.

Roof sign means a sign or billboard which is located or projects above the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.

Sandwich board sign means a self-supporting A-shaped freestanding temporary sign with only two visible sides that contain commercial speech.

Setback means the regulated minimum horizontal distance between the base setback line and any structure on a lot.

Shopping center means a planned/coordinated grouping of architecturally unified commercial establishments built on the same site and managed as one operating unit offering for sale goods such as food, drugs, hardware and personal services.

Sign means any display of lettering, logos, colors, lights, illuminated neon tubes and related supporting structures, equipment or devices visible to persons or the public from outside of a building or premises, which display either conveys a message to persons or to the public, or intends to advertise, direct, invite, announce or draw attention to goods, products, services, facilities, opinions, activities, places, persons, property interest or business.

Sign Code Administrator (SCA) means the Village employee responsible for administering this chapter.

Street means a public or private right-of-way for pedestrian or vehicular traffic.

Temporary sign means a sign intended to be used for a period of no more than 14 consecutive days or 30 cumulative days in any 12 month period unless otherwise specified in this chapter.

Trim means the moldings, battens, capping, nailing strips, latticing and platforms attached to any sign or billboard structure.

Voting item means each office being voted upon, as well as each position within such an office and any referendum question on the Village of Pewaukee ballot during a particular election campaign period.

Wall sign means a sign or billboard affixed or attached directly to the exterior wall of a building and extending ten inches or less from the exterior wall of the building or structure.

Window sign means a sign attached to, placed upon or painted on the interior of a window or door of a building that is intended for viewing from the exterior of such building.

Wheeled sign means a sign with wheels attached to aid in it's portability.

Sec. 70.103. - Appeals.

The Planning Commission may, in its judgment, waive or modify the provisions of this Chapter where it would further the public interest and uphold the purpose of this chapter as put forth in section 70.100.

Such waiver or modification may be based on, among other things, site-specific hardships such as topographic or architectural aberrations, traffic safety, accessibility and visual encumbrances or limitations.

Note: The Board of Zoning Appeals shall not have authority or jurisdiction over the provisions of the Sign Code.

Sec. 70.104. - Penalty.

Any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense, together with the costs of the action. Default of the payment may result in imprisonment. Each day that a violation exists shall constitute a separate violation and be punishable as such.

ARTICLE II. - PERMITS

Sec. 70.105. - Authority.

It shall be unlawful for any person to erect, repair, alter, relocate, display or possess any sign or sign structure or sign device as defined in this chapter without first obtaining a sign permit from the Village of Pewaukee and making payment of the fees required by this chapter. All signs requiring electricity shall, in addition, be subject to the provisions of the electrical and building codes and any additional permit fees as may be required under such codes.

Sec. 70.106. - Application for permit.

- (a) Application for a sign permit shall be to the Village of Pewaukee, and shall contain or have attached thereto the following information:
 - (1) Name, address and telephone number of the applicant, and the location of building, structure or lot to which or upon which the sign is to be attached, erected or displayed.
 - (2) Name of person, firm, corporation or association intending to construct/place/display the sign.
 - (3) Written consent of the owner of the building, structure or land to which or upon which the sign is to be affixed, installed or displayed.
 - (4) A scale drawing of such sign indicating the dimensions, materials to be used, manner of illumination, if any, and the method of construction, attachment or display.
 - (5) A scale drawing indicating the proposed location and position of such sign in relation to nearby buildings or structures.
- (b) Sign permit applications shall be filed with the Sign Code Administrator (SCA), who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant or the application requires Planning Commission approval. A sign permit shall become null and void if work authorized under the permit has not been completed within 12 months of the date of issuance.

Sec. 70.107. - Issuance of permits.

- (a) It shall be the duty of the Sign Code Administrator (SCA), upon the filing of an application for a sign permit, to examine such plans and specifications and other data to determine compliance with the requirements of this chapter and all other regulations of the Village of Pewaukee.
- (b) Following examination of the sign permit application, the SCA shall take one of the following actions:

- (1) If the proposed sign is not in compliance with the requirements of this chapter and all other regulations of the Village, the SCA shall deny such permit and state the specific reasons for the denial.
- (2) If the proposed sign complies with all dimensional chapter requirements, the SCA shall consider the purpose, appearance, location, lighting, height, size and impact of the sign relative the scenic beauty of the vicinity and to the "purpose" as set forth in section 70.100 above. If the SCA feels, on the basis of the considerations in this section, that there is a question as to whether or not the proposed sign is in accordance with the "purpose" of this chapter, the applicant shall be referred to the Planning Commission. Following its review, the Planning Commission shall approve, approve with modifications or deny the sign permit application.
- (3) If the SCA determines that the sign is in compliance with the "purpose" of this chapter and all other regulations of the Village, the sign permit may be issued.
- (4) Issuance of a permit as provided herein shall not be deemed an assumption of liability by the Village.

Sec. 70.108. - Fees.

The applicant shall pay an application fee of \$50.00 plus \$2.50 per square foot of sign area for each individual sign.

Sec. 70.109. - Revocation of permits.

The SCA is authorized and empowered to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this chapter.

ARTICLE III. - REGULATIONS AND STANDARDS

Sec. 70.110. - Prohibited signs.

- (a) The following types of signs are prohibited in the Village of Pewaukee:
 - (1) Roof signs.
 - (2) Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent primary use/purpose of the vehicle or trailer is to display signage. This provision is not intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles for instance, where the sign is incidental to the primary use of the vehicle or trailer.
 - (3) Signs that are attached or otherwise affixed to rocks, trees or other living vegetation.
 - (4) Signs that imitate, interfere with, obstruct the view of or can be confused with any authorized traffic control sign, signal or other device.
 - (5) Flashing or rotating signs, signs containing moving parts and signs containing reflective elements that sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature may be permitted provided they meet all other provisions of this chapter and are subject to approval of the Village Planning Commission.
 - (6) "A" frame, sandwich board, sidewalk, or curb signs, except as provided for in subsection 70.115(c)(8) below.
 - (7) Banners, pennants, streamers, balloons and other gas-filled figures, except as a temporary sign, as may be provided for in section 70.111 below.
 - (8) Off-premises signs except Village approved temporary off-premises signs to identify businesses who's accessibility and/or visibility is being adversely affected during road construction.

- (9) Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises where the sign is located is not permitted.
- (10) Portable and wheeled signs.
- (11) Signs or other advertising painted directly on walls unless specifically approved by the Planning Commission.
- (12) Inflatable signs and tethered balloons.
- (13) Signs erected at or near the intersection of any streets, driveways or railroad crossings in such manner as to obstruct free and clear vision by motorists or pedestrians of oncoming traffic; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, imitate or be confused with any authorized traffic sign, signal or device.

Sec. 70.111. - Exemptions.

- (a) The following outdoor signs, sign structures or devices may be exempted from the permit process outlined in Sections 70.105—70.109 above but may still be required to comply with the illumination, landscaping and location provisions of this Chapter where applicable:
 - (1) One wall sign not to exceed six square feet in size maintained by the owner or occupant of any residential building.
 - (2) Public informational bulletin boards not more than 15 square feet in size provided by the Village or similar governmental or quasi-governmental organization and placed upon public property, Village owned property and or the public right-of-way (or upon private property with the express written consent of the underlying property owner) for purposes of making public announcements and information most readily available to the public including as may be required by law. Such signs may be subject to the location, lighting and landscaping standards as set forth in Sections 70.112—70.114 below and shall not exceed seven feet in height.
 - (3) Memorial signs or tablets recording names of buildings and date of erection, when cut into any masonry surface of the building or when constructed of bronze or other incombustible materials and permanently affixed to the building, grave markers, statuary or other similarly constructed remembrances of persons or events that are noncommercial in nature.
 - (4) Traffic signs, legal notices, railroad crossing signs, danger and such temporary emergency or non-advertising signs as may be erected for the public safety.
 - (5) Non-illuminated signs painted on canopies, awnings and marquees. Such signs shall not exceed an aggregate gross surface area of four square feet per display with individual letters not exceeding six inches in height.
 - (6) One freestanding sign up to 15 square feet in area and setback at least 10 feet from the edge of the public right-of-way on parcels where an active and permitted agricultural use is present on the premises and the property is Zoned OA Agricultural Overlay District.
 - (7) Flags displayed from flagpoles provided the location, quantity, height, and manner of construction/installation of such flagpoles as accessory structures shall first be properly reviewed and approved if/as necessary.
 - (8) Special decorative “Village of Pewaukee” and/or directional displays or signs in public right-of-way owned, installed and maintained by the Village.
 - (9) Signs which are located within the interior of any building and which are not visible from the exterior of the building.
 - (10) Miscellaneous temporary signs in residentially zoned areas (i.e. R-1 – R-6, R-5 (LO), RM and MH) provided that no person shall attach posters, notices or signs to utility poles, meter posts, or trees in or along any street right-of-way within the Village; and that no person shall put up any notice or sign upon any building, wall, fence, or other property, of another person without first

having obtained the consent of the owner of such property. The maximum time limit for such temporary signs to be displayed in residentially zoned areas (with each date that any one or more such signs are displayed counting as one day) shall not exceed 30 cumulative days in a one-year period. Not more than 4 temporary signs may be displayed simultaneously on any one residentially zoned property. Such signs shall be six (6) square feet or less in area, seven feet or less in height and shall not be electrically illuminated.

In the case of residentially zoned properties being actively marketed for sale or lease, the duration for display of up to two (out of the four signs referred to above) may be extended to include the period that begins when the property becomes actively marketed for sale or lease and ends 14 days after the property has been sold or leased.

- (11) Miscellaneous temporary signs in non-residentially zoned areas (i.e. B-1 – B-5, IPS, P-1, and Nonresidential Use or Mixed Use PUD) provided that no person shall attach posters, notices or signs to utility poles, meter posts, or trees in or along any street right-of-way within the village; and that no person shall put up any sign upon any building, wall, fence, or other property, of another person without first having obtained the consent of the owner of such property. The maximum time limit for such temporary signs in non-residentially zoned areas is seven (7) consecutive days and shall not exceed thirty (30) cumulative days in a one-year period (with each date that any one or more such signs are displayed counting as one day). Not more than 4 temporary signs may be displayed simultaneously on any one non-residentially zoned property. Such signs shall be fifteen (15) square feet or less in area, ten feet or less in height and shall not be electrically illuminated.

In the case of properties being actively marketed for sale or lease, the duration for display of up to two (out of the four signs referred to above) may be extended to include the period that begins when the property becomes actively marketed for sale or lease and ends 14 days after the property has been sold or leased.

- (b) The following temporary signs shall also be exempted from sections 70.105—70.109 above subject to the following conditions:

- (1) During the period of time that is described in Wis Stats Section 12.04 as the “Election campaign period” plus up to 2 days thereafter, when an election or voting matter is scheduled to be conducted in/by the Village of Pewaukee on any matter whatsoever, all properties in the Village of Pewaukee shall be permitted up to one additional temporary sign display per voting item on the ballot per property as follows and in addition to any/all other signs otherwise permitted by this Section:

- (a) B-1 – B-5, IPS, P-1:

Up to 1 such sign per street frontage (or in the case of parcels with frontage on two roadways or a roadway plus lake frontage which may be allowed up to two such signs, one facing each roadway or one facing the lake frontage and one facing the roadway) not to exceed 9 sq.ft. in area and 5 feet in height. In lieu of these individual signs allocated per voting item, a property owner may utilize that total square footage as would be allowed under the individual signs provision, and accumulate that square footage into fewer but larger signs (i.e. 6 balloted voting items = 45 square feet of permitted signage per street/lake frontage) so a property owner may choose to place one 45 square foot sign per street/lake frontage, or two 22.5 square foot signs, or four 11.5 square foot... signs instead of the individual signs per ballot item. Any permitted signs larger than 9 square feet in area shall not exceed 7 feet in height. Such larger signs shall not be electrically illuminated.

- (b) R-1 – R-6, R-5 (LO), RM and MH:

Up to 1 such sign per street frontage (or in the case of parcels with frontage on two roadways or a roadway plus lake frontage which may be allowed up to two such signs, one facing each roadway or one facing the lake frontage and one facing the roadway) not to exceed 6 sq.ft. in area and 4 feet in height. Such signs shall not be

electrically illuminated. In lieu of these individual signs allocated per voting item, a property owner may utilize that total square footage as would be allowed under the individual signs provision, and accumulate that square footage into fewer but larger signs (i.e. 6 balloted voting items = 36 square feet of permitted signage per street/lake frontage) so a property owner may choose to place one 36 square foot sign per street/lake frontage, or two 18 square foot signs, or four 9 square foot... signs instead of the individual signs per ballot item. Any permitted signs larger than 6 square feet in area shall not exceed 7 feet in height. Such larger signs shall not be electrically illuminated.

- (2) During the period of time that a construction or building project is actively underway on a parcel of land attendant to a current, approved construction or building permit, the following temporary sign display(s) may be permitted per property as follows and in addition to any/all other signs otherwise permitted by this Section:

- (a) B-1 – B-5, IPS, P-1:

Up to 1 sign per street frontage (or in the case of parcels with frontage on two roadways or a roadway plus lake frontage which may be allowed up to two such signs, one facing each roadway or one facing the lake frontage and one facing the roadway) not to exceed 25 sq.ft. in area, 7 feet in height and setback not less than 10 feet from all lot lines. Such signs shall not be electrically illuminated.

- (b) R-1 – R-6, R-5 (LO), RM and MH:

Up to 1 sign per street frontage (or in the case of parcels with frontage on two roadways or a roadway plus lake frontage which may be allowed up to two such signs, one facing each roadway or one facing the lake frontage and one facing the roadway) not to exceed 15 sq.ft. in area, 7 feet in height and setback not less than 10 feet from all lot lines. Such signs shall not be electrically illuminated.

Sec. 70.112. - Illumination standards.

- (a) In addition to complying with the provisions of this chapter, all signs for which electrical wiring and connections are to be used shall be subject to the applicable provisions of the Village of Pewaukee Electrical Code. No person may erect a sign with exposed electrical cords and wires.
- (b) The use of unshielded lighting whereby the source of illumination is visible to the surrounding view, including exposed incandescent light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device is expressly prohibited.
- (c) No sign shall be illuminated, either internally or externally, between the hours of 11:00 p.m. and sunrise unless the premises on which it is located is open for business during that time. Signs located in or adjacent to residential districts shall not be illuminated between the hours of 9:00 p.m. and sunrise.
- (d) All sign lighting shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties or into the sky.

Sec. 70.113. - Landscaping standards.

- (a) In the case of any pole or ground mounted freestanding signs, a landscape area shall be provided extending a minimum of five feet from the base of the sign and around its perimeter. A planting plan for the required landscape area shall be subject to review and approval of the SCA.
- (b) Where any sign is proposed to be externally illuminated using ground mounted fixtures (i.e., floodlight), landscape plantings shall be installed in such manner as will entirely shield the light source from the surrounding view. Landscape plantings shall be of the type as will ensure effective year round screening.

Sec. 70.114. - Location standards.

- (a) In any zoning district, no sign or sign supporting structure shall be setback/offset less than ten feet from any abutting lot line, right-of-way or driveway.
- (b) Placement of all signs shall be subject to the vision setback regulations as put forth in the Village of Pewaukee Zoning Code.
- (c) No nonresidential sign shall be located closer than 50 feet to an abutting residential zone unless specifically approved by the Planning Commission.

Sec. 70.115. - Permitted permanent signs.

- (a) On properties Zoned R-6, RM, MH and where the permitted/approved principal use includes more than 4 residential dwelling units on a single parcel containing 22,000 sq.ft. or less in land area, the following sign(s) may be permitted:
 - (1) Number. One freestanding sign display per parcel and one wall mounted building sign display for each building, except that where a parcel or building abuts two or more streets, (or a street and the lakefront) one freestanding sign and one wall mounted building sign may be allowed for each abutting street (or street plus lakefront) frontage.
 - (2) Area. Building mounted signs shall not exceed six (6) square feet in gross surface area. Freestanding signs shall not exceed fifteen (15) square feet in area.
 - (3) Location. Freestanding signs shall not be located closer than ten feet to any property line or driveway. No permanent freestanding sign shall be placed closer than 50 feet to another permanent freestanding sign on any single property measured as the crow fly's between the nearest points on the sign or sign structure of the two freestanding permanent signs.
 - (4) Height. Freestanding signs shall not exceed seven feet as measured from preconstruction grade at the base of the sign.
- (b) On properties Zoned R-6, RM, MH and where the permitted/approved principal use includes more than 4 residential dwelling units on a single parcel containing more than 22,000 sq.ft. in land area, the following sign(s) may be permitted:
 - (1) Number. One freestanding sign display per parcel and one wall mounted building sign display for each building, except that where a parcel or building abuts two or more streets, (or a street and the lakefront) one freestanding sign and one wall mounted building sign may be allowed for each abutting street (or street plus lakefront) frontage.
 - (2) Area. Building mounted signs shall not exceed six (6) square feet in gross surface area. Freestanding signs shall not exceed thirty two (32) square feet in area.
 - (3) Location. Freestanding signs shall not be located closer than ten feet to any property line or driveway. No permanent freestanding sign shall be placed closer than 50 feet to another permanent freestanding sign on any single property measured as the crow fly's between the nearest points on the sign or sign structure of the two freestanding permanent signs.
 - (4) Height. Freestanding signs shall not exceed seven feet as measured from preconstruction grade at the base of the sign.
- (c) Each contiguous project/development area containing more than 1 acre in underlying land area may be permitted the following freestanding signs:
 - (1) Number. There shall not be more than one such sign for each point of vehicular access into the project/development area from the public road right-of-way
 - (a) Area. Such signs shall not exceed 24 square feet in area per sign on parcels zoned R-1 – R-6, R-5(LO), RM, B-2, MH and IPS.

- (b) Area: Such signs shall not exceed 40 square feet in area per sign on parcels zoned B-1 and B-3 – B-5.
- (2) Location. Such signs shall not be located closer than ten feet to any property line or driveway.
- (3) Height. Such signs shall not exceed seven feet as measured from preconstruction grade at the base of the sign.
- (d) On properties zoned B-1 – B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):
- (1) Wall signs.
- a. Number. There shall be no more than one wall sign for each principal building except for the case of buildings occupied by multiple tenants which are more specifically regulated in subsection 70.115(c)(9) of this chapter below, and except for the case of buildings that front two or more streets or a street plus the lakefront in which case one wall sign may be permitted for each facade facing a street or the lakefront.
- b. Area. The gross surface area of a wall sign shall not exceed 40 square feet (not to exceed 30 square feet for properties zoned B-2) or 75 percent of the building occupants/tenant's lineal facade frontage, whichever is less.
- c. Secondary entrance wall sign. Businesses with a secondary customer entrance (i.e. a rear or side entrance) may display an second wall sign on the wall containing the secondary entrance.
1. Maximum number per lot: Only one secondary entrance wall sign may be allowed for each business with a secondary entrance.
2. Maximum permitted area per sign: One-half the area of the primary allowed entrance wall sign provided that the secondary entrance abuts a parking lot. If the secondary entrance abuts a pedestrian way, service drive or loading area only, the sign shall not exceed eight square feet in area.
- d. Location. A wall sign may be located on the outermost wall of any principal building but shall not project more than ten inches from the wall to which the sign is to be affixed.
- e. Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- (2) Freestanding ground signs. On properties zoned B-1 – B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):
- a. Number. There shall not be more than one freestanding ground/monument sign for each principal building except where a building is situated on a lot that abuts two or more streets, then one freestanding sign may be allowed for each abutting street frontage.
- b. Area. The gross surface area of a ground sign shall not exceed 50 square feet of area (not to exceed 40 square feet for properties zoned B-2).
- c. Location. A ground sign may not be located closer than ten feet to any property line, or driveway. No freestanding ground signs shall be placed closer than 50 feet to another freestanding sign on any single property measured as the crow fly's between the nearest points on the sign or sign structure of the two freestanding permanent signs.
- d. Height. A ground sign shall not project higher than ten feet, as measured from preconstruction grade at the base of the sign.
- (3) Projecting signs. On properties zoned B-1 – B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):
- a. Number. There shall not be more than one projecting sign for each principal building or individual tenant occupant therein.

- b. Area. The gross surface area of a projecting sign shall not exceed 15 square feet.
 - c. Location. A projecting sign shall not extend more than five feet over the lot line and in no case shall extend to within five feet of the back of curb. Projecting signs shall be spaced a minimum of 25 feet apart. Projecting signs shall not be located within 50 feet of any freestanding ground sign.
 - d. Height. The minimum clearance to grade beneath the sign shall be eight feet as measured from the lowest part of the sign. The maximum height shall be 15 feet.
- (4) Awning, canopy and marquee signs. On properties zoned B-1 – B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):
- a. Number. Not more than one awning, canopy or marquee sign exceeding an aggregate gross surface area of four square feet shall be permitted for each principal building or individual tenant occupant therein.
 - b. Area. Awning, canopy and marquee signs which are four square feet or less in aggregate gross surface area are exempt from the provisions of this chapter. The gross surface area of an awning, canopy or marquee sign shall not exceed 50 percent of the surface area to which such sign is to be affixed or 30 square feet in area, whichever is less.
 - c. Height. The minimum clearance to grade beneath the awning, canopy or marquee shall be eight feet measured from the lowest part of the awning, canopy or marquee.
 - d. No awning, canopy or marquee shall extend closer than two feet to the back of curb.
 - e. The roofs of all awnings, canopies and marquees shall be used for no other purpose than to form and constitute a roof. The roofs of all awnings, canopies and marquees shall not drain directly onto the public right-of-way.
 - f. Awnings, canopies and marquees shall not interfere with street trees and/or traffic signs and signals.
 - g. Translucent and/or internally lit plastic awnings, canopies or marquees are not permitted.
- (5) Window signs. On properties zoned B-1 – B-5, IPS, P-1 and containing permitted and approved use(s) and building(s): Each building or individual tenant occupant space therein shall be allowed to display window signage not exceeding 30 percent (not exceeding 25 percent for properties located in the zoned B-2) of the glass area of the window upon which the sign is displayed. Window signage shall not be placed on door windows or other windows needed to be kept clear for pedestrian safety. During business hours, each building or individual tenant occupant space therein shall be allowed to display on each public street that it fronts, one neon sign not exceeding 2.25 square feet in area or 40 percent of the window area, whichever is less. Such signs shall emit a steady light. Blinking, flashing, strobe or other light animation shall not be allowed. If the signage is applied directly to windows, it must be professionally designed and of a permanent material so as not to peel, chip, crack, smudge or rub off easily.
- a. Window obstruction by interior signs shall not exceed more than 30 percent (not to exceed 25 percent for properties located in the "downtown area") for any one window, nor more than ten percent of all combined window areas on the same facade of the structure. Area devoted to signage within windows shall count toward the wall sign area maximum as may also be permitted for the use.
- (6) Special conditions. On properties zoned B-1 – B-5, IPS, P-1 and containing permitted and approved use(s) and building(s): All signs on a lot shall exhibit uniformity in design, colors, size, materials, lighting, etc., and shall be so located as will prevent visual distraction and cluttered appearance among signs.
- (7) Changeable copy and electronic message signs. On properties zoned B-1 – B-5, IPS, P-1 and containing permitted and approved use(s) and building(s): Changeable copy and electronic message signs shall only be allowed with prior Planning Commission approval. In reviewing the

permit request the Planning Commission may approve or deny any application based upon, but not limited to, architectural design, size, interference with surrounding development, area, shape, height, manner or intensity of lighting, location, pedestrian and vehicular traffic safety.

- (8) Sandwich board signs. On properties zoned B-1 – B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):
- a. Sandwich board signs are self-supporting A-shaped freestanding temporary signs with only two visible sides that contain signage.
 - b. The maximum area shall be eight square feet per side of sign with the maximum height being 48 inches.
 - c. Only one sandwich board sign per building or per tenant occupant space therein shall be permitted. Sandwich board signs shall not be placed more than ten feet from the front primary entrance of the building or tenant occupant space unless a staff waiver is granted during permit review due to extenuating circumstances.
 - d. Sandwich board signs shall not be placed so as to cause the width of any public walkway to be reduced below four feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape.
 - e. A no-fee sandwich board sign permit is required prior to the installation or placement of the sign. If the sign is to be located within the public right-of-way, business owners shall sign a disclaimer that holds harmless and indemnifies the Village from any liability for use of said public right-of-way.
 - f. A sketch including dimensions, materials and location of the sandwich board sign must be attached to the permit application. The permit application must be approved and signed by Village staff prior to display of a sandwich board sign. If a sign is displayed prior to obtaining a sandwich board sign permit, application may be denied. Replacement of an approved sandwich board sign shall require a new permit.
 - g. Sandwich board signs shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them. Attaching sandwich board signs to structures, poles, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited. Signs shall be removed from public sidewalk if there is any snow accumulation (signs may not be displayed until such snow is removed) except those located on private property. Signs shall only be displayed during business operating hours.
 - h. Sandwich board signs placed in violation of this section may result in immediate removal of the sign by the Village and the temporary sign permit privileges for any violating business being denied for the remainder of the year.
 - i. Sandwich board signs within the public right-of-way but which present an unreasonable impediment to visibility, ingress or egress may be moved or removed by the Village as may be necessary to maintain the public health, safety and welfare and for municipal purposes (i.e., code enforcement, snow removal, traffic issues, maintenance, etc.).
- (9) Multiple-tenant signs. Nonresidential multiple-tenant buildings shall be permitted one wall sign per tenant not exceeding 30 square feet in area or 75 percent of the tenant's lineal facade frontage, whichever is less. The multiple tenants may also share the sign space on the permitted freestanding sign(s). Major tenants may be allowed a larger wall sign subject to Planning Commission approval.
- (10) Prior to issuance of a sign permit for any business located in a multiple-tenant building, a master sign plan for that building depicting the design, dimensions, location, materials, content, color scheme, type of illumination, if any, method of construction and attachment for all signs planned to be installed on the building and property (based upon anticipated full occupancy) shall be approved by the Planning Commission.

- (11) Distance between signs on an individual parcel shall generally be measured in the shortest straight line, as the crow would fly, between two signs.

Sec. 70.116. - Existing signs.

- (a) Existing signs which become nonconforming upon adoption of the ordinance from which this chapter is derived shall not be reconstructed, remodeled, relocated or changed in size or content unless such action will make the sign conforming in all respects with this chapter.

Note: Normal maintenance and/or simple change of sign face or lettering shall not necessarily trigger the requirement for full conformance with the current requirements of the sign code.

- (b) A nonconforming sign or sign structure which is destroyed or damaged may be restored only after the owner has shown that the damage did not exceed 50 percent of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding 50 percent of the appraised sign value, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming, in all respects, to the Sign Code. If restoration of a damaged sign is permitted but not completed within three months of the date damage occurred, such sign shall be removed timely upon notice from the Village or replaced in a manner as will conform with all specifications of this chapter.
- (c) At any such time as the owner of any building or lot, on which a nonconforming sign is located, requests Planning Commission approval for any change to the use, building or lot, the Planning Commission may require that such nonconforming sign(s) be removed or made to conform with this chapter as a condition of building, site or use approval.

Sec. 70.117. - Design, construction and erection standards.

- (a) Structure design.
- (1) All signs shall be constructed, erected and maintained to safely withstand wind and live load pressure as specified by Wisconsin State Statute and applicable building and administrative code.
 - (2) The design, construction and erection of all signs shall be by a competent professional in the sign design and construction industry.
 - (3) Wall signs attached to exterior building walls shall be anchored or attached in such a manner as will ensure stability and safety.
 - (4) Signs attached to buildings shall not cover, conflict or interfere with the architectural features of the building façade(s).
- (b) Aesthetic design. The design of all signs shall fulfill the purpose cited in section 70.100 above and those signs located in the B-2 Zoning District specifically shall reflect the quality and character of signs exemplified in the Village of Pewaukee's sign code supplement entitled "Village of Pewaukee Sign Code Portfolio." (Ref pages 9 – 11 of the Pewaukee Downtown Design Guidelines November 15, 2005).

Sec. 70.118. - Maintenance and removal of signs.

The Village of Pewaukee may cause any sign, sign structure or sign device that is, in their opinion, an immediate peril to persons or property to be summarily removed without notice.

- (1) Appearance requirements.
- a. The owner of any sign as defined and regulated by this chapter shall be required to properly maintain the appearance of all parts and supports of their sign as directed by the village.

- b. If the sign owner does not provide proper sign maintenance within 60 days after written notification from the village, the sign may be removed as provided in subsection (2) of this section.
- (2) Removal of certain signs and billboards.
- a. Any sign now or hereafter existing which no longer advertises a bona fide business, product, or service or which is dilapidated, out of repair, unsafe, insecure or has been constructed, erected or maintained in violation of the provisions of this chapter shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which such sign may be found. If within ten days after written notification from the Village the sign owner fails to comply with such notice the Village may remove such sign. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. If such costs and expenses are not paid within 30 days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected as other taxes are collected on such real estate.
 - b. Any sign that is constructed without proper approval and permit shall either be removed or issued a proper permit within five days' of the owner receiving notice from the Village. If the owner of such sign is not issued a proper permit or fails to remove such sign, the Village may remove, or contract for the removal of, such sign. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. If such cost and expenses are not paid within ten days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected as other taxes are collected on such real estate.
 - c. If the owner of an illegal sign cannot be ascertained by the Village, then notice as indicated in subsection (2)a above of this section shall be given to the owner of the real estate upon which the sign is located. If the owner of the real estate is not issued a proper permit or does not remove the sign within ten days then the Village may remove, or contract for the removal of, such sign. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. If such costs and expenses are not paid within ten days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected as other taxes are collected on such real estate.
 - d. The cost of removing or relocating any signs located in the road right-of-way at such time as the Village may need the right-of-way cleared of such sign(s) for any public purpose whatsoever, shall be paid by the sign owner.

Sec. 70.119. - Severability.

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If an application of this chapter to a particular sign or structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other sign or structure not specifically included in such judgment.

SECTION III

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION IV

The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the ordinance.

SECTION V

This ordinance shall take effect upon passage and publication or posting as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending ordinance therein.

Passed and adopted this 20th day of September 2016 by the Village Board of the Village of Pewaukee.

APPROVED:



Jeffrey Knutson, Village President

Countersigned:



Chaz Schumacher, Village Clerk