

ORDINANCE NO. 2007-12

An Ordinance Relating to Subdivision Signage

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Section 15-5-11 of the Sign Code of the City of Cedarburg is hereby amended as follows:

“SEC. 15-5-11 PROHIBITED SIGNS.

The following signs shall be prohibited within all zoning districts in the City of Cedarburg:

- (a) **Abandoned Signs.** See Section 15-5-10.
- (b) **Flashing, Alternating, Rotating or Swinging Signs.** Flashing, alternating, rotating or swinging signs or devices, whether illuminated or not, visible from the public right-of-way.
- (c) **Changeable Copy Signs.** Changeable copy signs, fixed or moveable, except for schools, churches, public service, and theater.
- (d) **Floodlighted Signs.** Floodlighted signs or reflection-illuminated signs whose light source is positioned so that its light source is visible from a public right-of-way by vehicular traffic or whose light source is visible from adjoining property and signs which violate Section 15-5-7(k).
- (e) **Unclassified Signs.**
 - (1) Which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.
 - (2) Which is a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property.
 - (3) Which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal.
- (f) **Off-Premise and Inflatable Advertising Devices or Signs.** Off-premise sign which advertises goods, products, facilities or services not located on the premises where the sign is installed and maintained.
- (g) **Billboards.** Signs larger than one hundred (100) square feet per face.
- (h) **Painted Wall Signs.** Painted wall signs which are painted directly on the surface of the building.
- (i) **Business Signs.** Signs, which display telephone numbers or Web addresses except for real estate developments (temporarily until development lots are sold), residential rental properties, and storage rental properties (only when units are available for rent).
- (j) **Advertising Vehicles.** 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 purpose is to advertise a product or direct people to a business or activity. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- (k) **Illegal Placement.** Signs, which are attached or otherwise affixed to rocks, trees or other living vegetation.
- (l) **Strobes and Lasers.** Strobes and lasers are not allowed.
- (m) **Flags.** Flags that advertise any product are not allowed.
- (n) **Searchlights or Balloons.** Searchlights or balloons (exceeding a diameter of two (2) feet) may not be used on a permanent basis. A permit for such an advertising device may be

issued for up to three (3) days and may not exceed a total of fifteen (15) days or five (5) permits per year.

- (o) **Permanent Subdivision Signs.** Permanent subdivision identification signs are not allowed. (See Section 15-5-13 for temporary signage)."

SECTION 2. Section 15-5-13 of the Sign Code of the City of Cedarburg is hereby amended as follows:

“SEC. 15-5-13 SIGNS REQUIRING A TEMPORARY PERMIT.

- (a) **Standards.** There are certain types of signs which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular zoning district or districts, without consideration, in each case, of the impact of those signs upon neighboring land or public facilities. Such signs, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, size and design. Such signs are classified as temporary uses. Such signs may only be erected following the issuance of a temporary use sign permit. Prior to the granting of any temporary use sign permit, the Design Review Board may stipulate such conditions and restrictions upon the establishment, location, size, construction, color, maintenance and operation of the sign as deemed necessary to promote the public health, safety and general welfare of the community. In granting the temporary sign permit the Design Review Board shall consider the following factors:
- (1) That the establishment, maintenance or operation of the sign will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the sign, and the proposed sign is compatible with the use of adjacent land.
 - (3) That the establishment of the sign will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.
- (b) **Temporary Use Sign Permit Required.** The following signs may be allowed with a temporary permit, as provided in Sections 15-5-3(d) and (e), subject to the following conditions:
- (1) **Large Temporary Business Signs.** Large temporary business signs which exceed thirty-three percent (33%) of the total window area in which the sign is placed. Such signs may not exceed seventy-five percent (75%) of the total window area in which the sign is placed and may not be displayed more than fifteen (15) days. Notwithstanding the foregoing, going-out-of-business signs may be displayed for up to forty-five (45) days.
 - (2) **Temporary Wall Signs.** Temporary wall signs may not exceed the lesser of one hundred (100) square feet or twenty percent (20%) of the area of the wall on which the sign is placed. These may be displayed up to fifteen (15) days.
 - (3) **Electric Directional, Instructional and Neon Signs.** Electric directional and instructional signs whose purpose is the same as those of Section 15-5-13(a) and which have passed inspection by the Building Inspector or his authorized agent and comply with the Electrical Code of the City of Cedarburg.

- (4) **Advertising Vehicles.** Advertising vehicles may not be parked on any public right-of-way. A permit may be issued for an on-premise advertising vehicle for a period of time not to exceed five (5) days and no more than three (3) permits per location may be issued per year.
- (5) **Subdivision Development Signs.** Signage, banners and flags erected by the developer for the purpose of marketing a new subdivision ~~Subdivision development signs, banners and flags~~ are permitted with the following restrictions:
 - a. Such permits may be issued for a period of two (2) years and may be annually renewed after two (2) years.
 - b. Signs as used in this Section refer to all types of signs except those prohibited by this Chapter.
 - c. The sign must be located on the property being developed, not on the public right-of-way, and must comply with all applicable building setback requirements.
 - d. The sign may not exceed thirty-two (32) square feet for properties less than five (5) acres. More than five (5) acres are a maximum ninety-six (96) square feet, with setback and size to be determined by the Design Review Board. [One (1) sign is allowed for each major street adjacent to the subdivision.]
- (6) **Sale/Lease/Rent Signs.** Larger than eight (8) square feet.
- (7) **Contractor Signs.** Any sign used for identifying and naming the contractors engaged in construction on the property where the sign is located, provided the sign is larger than eight (8) square feet.
 - a. **Number.** There shall not be more than one (1) temporary construction sign for each project or development, except that where a project or development abuts two (2) or more streets, one (1) sign may be allowed for each abutting street frontage.
 - b. **Nonresidential Areas.** In all nonresidential areas, temporary construction signs shall not exceed fifty (50) square feet in gross surface area.
 - c. **Location.** Temporary construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs shall be setback/offset a minimum of eight (8) feet from any abutting property line, road right-of-way or driveway.
 - d. **Height.** Temporary construction signs shall not project higher than seven (7) feet, as measured from preconstruction grade at the base of the sign.
 - e. **Special Conditions.** Temporary construction signs shall be permitted only as accessory to an approved building permit for the purpose of identifying a proposed construction project and the names of contractors, engineers, architects, and financial institutions involved in the project development. Temporary construction signs may be erected and maintained for a period not to exceed (30) days prior to the commencement of construction and shall be removed within thirty (30) days of the termination of construction of the project or development.
 - f. **Phone Numbers.** Phone numbers are permitted, but are not to exceed 6" in height.
- (c) The following signs are allowable with a temporary sign permit issued by the Building Inspector or his authorized agent without prior approval of the Design Review Board. A temporary sign permit fee is required per Section 15-5-3:

- (1) **Temporary Sign.** Temporary sign less than twelve (12) square feet which advertises a special event for a civil, philanthropic, educational or religious organization. A permit may be issued for fifteen (15) days. A temporary sign can be displayed for up to two (2) weeks at a time during no more than three (3) different periods per year. Each such two (2) week period requires a new permit and fee. Such temporary signs must be located on private property only and shall not obstruct building exits, unless noted elsewhere in this Section.
- (2) **Over-the-Street Banner.** Unlighted special event non-partisan banners not exceeding one hundred fifty (150) square feet in area. A permit may be issued for twenty (20) days. An extension may be applicable.
- (3) **Banners and Pennants.** Banners and pennants (devices of paper, fabric, plastic or other flexible materials) for the purpose of advertising items other than community events shall not exceed the lesser of one hundred (100) square feet or twenty percent (20%) of the area of the wall on which they are placed. There shall be no more than two (2) banners displayed at any time, with each banner requiring a thirty (30) day permit. A business may not have any more than six (6) permits each year. Banners and pennants for the purpose of promoting a community event may be displayed up to sixty (60) days. (Ord. 2002-27)
- (4) Temporary signs are prohibited on all public right-of-way except:
 - a. Official street signs, signs used during construction to warn motorists and pedestrians of potential hazards or traffic directions.”

SECTION 3. Section 15-5-14 of the Code of Ordinances of the City of Cedarburg is hereby amended as follows:

“SEC. 15-5-14 SIGNS REQUIRING A PERMANENT PERMIT.

- (a) **General Requirements.** All signs or devices used to attract attention for advertising or identification purposes, whether defined in this Chapter or not, require a permit. Signs for single tenant/use buildings are regulated according to the applicable zoning district and corresponding restrictions listed in this Section. Signs for multi-tenant/use buildings are regulated by Subsection (c) below.
- (b) **Total Gross Signage.** The total allowable gross signage per building shall be equal to the summation of the street-side building width (feet) and average building setback (feet) times 0.3 sq. feet. This does not apply to the B-3 Business District.
- (c) **Multi-tenant/Use Buildings.**
 - (1) **Identification/Advertising Sign.** The property, building or businesses located within a building shall be allowed only one of the following types of signs for common identification or advertising purposes: projecting, pylon, ground/freestanding or wall sign.
 - (2) **Business Identification Signs.** Buildings with common entrances shall be allowed one directory-type sign at each entrance facing a public right-of-way or parking area. The maximum size shall be twenty-four (24) square feet per sign. Buildings with individual entrances facing a public right-of-way or parking area shall be allowed one sign at each entrance. The maximum size of each sign shall be determined by dividing the total gross signage for the building by the number of businesses.
 - (3) **Awning Signs.** Awnings with lettering or imagery are considered signs. The

lettering or imagery shall not exceed one-fourth (1/4) of the total surface area of the awning and shall be included as part of the total gross signage.

- (4) **Temporary Signs.** Temporary and unrestricted signs, are permitted subject to the requirements of the applicable zoning district or type of sign.
- (d) **Zoning District Requirements.**
 - (1) Residential Districts (RS-1, 2, 3, 4, 5, 6, 7, 8; Rd-1; and RM-1, 2, 3).
 - a. All general restrictions for signs provided within this Chapter apply to Residential Districts. All permanent signs require permits.
 - b. House Numbers and Nameplates. House numbers and nameplates indicating the occupant name and/or address not exceeding two (2) square feet in area for each residential building (no permit).
 - c. Signs which face residential districts shall not be illuminated after 11:00 p.m. or after the business closing time, whichever comes first.
 - d. ~~Permanent subdivision signs require a permit. This sign shall not exceed eight (8) square feet in area and shall be maintained by a corporation or association of homeowners. If the corporation or association disbands, or fails to maintain, signs will be removed.~~
 - e.d. No changeable copy, professional or business name signs or plates are allowed in this district.”

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 26th day of March 2007.

Gregory P. Myers, Mayor

Countersigned:

Sandra M. Ingram, City Clerk

Approved as to form:

Kaye K. Vance, City Attorney