

Village of Menomonee Falls Ordinance No. 875-O-23

**AN ORDINANCE AMENDING SECTIONS 78-3 AND 78-7
OF THE MUNICIPAL CODE OF THE VILLAGE OF MENOMONEE FALLS
RELATING TO SIGNS IN THE VILLAGE CENTRE OVERLAY DISTRICT**

WHEREAS, it is deemed to be in the best interest of the Village of Menomonee Falls that the Municipal Code of the Village of Menomonee Falls be further modified and amended in the manner hereinafter more particularly set forth;

NOW, THEREFORE, the Village Board of the Village of Menomonee Falls do ordain as follows:

Section 1. Subsection (g) [**Exceptions**] of Section 78-3 [**Permits and procedures**] of Chapter 78 [**SIGNS**] of the Municipal Code is amended as set out below by deleting the language highlighted using the strikeout feature (~~delete~~) and adding the language highlighted by the underline feature (addition):

- (g) *Exceptions.* The provisions of this chapter, except as to safety requirements, shall not apply to:
- (1) A street, traffic, or directional sign erected or authorized by the village or other street maintaining entity.
 - (2) Any streetscape or seasonal decorations erected or authorized by the village.
 - ~~(3) Any sign located within the village centre overlay district. The provisions of chapter 122, article V, division 2, shall apply to all signage located within the village centre overlay district.~~
 - (4) Area, height, and quantity restrictions shall not apply to the Community Memorial Hospital or the Menomonee Falls Ambulatory Surgery Center. However, all other provisions of this chapter shall be complied with.
 - ~~(5)~~4 Any sign incorporated into the design of a shelter associated with public transportation shelters authorized by state law or the village board.

Section 2. Section 78-7 [Specific regulations for residential, conservancy-wetland, floodland, and agricultural zoning districts] of Chapter 78 [**SIGNS**] of the Municipal Code is amended as set out below by deleting the language highlighted using the strikeout feature (~~delete~~) and adding the language highlighted by the underline feature (addition):

Sec. 78-7. Specific regulations for residential, conservancy-wetland, floodland, ~~and~~ agricultural, and village centre overlay zoning districts.

The following conditions and regulations apply to zoning districts identified in chapter 122.

- (1) *Residential, conservancy-wetland, floodland.* All signs are prohibited in these districts except the following:
 - a. Signs that do not require a permit or fee.
 1. *Property identification.* A sign not in excess of two square feet in area identifying the property or the name of the owner or occupant.

2. *Warning signs.* Warning signs such as: "No hunting", "no trespassing", "no parking", or "no loitering" are permitted.
 3. *Real estate and lease signs.* Signs pertaining to the lease or sale of the property, not in excess of eight square feet in area per sign. Each property may have one sign per street frontage.
 4. *Yard sale signs.* Yard sale signs located on premises may be in place one day before the event and shall be removed the last day of the event.
 5. *Signs for historic or commemorative places and events.* Signs not in excess of two square feet which commemorate or identify a historic building, place, event, landscape, geologic, or archaeological feature.
 6. *Political campaign signs.* Political campaign signs shall be regulated under subsection 78-6(7)a.2.
- b. Signs that require a permit and fee.
1. *Signs for charitable or religious institutions.* Signs for charitable or religious institutions, located on premises, shall not exceed 15 square feet.
 - i. Identification sign.
Area: Maximum 15 square feet.
Height: Maximum five feet.
 - ii. Bulletin boards shall not exceed ten square feet in area and may have a maximum of two faces.
 2. *Development name signs.* Subdivision, condominium and apartment complex signs shall, in addition to the requirements of this chapter, comply with the following guidelines:
 - i. Area: Maximum 15 square feet.
 - ii. Height: Maximum six feet for freestanding signs and 15 feet for wall signs.
 - iii. Materials: Wood, stone, copper, stainless steel, stucco, brick or any other material approved on a case by case basis by the architectural control board.
 - iv. Lighting: Lighting for subdivision and development signs shall be limited to ground lights directed at the sign.
 - v. Review: Project name signs shall be designed to be integrated into an architectural or landscape feature. The landscape feature shall be approved by the architectural control board.
 3. *Historic inns and bed and breakfasts.* Historic inns and bed and breakfast signage shall, in addition to the requirements of this chapter, comply with the following guidelines:
 - i. Area: Maximum ten square feet.
 - ii. Height: Maximum six feet tall.
 - iii. Signage type: Freestanding only

- iv. *Materials*: Wood, brick or stone. The materials and colors of the sign must compliment the structure and surrounding properties.
- v. *Lighting*: Lighting shall be limited to ground lights directed at the sign. Light may not shine on adjoining properties or create glare conditions. Shielding of lights shall be provided.
- vi. *Landscaping*: The sign shall be integrated into the landscape of the property.
- vii. *Side setbacks*: Signage shall be located a minimum of five feet from side and rear property lines.

(2) *Agricultural districts.*

- a. All signs that are permitted under subsection 78-7(1).
- b. Road side stands. A sign, not exceeding 20 square feet in area, advertising roadside stands selling farm produce.

(3) Village centre overlay district.

a. Compatibility. All signage which is affixed to any portion of the building or structure, or erected on the property, shall be compatible and harmonious with the overall design theme noted in Sec. 122-354 of the municipal code.

b. Primary sign regulations. Primary signage consists of the major signage used to identify a business or store. All primary signs require a sign permit, and shall comply with the following:

1. Wall and projecting signs.

- i. Area. The maximum area of a wall or projecting sign shall be 25 square feet.
- ii. Height. Wall and projecting signs shall be located no higher than the base of the windows on the second floor.
- iii. Clearance for projecting signs. The lowest projecting element of all projecting signs shall be a minimum of eight feet above grade.

2. Freestanding signs.

- i. Area. The maximum area of a freestanding sign shall not exceed 40 square feet, except the area of a group development sign may be increased to 50 square feet.
- ii. Height. The maximum height of a freestanding sign shall not exceed ten feet above grade.
- iii. Location. Freestanding signs shall only be located within a mowed lawn and/or greenspace area with a minimum of 100 square feet.
- iv. Landscape. The base of freestanding signs shall be fully landscaped, including evergreens, shrubs and perennials. The landscaping shall be coordinated with the overall landscaping of the subject and adjoining properties.
- v. Setback. Freestanding signs less than five feet high shall be located a minimum of one foot from all property lines. Freestanding signs five feet

high or greater shall be setback a minimum of five feet from all property lines.

vi. Quantity. Freestanding signs shall be limited to one per lot.

3. Architectural Design. The materials and style of the sign shall be consistent with the principal structure. The architecture of the sign shall coordinate with the building architecture. The detailing on the signage shall bring similar or identical architectural elements from the building to the signage. A maximum of five colors, plus black and white may be utilized within any signage.

4. Materials. Permitted materials include wood, brass, metal leaf, metal plates, glass and stone. Materials shall be compatible with the architectural materials of the building and the building style. Signage materials such as high density urethane or plastics may be used when they simulate traditional materials and when they have a matte finish.

5. Quantity. No more than two primary exterior signs for the same business shall be visible from any single vantage point on or off the subject property.

c. Secondary sign regulations. Secondary signage provides direction, or other information, typically at a pedestrian scale. All secondary signs require a sign permit; however, the permit fee is waived for a window sign less than 30% of the window area. Secondary signs shall comply with the following:

1. Directional signs.

i. Area. Six square feet.

ii. Height. Wall signs may be mounted up to seven feet above grade. Freestanding directional signs may be up to four feet above grade.

iii. Location. Freestanding directional signs shall only be permitted within lawn or landscaped areas.

iv. Setback. Freestanding directional signs shall be located a minimum of one foot from the right of way and any onsite parking areas.

v. Landscaping. The base of freestanding directional signs shall be fully landscaped, including evergreens, shrubs and perennials. The landscaping shall be coordinated with the overall landscaping of the subject and adjoining properties.

vi. Quantity. No more than one directional sign shall be allowed per façade unless unique circumstances exist and the additional locations are approved by the Architectural Control Board.

2. Minor signs. Minor signs are used to provide additional details, such as a restaurant menu, for the convenience of pedestrian identification.

i. Area. Two square feet.

ii. Location. Minor signs shall be permitted in the following locations: over the door, or to the side of a door of a business establishment; projecting or hanging from an awning, arcade, bracket, or similar architectural feature; or on a case by case basis as permitted by the Architectural Control Board.

iii. Clearance. If a minor sign projects or hangs over a pedestrian area, the

- lowest element of the sign shall be a minimum of eight feet above grade.
- iv. Multi-tenant buildings. The use of a minor sign on a multi-tenant building shall require all minor signs to have similar designs, sizes, materials, colors, and installation, which shall be determined through the approval of a master sign program.
3. Window signs. Any graphic applied to a window shall be considered a window sign.
- i. Area. A maximum of 75% of a window may be covered with signage. All sections of a window separated by mullions or other elements less than 6 inches wide shall be added together to determine the entire window area. The window sign area shall be measured using the smallest rectangle sufficient to enclose the individual sign items.
4. Awning signs. An awning sign is any graphic applied to an awning intended for protection from the weather or as a decorative embellishment.
- i. Area. Up to 75% of the area of the vertical surface of a side panel or apron may contain signage. Up to 40% of a sloped panel of the awning may contain signage.
- ii. Location and quantity. All awnings may have one sign located on either the front or side vertical panel. Awnings located over the primary entrance of a building or tenant space may have one sign applied to the sloped area of the awning.
- iii. Illumination. Awnings may be lit from above with lighting affixed to the building. All lighting must be shielded to prevent the light from shining directly into traffic, upper floor windows or pedestrians' eyes. Awnings may not be internally illuminated.
- iv. General. Awnings without lettering or graphics are not considered signs.
5. Architectural Design. The materials and style of the sign shall be consistent with the principal structure. The construction and appearance of the sign shall be designed to coordinate with all other signage on the property with regard to color, materials, design, fonts, etc.
6. Quantity. No more than three secondary signs for the same business shall be visible from any single vantage point on or off the subject property.
- d. Master Sign Programs. All non-residential multiple tenant buildings shall be required to have a master sign program approved by the Architectural Control Board.
1. New and remodeled building designs shall provide logical sign areas, allowing flexibility for new users as the building is re-tenanted over time.
2. Master sign programs shall be designed to complement the style, color and materials of the building, integrating signage as a natural part of the building façade.
3. The village encourages master sign programs to provide attractive combinations of type and styles, with some coordinated signage elements.
4. The master sign program shall address both primary and secondary signage

for the site.

5. Repetitious signage information on the same building frontage shall be avoided.

6. Designs which provide for convenient and attractive replacement of signs are encouraged.

e. *Sidewalk Signs.* Sidewalk signs shall comply with the Sec. 90-6 of the municipal code.

f. *Business improvement district directional signage.* Additional directional signage shall be allowed within the village centre business improvement district subject to the following:

1. Signage shall direct pedestrians and shoppers within the business improvement district.

2. The directional signage shall be owned by the village centre business improvement district and follow a coordinated signage program for all businesses in the district.

3. All business improvement district directional signage shall be similar and maintained by the business improvement district.

4. The village centre business improvement district shall indemnify and hold the Village of Menomonee Falls harmless from and against any and all liability, loss, cost, damage or expense including reasonable attorney's fees arising out of, or incurred in connection with each sign and/or damage to any buildings, properties, vehicles or persons injured from any action or inaction by the village centre business improvement district.

5. The village centre business improvement district shall provide an insurance certificate, in a form approved by the village attorney, in the amount of \$1,000,000.00, naming the Village of Menomonee Falls as an insured party in connection with each sign.

6. The village centre business improvement district shall apply for a permanent sign permit for each sign.

7. No more than 15 signs shall be permitted to be displayed within the district. Signage may be permitted outside the district with approval of the Architectural Control Board and Public Works Department. Signage located outside the district must comply with all articles of this section.

8. All signs being displayed shall be maintained so that the appearance of the signs does not constitute a blighting factor to the district. If the village board declares the signs to be blighted, they may require the signs to be removed.

9. The maximum size of each sign face shall be 16 square feet per structure.

10. The total height of a signage shall not exceed 8 feet. The structure and appurtenances may extend above 8 feet in height.

11. Signs may be illuminated by spot lighting.

12. Signs shall be set back at least one foot from the face of the curb.

13. An unobstructed area of three feet, or as defined by the Americans with

Disabilities Act, shall be provided as an accessible route for pedestrian traffic.

14. Signage may be located within public rights of way or within municipal parking lots with Village approval. Signage located on private property shall be coordinated with the individual property owners through recording of an easement for such purposes.

15. Maps, data, and store names on signage and other information shall be kept current by the village centre business improvement district.

g. *Nonconforming signs.* Nonconforming signs existing at the time of adoption of this ordinance may be permitted to continue until modifications of the sign occur. When signs are modified with regard to size, height, color, material, or illumination the signs shall be brought into compliance with this ordinance.

h. *Hazards or nuisances prohibited.* Signs shall comply with Sec. 78-6(5) of the municipal code.

i. *Off-site signs.* All off-site signs shall comply with Sec. 78-6(6) of the municipal code.

j. *Temporary Signs.* Temporary signs shall comply with Sec. 78-6(7) of the municipal code.

k. *National, State, Local, or Corporate Flags.* Flags shall not be a distraction or hazard.

l. *Public Agency Signs.* All provisions of this chapter shall apply equally to the signs erected by national, state, county or municipal governmental agencies, except for traffic, decorative and informational signs on national, state, county, or municipal rights-of-way.

m. *Liability.* The acceptance of fees and issuance of permits as provided herein shall not be deemed an assumption of liability by the village. The owner of any building or structure upon which a sign is erected shall be liable for any damages and injuries that may be caused to persons and/or property caused by the sign.

n. *Sign Removal.* Sign removal shall comply with Sec. 78-9 of the municipal code.

o. *Appeals and Exceptions.* Sign appeals and exceptions shall comply with Sec. 78-11 of the municipal code.

Section 3. Except as specifically modified and amended by this ordinance, the Municipal Code of the Village of Menomonee Falls shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 4. This ordinance shall take effect and be in full force the same time as the passage and publication of the new Zoning Code.

Section 5. SEVERABILITY. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Adopted by the Board of Trustees of the Village of Menomonee Falls on the 16th day of January, 2023.

By _____
Jeremy Walz, Village President

Date Posted: 02/24/2023-03/09/2023

Attest _____
Amy Dishinger, Village Clerk