

## ORDINANCE NO. 23-02

**An Ordinance Amending Title 15 Chapter 6 “Regulation of Signs,  
Billboards and other Advertising Medium” of the Code of  
Ordinances of the City of Glendale**

At a regular meeting of the City Council of the City of Glendale, WI, Milwaukee County, held on this \_\_\_\_ day of \_\_\_\_\_ 2023, a quorum being present and a majority of the Council voting therefore, said Common Council finds:

WHEREAS, signs are a critical tool for economic development, business attraction, and tourism; and,

WHEREAS, the proper regulation of signs serves to preserve and enhance the natural beauty and unique physical characters of the city as a community in which to live and work; and

WHEREAS, it is necessary to promote healthy and properly designed business environment; and

WHEREAS, to safeguard the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the city; and

WHEREAS, Promote the public safety, welfare, convenience, and enjoyment of travel and the free flow of traffic within the City of Glendale.

Now, therefore, the City Council does ordain as follows:

**SECTION 1**

That Title 15 Chapter 6, Section 15.6.4 Definitions is amended as follows:

(a) The following definitions shall be applicable in this Chapter:

- (1) **Abandoned Sign.** A sign located on a property which becomes vacant and is unoccupied for a period of sixty (60) days or more; any sign which pertains to a time, event or purpose which no longer applies; or a sign which no longer directs attention to a business, activity, service or product sold on the premises.
- (2) **Action Signs.** Any sign, whether electronic or mechanical, that uses movement, motion, or change of lighting to depict or create motion, or create a special effect, or which broadcasts an audio moving picture, or is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign, or whose message or display is presented with patterns of light, rotating or changing fascia, or other means that may be changed at intermittent intervals by an electronic or mechanical process. Such signs include, without limitation by enumeration herein, light emitting diode signs, electroluminescent or digital signs, signage in which a message is displayed on an electric or digital screen and which can be changed without modification to the exterior of the sign, LCD or plasma display panels, electronic billboards, projection screens, signs which remotely change and control content, liquid crystal displays, signage which changes a display electronically or mechanically without physical alteration of the sign or which alter the physical structure of the sign in less than 24 hour intervals..

- (3) **Awning Sign.** A fireproof space frame structure with translucent flexible reinforced vinyl covering designed in awning form, but whose principal purpose and use is signage. Such signs may be internally illuminated by florescent or other light sources in fixtures approved under national and local electrical codes.
- (4) **Area of Sign.** That area of copy enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any point. This area does not include the main supporting sign structure, but other ornamental attachments are to be included in determining sign area.
- (5) **Banner.** Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation's applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this Chapter.
- (6) **Building Front Foot.** The maximum building width measured at grade on a straight line parallel to the street at which the building is addressed.
- (7) **Building Orientation.** The position in which a building sits in reference to the street(s) and parking areas to which the building has access.
- (8) **Business Front Foot.** The lineal distance of the building space occupied by the particular business measured on a straight line parallel to the street. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.
- (9) **Changeable Copy (Message) Sign (Manual).** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign. Characters, letters, or illustrations are changed manually and not electronically or automatically. Such signs are on-premise signs.
- (10) **Contractor Signs.** Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.
- (11) **Corner Properties.** A property located at the intersection of two (2) public streets with frontage on both public street right-of-ways.
- (12) **Digital or Electronic Kiosk.** a small stand-alone device providing information, services and advertising (on premises or off premise) on a screen which may or may not be interactive. Such signs are located in public or semipublic spaces and are intended for use by pedestrians.
- (13) **Directional Signs.** Signs which designate entrances, exits, parking areas and similar functional information without advertising other than the name or logo of the establishment.
- (14) **Electronic Message Board.** A type of changeable copy sign whose message or display is presented with patterns of lights or other means that may be changed at intermittent intervals by an electronic process. Illumination may be by light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within a display area. Characters, letters, or illustrations are changed electronically or automatically. Such signs are on-premise signs.
- (15) **Fascia.** A parapet-type wall used as part of the fascia of a flat roofed building and projecting not more than six (6) feet from the building face immediately adjacent thereto. Such a wall shall enclose at least three (3) sides of the projecting flat roof and return to a parapet wall or the building.
- (16) **Flags.** Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- (17) **Free-Standing Sign.** Any sign which is supported by a pole or pylon and is independent from any building.

- (18) **Grand Opening Sign.** A sign which calls attention to a new business or the announcement of a change in ownership.
- (19) **Holders of Permit.** Collectively, the owner(s) of the premises on which a sign is located and the lessee(s) of the premises to which such sign pertains, all of whom must sign the application for a sign permit.
- (20) **Height of Sign.** The overall height of a sign or sign structure as measured from the adjacent ground surface to the highest point of the sign or sign structure. In the case where a sign is to be located on a berm, the grade shall be determined by the average of the grades measured at the toes of slope at the front and back of the berm.
- (21) **Illegal Sign.**
- a. A sign without a permit.
  - b. A sign which does not conform to the letter of the ordinance or this Chapter.
  - c. Any sign which has not been granted legal status. In addition any sign except the following:
    1. A sign allowed by this Chapter and not requiring a permit.
    2. A sign allowed by this Chapter carrying a valid permit.
- (22) **Legal Nonconforming Sign.** A sign that did meet code regulations when it was originally erected, either by adherence to the previous sign ordinances of the City of Glendale or by a variance granted, but does not comply with all the present regulations of this Chapter.
- (23) **Maintenance.** The replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.
- (24) **Master Identification Sign.** A free standing sign that identifies the name of a multi-tenant building or center but not the uses nor the tenants therein.
- (25) **Meaningful Open Space.** For the purpose of this Chapter, the area around the base of a sign, determined to be necessary for aesthetics and safety, by the Board or Plan Commission. Meaningful open space shall be no less than two hundred fifty (250) square feet unless otherwise specified and shall be landscaped.
- (26) **Monument Signs.** A sign independent from any building that has a structural base of not less than seventy-five percent (75%) of the width of the sign face. (Ex. A sign with a face of eight (8) feet wide would require a structural base of six (6) feet or more in length.) The structural base of a monument sign is defined as a base constructed of natural stone, rock, brick, or man-made masonry material, excluding formed foam, "faux," or other synthetic masonry facsimiles lacking the durability, resistance to damage, and permanence of stone or masonry materials. A singular solid pour of concrete material with no brick, stone, or design component, shall not qualify as masonry material under the definition as set forth in this section.
- (27) **Off-Premise Sign.** A sign which is not appurtenant to the use of the property where the sign is located, or a product sold or a service offered upon the property where the sign is located as purveyor of the merchandise or services advertised upon the sign.
- (28) **Parapet Wall.** A wall extending above the plate line of the building.
- (29) **Pennant/Streamers.** Any lightweight/plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
- (30) **Permanent Sign.** Any sign which is intended to be and is so constructed as to be in a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in permanent manner affixed to the ground, wall or building.
- (31) **Planned Sign Program.** The establishment of an identification program for any multi-tenant operation within the City. Office parks, industrial parks, multi-tenant office

and retail establishments are included as needing Planned Sign Programs. The intent of a Planned Sign Program is to give a uniform theme to signs in a development by size and color. Each sign covered by a Planned Sign Program must be permitted separately.

- (32) **Plate Line.** The point at which any part of the main roof structure first touches or bears upon an external wall.
- (33) **Portable Sign.** Any sign not permanently attached to the ground or a building. Tailorized signs, sandwich board signs, vehicles and balloons are included in this definition.
- (34) **Projecting Signs.** Any sign other than a wall sign affixed to any building or wall, whose leading edge extends beyond such building or wall.
- (35) **Roof Line.** The highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.
- (36) **Roof Sign.** A sign extending above the roof line.
- (37) **Seasonal Signs.** A sign used to identify seasonal commercial establishments, including but not limited to garden centers, Christmas tree lots and fruit and vegetable stands.
- (38) **Shingle Sign.** A sign used to identify a business whose front is under a roof overhang, covered walkway, covered porch, or open lattice walkway.
- (39) **Sign.**
  - a. Any device for visual communications and the structure which supports it, which is used or is intended to attract the attention of the public, when the display of this device is visible beyond the boundaries of the property upon which the display is made.
  - b. The term "sign" shall not include National flags, flags of political subdivisions, and symbolic flags of any institution or business or badge or insignia of the United States, State of Wisconsin, Milwaukee County, City of Glendale, foreign countries or official historic plaques.
- (40) **Street Right of Way.** A street right of way is the area between property boundaries in which traffic lanes, shoulders, ditches, street trees, sidewalks, bike facilities, multiple use paths, and transit amenities are placed for public use. Right of way areas vary with regard to width. Right of ways may be under the jurisdiction of the City of Glendale, Milwaukee County, WisDOT, or Federal Government.
- (41) **Temporary Identification Signs.** A sign, temporary in nature, that is used to identify a commercial establishment for a limited period of time.
- (42) **Temporary Sign.** Any sign, banner, valance of advertising constructed of cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.
- (43) **Tenant Boards (Directory Signs).** A sign providing an exterior listing to pedestrians or motorists of individual tenants within a multi-tenant center.
- (44) **Wall Sign.** Any sign painted on or attached to and erected parallel to the face of or erected or confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface. This definition includes signs composed of individual letters or symbols,
- (45) **Window Sign.** Any sign placed inside or upon an interior window surface, and which is usually intended to be seen from the exterior. Nonconforming Signs.

## SECTION 2

That Title 15 Chapter 6, Section 15.6.6 REVOCATION OF PERMITS is amended as follows:

- (a) The Community Development Department designated official, shall have the authority to revoke any permit which has been granted when the City official has determined that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.
- (b) Notice of the Community Development decision to revoke a sign permit shall be served upon the holder of the permit, and the owner of the premises:
  - (1) By delivering personally a copy of the notice to the holder of the permit, or to one of its officers, and to the owners of the premises; or
  - (2) By leaving a copy of the notice with any person in charge of the premises; or
  - (3) In the event that no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of another copy of the notice to the last known post office address of the holder of the permit and the owner of the premises.
- (c) The holder of the permit or the owner of the premises may appeal to the Plan Commission the decision of the Community Development Designee to revoke the permit. This appeal must be made within fifteen (15) days from the date when the notice was served.
- (d) If no appeal has been taken by the end of the fifteen (15) day appeal period, then the permit is revoked and the sign is illegal. The Community Development then shall initiate the procedure for the removal of the illegal sign.

### SECTION 3

That Title 15 Chapter 6, Section 15.6.7 (a) and (b) REMOVAL OF SIGNS are amended as follows:

- (a) **Responsible Official.** The Community Development Director or Designee or designated official is hereby authorized to require removal of any illegal sign as defined by this Chapter.
- (b) **Notice.** Before bringing an action to require removal of any illegal sign, the Community Development Director or Designee shall give written notice to the owner of the sign and the owner of the premises on which such sign is located. The notice shall state the reasons and grounds for removal, the deficiencies or defects in such sign, the violations charged and specify that the sign must be removed or made to conform with the provisions of this Chapter within the notice period provided below. Service of notice may be made personally on the owner or lessee of the premises at the address specified in the permit or the last known address.

### SECTION 4

That Title 15 Chapter 6, Section 15.6.8 (a) (4) and (b) (2) are amended as follows:

- (a) (4) Sign permits must be renewed every three (3) years and the fee tendered in accordance therewith. Prior to a permit being renewed, the sign will be inspected to determine whether the sign is in conformance with this Chapter.
- (b) (2) Every permit issued by the Community Development Director or Designee or the Plan Commission under the provisions of this Chapter shall expire by limitations and become null and void, if the work authorized by such permit is not completed within one hundred twenty (120) days from the date of such permit. Before such uncompleted work can be continued, a new permit shall be first obtained to do so. The fee therefore shall be one-half (1/2) the amount required for new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work.

### SECTION 5

That Title 15 Chapter 6, Section 15.6.8 (c) through 15.6.8 (k) is recreated as follows:

(a) **Permit Fees.**

- (1) Before issuing any sign permit required by this Chapter, the City shall collect a fee in accordance with the following schedule:

<b>NEW Individual Signs</b>	<b>4-25 Sq. Ft</b>	<b>26-50 Sq. Ft.</b>	<b>51-100 Sq. Ft.</b>	<b>100-150 Sq. Ft.</b>	<b>150-500 Sq. Ft.</b>	<b>+500 Sq. Ft.</b>
	\$ 50*	\$ 75*	\$ 100*	\$ 150*	\$1,000*	0.7% of the cost of the sign*

\* An Administrative fee of 40% shall be added to each permit application.

<b>Temporary Signs</b>	
New	\$50.00
Renewal	\$50.00

- (2) For properties with three or more tenants a planned sign program is required. The application for review by the Plan Commission shall be as noted in the following schedule:

<b>New Planned Sign program (PSP)</b>	
New	\$150 for whole property
Revisions	\$100

<b>Encroachment</b>	
New and Revisions	\$300 + reimbursement of any Engineering and Legal fees associated with the review and processing.

- (3) The cost associated with an appeal, variance or special exception shall be as follows:

<b>Appeals, Variance, and Special Exceptions</b>	
Appeals and Variances	\$300 + reimbursement of any engineering and legal fees associated with the review and processing.
Special Exception	\$300 + reimbursement of any engineering and legal fees associated with the review and processing.

- (4) The owner of a legal nonconforming sign which has been removed or brought into conformance according to the terms of this Chapter shall not be required to pay a permit fee in order to obtain a permit for a replacement sign.
- (5) Where work, for which a permit is required by this Chapter, is begun before a permit has been obtained, the fees above specified shall be quadrupled. The payment of such quadrupled fee shall not relieve any persons from complying fully with the requirements of this Chapter in the execution of the work from any penalties prescribed herein.

(b) **License Requirements. Reserved.**

- (c) **Requirement of Plans.** Two (2) copies of plans, renderings, or other pictorialization of non-residential signs and specifications shall be submitted with the application for each sign in excess of four (4) square feet regulated by this Chapter. Such plans shall show complete details; size of the sign, the method of attachment or support; locations and materials to be used; and the name, address of the person preparing the plans and specifications of such sign. Plans for supports for any sign subject to excessive stresses as determined by the Community Development Director or designee shall be accompanied by structural computations. Sufficient data shall be submitted to show that supporting surfaces and other members of an existing building to which the sign is to be attached are in good condition and are adequately strong to support the load, including the proposed sign.
- (d) **Approval.**
- (1) Permits for signs requiring a permit, shall be reviewed by the Community Development Director or designee. The Community Development Director or Designee may refer any sign to the Plan Commission. The Community Development Director or designee / Plan Commission shall not issue a permit unless:
  - (2) All requirements of the Glendale Building Code are complied with and;
    - a. Approved by a majority vote of the Plan Commission, if required, and;
    - b. Are granted a special exception by the Plan Commission through the Sign Special Exception process, if required and.
  - (3) Design Standards: The Community Development Director or designee / Plan Commission shall determine that the sign by its color, size, placement, or other design factors is not a detriment in terms of its general harmony with the property or building on which it will be placed, or with other properties or buildings in the immediate neighborhood. Among the other design factors which shall be weighed, without limitation because of enumeration, are:
    - a. Overall excellence in sign design and appropriate usage of materials for the type of use and related architectural compatibility, and, in the case of monument signs, conformity to the requirements for the structural base as set forth in Section 15.6.4(a)(25) of this Chapter.
    - b. Sign placement in relation to street grade or property topography; parcel shape; primary and secondary streets; customer or other parking or loading; varying setbacks to avoid monotony along the street frontage;
    - c. Effective use of required landscaping, and of graphic symbols.
  - (4) Through the approval process monument signs shall be the only style of signs to be approved along the North Port Washington Road and West Silver Spring Drive corridors even where legal non-conforming free-standing signs remain. The Plan Commission shall further encourage, and may place reasonable conditions to effectuate, uniformity of theme as to the signage in the North Port Washington Road and West Silver Spring Drive corridors. (3) Notwithstanding any of the foregoing provisions, and as from time to time designated by the Common Council, the provisions of this title and chapter may be assigned to and applied by and under the jurisdiction of the Community Development Authority as to all signage in redevelopment areas selected by the Common Council of the City of Glendale. The Community Development Authority shall then have all procedural and approval authority as granted by this chapter only as to the extent provided in this chapter, and subject to all zoning regulations as from time-to-time adopted by the Common Council of the City of Glendale.
- (e) **Construction Requirements.**
- (1) **Wind Pressure, Live Load and Dead Load Requirements.** All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area; and shall be constructed to

receive all live and dead loads as required in the Building Code or other ordinances of the City of Glendale.

- (2) **Lighting.** Illumination shall be so installed to avoid any glare, spill or reflection into any adjacent property, or onto a street or alley to create a traffic hazard. Any sign creating a nuisance will be reviewed by the Community Development Director or Designee or the Police Department for possible modifications or removal.

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

(g) **Location Requirements.**

- (1) **Proximity to Street Right-of-Way.**

- a. No permanent sign or part thereof shall be located or project closer than ten (10) feet from the established street right-of-way line, except approved traffic directional signs
- b. No sign within a plan development district shall be in a location other than that approved through the Development agreement. If the location of the sign is not part of a Planned Development, then the sign shall meet the standards of a. above.
- c. When a sign is in a zoning district where the building set back is 0ft to 15ft or a build to line exist of 0ft to 15ft then the sign may be located closer to the street right of way based upon site constraints. In such case the sign shall be designed at a pedestrian scale.

- (2) **Encroachments Agreements.**

- a. When a right of way is wide and not fully used or planned not to be fully used in the near future, and the sign would be required to be an unusual distance from the street (such as more than 10ft from where a public sidewalk is located) the applicant may request to have the sign located within the public right of way upon approval of the adoption of a resolution from City Council for the encroachment of a private structure into the public right of way.
- b. The resolution shall contain language that the municipality or other state or federal agency may remove the sign at any time for maintenance, repair, construction or re-construction of the transportation facilities, or utility infrastructure. The removal of such structure will not require replacement.
- c. The resolution shall also contain language that the moving of any said structure to another location onto private property is at the cost of the property owner.
- d. The resolution shall be recorded with the register of deeds.

- (3) **Obstruction of Exits.** No sign shall obstruct any door, window or fire escape of any building.

- (4) **Signs Prohibited Within Limits of Any Street or Highway.**

- a. No sign of any type whatsoever, shall be erected, placed, located, or maintained within the right-of-way limits of any street or highway, unless an encroachment agreement has been approved by City Council and recorded as noted in (2) above. Highway limits include all the dedicated right-of-way, encompassing the traveled portion of the highway, the shoulders, ditches, and adjacent dedicated areas. This prohibition applies to free standing signs whether or not such sign predates enactment of this section, and those placed on trees, utility poles, fence post stakes, and all other structures within the highway limits on which signs might be posted or placed.
- b. Failure to comply with the provisions of this section shall be a violation of Wis. Stat. §86.19, as well as this Chapter, and shall be subject to the penalties as provided by Section 1.1.7 of the Glendale Code. In addition, if the Sign is



placed by a business entity as defined in Wis. Stat. §13.62(5), or any successor legislative enactment or amendment thereto, or the Sign advertises or promotes a business, a business telephone number, or an internet website, there is a rebuttable presumption that the business identified therein caused the sign to be placed and is responsible for any violation of this Chapter. Each alleged sign shall be deemed a separate violation, and each day of placement, per sign, shall also be deemed a separate violation, of this provision.

- c. Any sign violating this section shall be summarily removed by the Department of Public Works or the Police Department.
- d. This prohibition shall not apply to signs placed within the limits of streets or highways by duly constituted municipal, county, or state authorities for the guidance or warning of traffic, as provided in Wis. Stats. §§86.19(1) and (4). Nor shall it apply to mailboxes and paper boxes.
- (5) **Construction Over Public Property.** No person, firm, or corporation shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or a public place without proper approvals, easements, or agreements from the City.
- (6) **Signs on Vehicles.** No sign shall be erected or attached to any vehicle except for signs painted directly on the surface of the vehicle, magnetic signs, and bumper stickers. The primary use of such vehicles shall be in operation of the business and not in advertising or identifying the business premises. The vehicle shall be parked in a designated parking space, but shall not be parked in the right-of-way. Vehicles parked in a manner considered by the Community Development Director or Designee as a means of advertising shall be in violation of this Chapter. Cartop carrier signs of a political nature are not meant to be excluded by this section.
- (h) **Inspections.** Unless waived by the Community Development Director or Designee, all signs for which a permit is required shall be subject to the following inspections:
  - (1) Electrical inspection on all illuminated signs.
  - (2) Electrical inspections for any installation of indirect lighting for a sign.
  - (3) Site inspection to ensure that the sign has been constructed according to approved application and valid sign permit.
- (i) **Maintenance.**
  - (1) Each sign, including those specifically exempt from this Code in respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The Community Development Director or designee shall have authority to inspect and shall have the authority to order the painting, repair, alteration, or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.
  - (2) The Community Development Director or designee shall follow the same procedure of notification described in Section 15.6.7 "Removal of Signs".

## SECTION 6

That Title 15 Chapter 6, Section 15.6.9 (b) through 15.6.9 (i) is recreated as follows:

- (b) **Public Uses, Institutional Uses, Schools and Churches.**
  - (1) The total permanent sign area allowed for public uses, institutional uses, schools, and churches, shall be determined by the Plan Commission.
  - (2) Traffic directional signs are allowed.
  - (3) Landscaping is required at the base of all freestanding/ monument signs.

- (c) **Residential Subdivisions, Condominiums, and Apartment Complexes.** Residential subdivisions, condominiums, and apartment complexes are allowed residential entry-way signs. These signs shall be approved by the Plan Commission. Subdivision, condominium and apartment complex signs shall, in addition to the requirements of this chapter, comply with the following guidelines:
- (1) Area: Maximum area based upon site conditions as approved by the Plan Commission generally 15-30sf
  - (2) Height: Maximum six feet for freestanding signs and 15 feet for signs mounted on building walls.
  - (3) Materials: Wood, stone, copper, stainless steel, stucco, brick or any other material approved on a case by case basis by the architectural control board.
  - (4) Lighting: Lighting for subdivision and development signs shall be limited to ground lights directed at the sign.
  - (5) Review: Project name signs shall be designed to be integrated into an architectural or landscape feature. The landscape feature shall be approved by the plan commission.
- (d) **Office Buildings.**
- (1) Office buildings with two (2) tenants or individually owned condominium suites, or less, are permitted a monument sign. In lieu of a monument sign on the property, each tenant or individually owned condominium suite with a separate exterior entrance may have a wall sign.
  - (2) Office buildings with three (3) or more tenants or individually owned condominium suites qualify for the Planned Signed Program and must meet the requirements set forth in Section 15.6.10(a).
  - (3) Traffic directional signs are allowed.
  - (4) Landscaping is required at the base of all freestanding/ monument signs.
- (e) **Retail Establishments and Shopping Centers.**
- (1) Retail buildings with two (2) tenants or less are permitted either a free-standing sign or a monument sign unless otherwise provided in (3) below. In lieu of a free-standing sign or a monument sign on the property, each tenant may have a wall sign.
  - (2) Retail centers with three (3) or more tenants qualify for the Planned Sign Program and must meet requirements set forth in Section 15.6.10(a).
  - (3) Individual retail establishments that have more than twenty thousand (20,000) square feet of first floor building area are permitted a monument sign and a wall sign.
  - (4) Traffic directional signs are allowed.
  - (5) Landscaping is required at the base of all freestanding/ monument signs.
- (f) **Industrial Uses.**
- (1) Industrial buildings with two (2) tenants or less are permitted a monument sign unless otherwise provided in Subsection (f)(3) below. In lieu of a monument sign on the property, each tenant may have a wall sign.
  - (2) Industrial buildings with three (3) or more tenants qualify for the Planned Sign Program and must meet requirements set forth in Section 15.6.10(a)
  - (3) An individual industry that has more than fifty thousand (50,000) square feet of first floor building area is permitted a monument sign and a wall sign.
  - (4) Traffic directional signs are allowed.
  - (5) Landscaping is required at the base of all freestanding/ monument signs.
- (g) **Corner Properties.** (See Definitions) Commercial establishments located on corner properties that do not qualify for the Planned Sign Program will be allowed up to two (2) signs. Such properties will be allowed either:
- (1) A monument sign and a wall sign, or;
  - (2) Two (2) wall signs to be placed on separate building fronts.

- (h) **Commercial Buildings.** All other commercial establishments not covered specifically by this section will be governed by the sign restrictions provided in Section 15.6.10 hereof.
- (i) **Planned Developments.** Entrance markers must be approved by the Plan Commission. Signs shall be compatible with the development.

#### SECTION 7

That Title 15 Chapter 6, Section 15.6.10 (a) d. recreated as follows:

- d. The approved Plan Sign Program shall be signed by all owners of the property or their authorized agents and the Community Development Director or Designee as authorized by the Plan Commission.

#### SECTION 8

That Title 15 Chapter 6, Section 15.6.10 ( e) recreated to remove the following random language:

#### ADDITIONAL PERMITTED SIGNAGE:

Signage permitted in addition to the signs previously outlined in this section.

#### SECTION 9

That Title 15 Chapter 6, Section 15.6.10 (n) is created as follows:

#### (n) Electronic Message Centers

##### 1. Zoning District Allowed

- a. Electronic Message Centers are allowed in the following zoning classifications with a special exception granted by the Plan Commission:
  - i. M-1 when located adjacent to Good Hope Road west of Range Line Road
  - ii. B-1 "B" when located on a property with one use/tenant and adjacent to Port Washington Road between Henry Clay and Silver Spring Drive
  - iii. When part of a Planned Development District and such electronic message center is integrated into the development agreement. In such instances not more than one electronic message board is permitted per Planned Development District.
  - iv. When located within a S-1 Special (Institutional) District. Only one electronic message center is allowed per monument sign per property.

##### 2. Scrolling, Flashing, Moving.

- a. Electronic message centers shall not have scrolling, flashing, or moving elements.

##### 3. Sign Area: Fifty percent (50%) of the allowed monument sign area.

##### 4. Number of Electronic Message Centers: One double sided sign is permitted.

##### 5. Design Standards:

- a. The digital portion of any such sign must be enclosed on both sides by other sign materials such as brick, stone, wood and/or other distinctive design materials.
- b. Electronic Message boards may only be used in combination with a monument style sign. Incorporation with a pylon, pole, or wall signs is not permitted.
- c. The background of any electronic message center shall be solid in color.

##### 6. Malfunctions: The digital message area shall either freeze or go blank in the event of a malfunction.

##### 7. Automatic Brightness Compensation

- a. Signs that contain changeable copy produced by light emitting diodes (LEDs), incandescent or low-voltage lamps or bulbs, or cathode ray tubes (CRTs) shall include automatic brightness compensation features to adjust brightness to compensate for

sun angle and ambient light conditions and ensure that the sign is visible but not necessarily radiant. Automatic dimming is required to maintain the appropriate illumination levels at all times of day and weather conditions.

8. Minimum Fixed Message.

- a. Changeable copy shall remain fixed for a minimum period of 1 minute between changes

9. Sign Copy Change Time

- a. Where the changeable copy consists of light emitting diodes (LEDs), incandescent or low-voltage lamps or bulbs, cathode ray tubes (CRTs), or another light source, the actual change between sign copy shall be instantaneous
- b. Where copy changes by an automated process other than those processes listed above (e.g. rotating panels, slats, or discs), the actual change between sign copy shall be accomplished within two seconds or less.

## SECTION 10

That Title 15 Chapter 6, Section 15.6.12 is recreated, 15.6.13 through 15.6.16 is created as reserved, and 15.6.17 and 15.6.18 are recreated as:

### 15.6.12 PROHIBITED LIGHTING AND SIGNS.

- (a) **Lighting.** Bare light bulbs shall not be permitted other than for time and temperature. Further, no flashing, blinking, or rotating lights shall be permitted to be attached to any sign or building.

- (b) **Signs.** It shall be unlawful to erect or maintain the following signs:

- (1) Portable signs
- (2) Off-premise signs
- (3) Pennants or streamers or signs which move by any means except flags when permitted as provided in Section 15.6.10(i) herein and except time and temperature signs conforming hereto.
- (4) Projecting signs
- (5) Roof signs
- (6) Sandwich Boards
- (7) Billboards
- (8) Window signs in excess of 25% of the window area
- (9)
  - a. Action signs as defined in Section 15.6.4(a)(2). An action sign mounted on a truck, or other moving vehicle, is a prohibited sign except when transported to and from a given destination, and provided further that such vehicle is not being employed or operated for advertising or display purposes. It shall be presumed that a sign which traverses a street at less than the speed limit, stops or engages in a pattern of stopping, standing, or parking in a manner not required by regulations governing the street, or which vehicle traverses the same street on a repeated basis more than 2 times in a one-hour period without visiting a destination, is displaying a prohibited sign, and is not engaged in the course of permitted travel within the City of Glendale.
    1. Notwithstanding any of the foregoing prohibitions, a sign as otherwise prohibited by this section may be permitted as part of a planned sign program in a planned unit development in a tax incremental financing district within the City of Glendale.
    2. A sign that is otherwise prohibited by this section may also be permitted in the M-zoning districts, or a planned-unit development district, which is not part of a Tax Incremental Financing District, under the following terms and conditions:

- a. Visibility of the sign shall be constructed such as to essentially be in view by operators of vehicles on an interstate highway.
- b. The owner or user of the sign shall cause such sign and parcel to be taxable for real estate tax purposes, or shall enter into a payment in lieu of taxes agreement as mutually agreed with the City of Glendale.
- c. Such signs shall not aesthetically interfere with or be detrimental to a residential district, nor a commercial district whose patrons and customers may be negatively impacted by the presence and appearance of such sign.
- d. A suitable maintenance agreement shall be entered into, as mutually agreed with the City of Glendale.

Failure to comply with the foregoing, shall be a basis for revocation of any approval granted under this subsection

- (10) Signs, other than informational signs such as traffic, directions, or route information, on public structures such as rest stops, park benches, bus shelters or any similar structure.

15.6.13 through 15.6.16 reserved.

#### 15.6.17 SIGN APPEALS.

- (a) **Purpose of Appeals.** Appeals of the decision of City staff or the Plan Commission conveying the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board or bureau of the City. For properties that may have unique circumstances where flexibility may be appropriate see section \_15.6.18 Special Exceptions.
- (b) **Decision of the City staff.** Appeals to the Plan Commission may be taken by any person aggrieved by the decision of city staff.
  - (1) Such written appeals specify the reason for such as appeals shall be filled with the community development department within 30 days, after the date of written decision of the City Administrator, Community Development Director, or designees.
  - (2) The department of community development shall transmit to the plan commission all documents that constitute the record against which the action appeal from was taken.
  - (3) Upon receipt of the record, the Plan Commission, in its sole discretion shall grant the appeal, deny the appeal, or modify and approve the appeal.
- (c) **Decision by the plan commission.** Appeals to the plan commission may be made by any person aggrieved by the decision of the City Council.
  - (1) Such written appeals specifying the reason for such appeal shall be filed with the department of community development by the applicant within 30 days, after the date of written decision of the Plan Commission.
  - (2) The department of community development shall transmit to the city council all papers constituting the record against which the action appealed from was taken.
  - (3) Upon receipt of the record, the city council, in its sole discretion shall grant the appeal, deny the appeal, or modify and approve the appeal.
- (d) **Procedures.**
  - (1) Upon denial of a sign permit, requests for an appeal shall be made in writing to the City within thirty (30) days from denial of a permit. An appeal fee in the amount of Three Hundred Dollars (\$300.00) shall be required of the applicant at the time that a request for hearing is made.

- (2) The Plan Commission /City Council shall make the final decision on appeals using the following criteria:
  - a. An alleged error in any order, requirement, decision, or determination made by an administrative official or commission in enforcing the sign code. (3) Should the Plan Commission/ City Council find in favor of the applicant the application will be forwarded to the staff with directions to issue a permit in accordance with the decision. If the Commission finds that the appeal should not be granted, it shall inform the applicant of the reasons for such decision within the motion and minutes of the Plan Commission.
- (3) Should the Plan Commission/ City Council find in favor of the applicant the application will be forwarded to the staff with directions to issue a permit in accordance with the decision. If the Commission finds that the appeal should not be granted, it shall inform the applicant of the reasons for such decision within the motion and minutes of the Plan Commission.

#### 15.6.18 EXCEPTIONS

- (a) Authority. The plan commission may determine and vary the regulations of this article in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the commission makes a finding of fact based upon the standard hereinafter prescribed, that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the regulations of this article.
- (b) All requests for sign exceptions shall be made on forms furnished by the department of community development and shall include the application fee as established in the Municipal Code.
- (c) The department of community development shall transmit the application materials to the plan commission.
- (d) Hearings. A public hearing shall be held by the plan commission unless the commission determines, with no dissenting vote, that such a hearing is not necessary to protect the public interest. If held, the plan commission shall fix a reasonable time and place for the hearing of an exception and give notice thereof by publication of a class 2 notice, pursuant to Wis. Stats. Ch. 985. Notice of the public hearing shall be mailed to the petitioner, the clerk of any municipality whose boundaries are within 1,000 feet of any land included in the petition and the owners of all lands lying within 300 feet of and lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by the plan commission.
- (e) Standards for exceptions.
  - (1) The plan commission shall not vary the regulations of this section as authorized in subsection (a)(1) above unless it shall make findings based upon the evidence presented to it in each specific case that all the following conditions are present:
    - a. The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
    - b. The conditions upon which the application for an exception is based would not be applicable generally to other property within the same zoning classification.
    - c. The purpose of the exception is not based exclusively upon a desire for economic or other material gain by the applicant or owner.

- d. The alleged difficulty or hardship is caused by this article and has not been created by any person presently having an interest in the property.
  - e. The granting of the exception will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - f. The proposed exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (2) The plan commission may impose conditions and restrictions upon the premises benefited by an exception as may be necessary to comply with the above standards to reduce or minimize the injurious effect of such exception upon other property in the neighborhood, and to better carry out the general intent of this article.
  - (3) Authorized exceptions. Exceptions shall be granted by the plan commission only in accordance with the standards set forth in [subsection] (e)(1) above. Authorized exceptions shall be considered a unique request and shall not be construed as precedent for any other authorized exceptions.
  - (4) Anyone who believes they have a unique condition should file an application with the department of community development for an exception.
- (f) Sign exception procedure.
    - (1) The applicant submits a complete sign exception application and relevant fees to the department of community development.
    - (2) The proposed sign is reviewed by the department of community development and referred to the plan commission for any exception(s).
    - (3) The plan commission determines if a public hearing should be held.
      - a. If the public hearing is waived, the plan commission shall review the application materials and approve, reject, or modify and approve the sign exception(s).
      - b. If the public hearing is requested, the hearing shall be scheduled for the next available plan commission meeting. After the public hearing is closed, the plan commission shall consider the information presented and approve, reject, or modify and approve the sign exception(s).

#### SECTION 11

That if any subsection, section, or portions of this ordinance or the application thereof to any persons as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof and the validity of the ordinance in all other respects shall not be affected thereby.

#### SECTION 12

That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

SECTION 13

This ordinance shall be in full force and effect after its passage and posting as provided by law.  
PASSED AND ADOPTED by the City Council of the City of Glendale, WI, Milwaukee  
County, Wisconsin, this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Bryan Kennedy, Mayor

Counter signed.

\_\_\_\_\_  
Megan Humitz, City Clerk