

ORDINANCE NO. O1658

AN ORDINANCE TO AMEND THE CITY OF MIDDLETON SIGN CODE

The Common Council of the City of Middleton do hereby ordain as follows:

1. Section 22.10(2) of the City of Middleton Municipal Code is hereby created to read as follows:

(2) Existing Group Developments or other developments for which a Comprehensive Sign Plan has been approved under a previous Sign Code shall continue to be governed by that Plan unless or until the Plan is revoked or the property owner elects to rescind the plan and be governed by the requirements of this Sign Code.

2. Figure 22.11(2) of the City of Middleton Municipal Code is hereby repealed and recreated to read as shown on Exhibit A. to this ordinance.
3. Figure 22.11(3.A) of the City of Middleton Municipal Code is hereby repealed and recreated to read as shown on Exhibit A. to this ordinance.
4. Section 22.27 of the City of Middleton Municipal Code is hereby amended to read as follows:

Section 22.27: Sign Approvals and Permits – Application, Enforcement, and Revocation

- (1) Applicability.

(a) No Freestanding Sign listed under Section 22.05(1)(a), On-Building Sign listed under Section 22.05(1)(b), Drive Thru Sign under Section 22.05(1)(d)4., Gateway Sign under Section 22.05(3)(b)2., or Community Sign under Section 22.05(13)(b)3. shall be erected, installed, or constructed without approval from the City of Middleton Plan Commission and the granting of a permit from the Zoning Administrator in accordance with the provisions of this Section. The Zoning Administrator is authorized to grant a permit for such a sign without Plan Commission approval if any of the following conditions are met:

1. There is a change in the appearance of an existing sign without a change to the sign size, structure, or placement.
2. The sign is located in a Planned Unit Development and adheres to all the standards identified in an approved General Development Plan or Specific Implementation Plan.
3. The sign adheres to all the standards identified in a Comprehensive Sign Plan pertaining to the property and approved by the Plan Commission under a previous Sign Code.

(b) No Suspended Sign under Section 22.05(1)(c), Menu Board Sign, Sandwich Board Sign, or Bulletin Board Sign listed under Section 22.05(1)(d), or Interior Site Navigational Sign under Section 22.05(3)(a)2., shall be erected, installed, constructed, or maintained without the granting of a permit from the Zoning Administrator in accordance with the provisions of this Section.

(c) No Metal Plaque Sign under Section 22.05(3)(b)1. shall be erected, installed, constructed, or maintained without the granting of a permit from the Landmarks Commission in accordance with the provisions of this Section.

(d) No permitted sign within the AGR, PR, or CON zoning districts (see the City of Middleton Zoning Code, Chapter 10) shall be erected, installed, constructed, or maintained without the approval of the Park, Recreation, and Forestry Committee, Conservancy Land Committee, or the License and Ordinance Committee in accordance with the provisions of this Section.

~~(e) For signs requiring a permit in Subsection (a), above, this Section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure.~~

~~(f)(e)~~ This Section shall not apply to repainting or re-facing with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure.

~~(g)(f)~~ No new permit is required for signs which are in place as of the effective date this Chapter, and such signs may remain as legal nonconforming signs if they do not comply with every provision of this Chapter. Any alteration or relocation of such signs shall conform to the requirements of this Chapter. Refer to Section 22.35 for rules pertaining to nonconforming signs.

~~(h)(g)~~ Any sign permit granted hereunder shall not be assigned or transferred to any other sign, including a modified sign face or modified sign structure.

~~(i)(h)~~ The owner or tenant may request the granting of one permit for all signs on a site that ~~requires-require~~ a sign permit.

~~(2) Review Authority~~

~~(a) The Plan Commission shall review all signs per Section 22.27(1), all signs accompanying changes in land use or a new land use which must receive approval of a zoning permit, and sites which will have more than one sign viewed together as part of a group of signs. This may be required with a zoning permit for change of land use or a sign permit.~~

~~(3)~~(2) Sign Permit Application. Each sign permit application shall include:

- (a) The name, address, phone number, and email address of the applicant.
- (b) The name of the business or land use the proposed sign will serve.
- (c) The name, address, phone number, email address, and signature of the property owner.
- (d) The name, address, phone number, and email address of the sign contractor.
- (e) The property's zoning designation.
- (f) The property's current land use or uses for the entire subject property, including all indoor and outdoor areas.
- (g) The approved site plan for the subject property (see the City of Middleton Zoning Code, Chapter 10 Section 10.10.43). If a site plan was not previously required or approved, a site plan for the subject property with requirements as determined by the Zoning Administrator shall be provided. At a minimum, the site plan shall include the following:
 - 1. Location, type, height, width, and area of the proposed sign.
 - 2. Location, type, height, width, and area of all existing signs on the property and indication of whether existing sign(s) will remain or be removed/replaced.
 - 3. All property lines and buildings on the property and within 50 feet of the proposed sign.
 - 4. All parking areas, driveways, and public roads.
 - 5. Method of attachment, structural support, method of illumination, and sign materials.
 - 6. The total area of all signs on the subject property both before and after installation of the proposed sign.
 - 7. Approximate value of the sign to be installed, including cost of installation.
- (h) Payment of the sign permit fee, as established in the City of Middleton Fee Schedule.
- (i) A written statement that all temporary signs will be removed per the time limits of this Chapter.
- (j) Any other information that may reasonably be requested by the Zoning Administrator for the purpose of application evaluation.

- (k) Any existing or proposed sign on property abutting a State Highway, United States Highway, or Interstate Highway may also require approval from the Wisconsin Department of Transportation or the Federal Highway Administration.

~~(4)~~(3) Granting and Issuance.

- (a) The Zoning Administrator shall review the application within 14 working days of submittal to ensure it is complete per the requirements of Subsection (3), above.
- (b) In cases where no other review or approvals are required under this Chapter, the Zoning Administrator shall review said application for compliance with Subsection (5), below, and shall, in writing, either approve or deny said sign permit within 45 working days of the acceptance of the complete application and payment of the required fee. If the permit application is denied, the Zoning Administrator shall state the reasons therefor. Failure of the Zoning Administrator to act within this time frame shall not constitute automatic approval of the sign permit.
- (c) When a proposed sign is associated with any development that requires a Site Plan, a sign permit shall not be granted prior to the approval of a Site Plan. In such cases, the Zoning Administrator shall review said application for compliance with Subsection (5), below, and shall place the item on the appropriate meeting agenda(s) within 30 working days of the acceptance of the complete application and payment of the required fee. Within 30 working days of recommendation or action by the body with recommending or approval authority, the Zoning Administrator shall approve or deny said sign permit based on such recommendation or action.
- (d) Sign permit fees are nonrefundable unless applications are withdrawn prior to the commencement of Zoning Administrator review.
- (e) A granted sign permit shall expire, and shall be null and void, if the sign is not attached or erected within 180 days after the issuance of the sign permit.

~~(5)~~(4) Basis for Granting a Sign Permit. In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Chapter. In such review, the Zoning Administrator may also consider the following factors:

- (a) Any signage affixed to a building shall be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
- (b) All signs shall be designed to fit the zoning and character of the surrounding area including compatibility with the building characteristics, adjacent uses, and adjacent signs. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in the Planned Unit Development zoning district shall conform to the planned or existing dominant architectural theme of the

area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.

- (c) Signs illuminated by floodlights or spotlights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians. Light levels must conform to zoning requirements. All signs must conform to the Sign Illumination standards in Chapter 33 (Outdoor Lighting Code).
- (d) The number of colors and materials of the sign should be kept to a minimum.
- (e) Landscape features shall be incorporated around the base of all permanent freestanding signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.
- (f) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety and minimizes conflict with vehicular or pedestrian circulation.
- (g) Whether the sign is in compliance with all provisions of the City of Middleton Municipal Code and Building Code, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.

~~(6)~~(5) Enforcement and Revocation of Sign Permit.

- (a) A sign permit may be revoked if the applicant has failed to comply with the provisions of this Chapter or any conditions that may have accompanied the permit at the time of issuance. Revocation requires written notice by either the Zoning Administrator for Chapter 22 violations or the Building Inspector for Building Code or other construction code violations.
- (b) In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 180 days from the date of the issuance of such permit, said permit shall be null and void and automatically revoked. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. In such cases, a new permit shall be obtained to complete the work and a new permit fee shall be required.
- (c) Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within 45 days of such revocation.

~~(7)~~(6) Variances. Any sought by a property owner or applicant shall follow the process set forth in the City of Middleton Zoning Code, Chapter 10 Section 10.10.51.

~~(8)~~(7) Appeals. Any applicant or sign permit holder affected by a decision of the Zoning Administrator may petition for a hearing before the Board of Zoning Appeals in the same manner and subject to the same procedures as other appeals of decisions of administrative officers. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Board of Zoning Appeals decides whether to sustain, modify, or withdraw the notice.

~~(9)~~(8) Removal of Signs in Violation of this Chapter.

- (a) If the Zoning Administrator determines that any sign exists in violation of this Chapter, the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation shall be corrected within 60 days of receipt of said notice on penalty of automatic revocation of any sign permit, and that removal of the sign by the City may occur at the expense of the owner of the property.
- (b) If notification is sent and the violation is not corrected within 60 days, the Zoning Administrator shall revoke the permit for any sign which is in violation of this Chapter. It shall be the duty of the Zoning Administrator to cause removal of such sign.
- (c) The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the City Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll in accordance with Wis. Stats. §66.0627.
- (d) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator.

~~(10)~~(9) Adjustments to Approved Signs. The following adjustments may be approved administratively by City staff and no additional process is necessary.

- (a) A proposed adjustment that does not alter the size, location, or placement of the approved sign.
- (b) A proposed adjustment that would remove a sign component which is not required under the Chapter.

(10) Adjustments to Approved Comprehensive Sign Plans. The Plan Commission shall review any request from the owner or owners of property to which a previously approved Comprehensive Sign Plan pertains provided that any change adheres to all regulations of this sign code.

The above and foregoing ordinance is duly adopted by the Middleton Common Council at a regular meeting held on the 17th day of June 2025.

CITY OF MIDDLETON

By: 
Emily Kuhn, Mayor

ATTEST:


Lorie J. Burns, City Clerk

First Reading: 6/3/25

Vote: Ayes: 8

Noes: 0

Adopted : 6/17/25

Published: 6/26/25