

**NOTICE OF PUBLIC HEARING IN THE VILLAGE OF EPHRAIM TO CONSIDER AN
ORDINANCE AMENDING VILLAGE OF EPHRAIM ZONING ORDINANCE
REGARDING SIGNAGE**

Monday, May 14, 2011
EPHRAIM ADMINISTRATIVE OFFICE 10005 NORWAY, EPHRAIM, WI
7:00 P.M. – During the Village Board Meeting

The Village of Ephraim is considering the following amendments to Village Ordinance

ORDINANCE NO. 02-2012

**AN ORDINANCE AMENDING VILLAGE OF EPHRAIM ZONING CODE AS IT RELATES
TO SIGNS**

SECTION I: § 17.09 Definitions is amended by adding the following:

§ 17.09 - Definitions of the Ephraim Code of Ordinance is hereby amended by adding the following:

SIGN, BACKLIT. Sign illuminated by a light source behind the face of the sign.

SIGN, LIT FROM WITHIN. Sign illuminated by a light source inside the sign structure that casts a light on the face of the sign.

SIGN, EXTERNALLY LIT. Sign illuminated by a directed light source not located on the sign structure that floods the entire sign structure with light.

SECTION III: §17.15(18) Signs of the Ephraim Code of Ordinance is hereby deleted in its entirety and replaced with the following:

§ 17.15 (18) SIGNS

- (a) The provisions of this sign ordinance are made to establish reasonable and objective regulations for all signs in the Village of Ephraim which are visible to the public, in order to protect the general public health, safety, welfare, convenience, and esthetics. The ordinance is also intended to give helpful directions, and inform regarding available products, businesses, and services.
- (b) Permits Required. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, altered and no sign copy may be changed without a zoning permit for such sign, and without being in full conformity with the requirements of this chapter.
- (c) Signs Exempted. The following signs shall be permitted anywhere within the Village and shall not require a permit: Exempted signs are however subject to par (d) below.
 1. Official traffic control signs and information or directional notices erected by federal, State or local units of government.
 2. Signs advertising the sale, of the property on which the sign is placed. Such signs shall not exceed 4 sq. ft. in gross area and 5' in height, and must be placed outside the road right-of-way. Open house signs shall be attached to the realtor sign, shall

not exceed 1 sq. ft., and shall be attached only during open house hours. Only one such sign shall be allowed along each highway or road on each lot.

3. On-premises "No Hunting" or "No Trespassing" signs, provided that such sign shall not exceed 1 sq. ft. in gross area. Such sign may be affixed to trees. There shall be a minimum distance of 200' between signs.
4. One on-premises nameplate for each residence provided that such nameplate shall not exceed 2 sq. ft. in gross area.
5. Political and campaign signs on behalf of candidates for public office, political parties or measures on election ballots, provided that such signs may be erected not earlier than 45 days prior to the election and shall be removed within 7 days following such election. Each sign shall not exceed 4 sq. ft. in gross area and shall be set back outside the road right of way. Only one sign for each candidate or measure shall be permitted on a premises.
6. "Vacancy/No Vacancy" and "Open/Closed" and "Sale" signs (one each per business), provided they do not exceed 1.5 sq. ft. in area and are set outside the road right of way
7. The flying of flag of nations or states, limited to two flagpoles per commercial property.
8. Fyr Bal flags if properly displayed on a flagpole or bracket for the month of June.
9. Commercially available seasonal flags (e.g. spring, summer, fall and winter) if properly mounted on flagpole or mounted via a bracket, not to exceed 15 square feet and only one allowed per principal building; Not to appear in conjunction with open flags in 17.15 (18)(c)(10).
10. "Open" flags permitted, (*one per business*) not to exceed 15 square feet. Not to appear in conjunction with seasonal flags in 17.15 (18) (c) (9).

(d) Prohibited signs and characteristics of signs.

1. No sign shall resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices.
2. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at the access point or intersections.
3. No sign shall be backlit, except "Vacancy", "No Vacancy", and "Open" signs, which may be illuminated.
4. Sources of illumination for externally lit signs and signs lit from within shall be so shielded as not to cast a direct beam toward any lane of traffic or neighboring residence. When additional shielding needs to be attached to the sign structure in order to be effective, such shielding shall not be counted towards overall sign square footage, provided there is no wording, characters, symbols, etc., on shielding material, and the means of shielding is approved by the planning committee.

5. No sign shall be animated by means of flashing, blinking or any conspicuous physically moving components.
6. No signs shall be painted on rocks nor affixed to trees, except as specifically permitted in this chapter.
7. No permanent sign shall identify any business establishment located outside the village.
8. The use of any temporary sign, banner, pennant, flag, balloon, streamers or similar articles intended to attract attention to any object, product, place, activity, person, institution, organization or business for advertising of a product, service, show or carnival is prohibited, except by special permit by the Plan Committee for special events and for a specific limited time duration.
9. The parking for extensive periods of time of vehicles decorated to advertise attractions not on the same premises where the decorated vehicle is parked is prohibited form of signage.

(e) Signs in the Residential & PW Districts.

1. Signs identifying a permitted home occupation or home office. Such signs shall not exceed 4 sq. ft. in gross area, shall be set outside the road right-of-way and shall not exceed 5' in height.
2. Signs identifying a business that is legally operating within the residential or PW district. Such signs shall not exceed 8 sq. ft. in gross area, shall be set outside the road right-of-way, and shall not exceed 5' in height.
3. Residential directory signs are permitted at intersections with dead-end streets to identify residences located on the dead-end street. Each sign shall not exceed 1 sq. ft. in gross area, shall be attached to common support posts, and shall be set outside the road right-of-way.
4. A Temporary Banner (see 17.15 (18) f (5) b.)

(f) Signs in the Commercial District.

General Requirements- Permanent Signage

1. Permitted. The following signs are permitted in the Commercial District: wall, permanent window, ground and projecting signs.
2. Area Restrictions. The area of all permanent signage shall not exceed 24 sq. ft. in C-North, and 15 sq. ft. in C-Central and C-South (unless 33' right of way setback is used, in which case 24 sq. ft. would be maximum).
3. Setbacks. All ground signs shall be set back out of the public right of way. Ground signs set back within the right of way of Highway 42 shall obtain the necessary State permits.
4. Additional Requirements.
 - (a) All signs shall be limited to the name or business name, profession or trade of the business or businesses on the same lot, type of business, phone

number, internet address, as well as the services offered or products sold on the premises. No prices shall appear on business signs except fuel prices at service stations.

- (b) A wall sign placed against the exterior wall of a building shall not extend more than 6" outside of a building's wall surface and shall not extend above the roof line of the building.
- (c) A projecting sign fastened to, suspended from or supported by a building shall not extend more than 5' into any yard, shall not extend into or over any public right-of-way, shall be at least 10' from all side lot lines, shall not exceed a height of 12' above a sidewalk or driveway and shall maintain a minimum vertical distance of 8' from the bottom of the sign and the sidewalk, driveway or ground elevation.
- (d) A ground sign shall not exceed a height of 10' above grade in C-North and C-Central of Highway 42, or 8' above grade on C-Central side streets or in C-South, except that if the ground sign is within 25' of an intersection or 15' of a driveway, measured from the point of intersection with a right-of-way, then the sign shall be no more than 3' in height.
- (e) Permanent window signs shall be placed only on the inside of commercial buildings and shall not exceed 20% of the glass area of the window in which the sign is displayed.

5. General Requirements-Temporary Signage

- (a) All Temporary Signs shall be placed as follows:
 - Temporary signs may be displayed no more than three times per calendar year and for a period of time not to exceed two weeks per permit.
- (1) Temporary Business Signs
 - Temporary business signs shall not identify a portion of the business or products sold but rather a special event or circumstance of the business.
 - Shall not exceed 4 square feet when placed on the inside of a commercial building window or when freestanding and placed outside the road right of way.
 - Shall not to exceed 1.5 sq. ft. when placed on the surface of a permanent sign.
- (2) Temporary Non-Profit Event Signs
 - Shall not exceed 4 square feet when placed outside the road right of way.
 - Shall be approved by the planning committee.
- (b) Non Fee Temporary Directional Signage
 - Signage intended to provide direction to real estate for sale, open houses, and garage sales occurring in the Village of Ephraim.
 - May be placed for a specific time period during an event and shall be removed immediately upon completion of event.

- Such signs shall be limited to 4 square feet in size and 3 feet in height as measured from the ground to the top of the sign.
- Such signs may be placed on private property with landowner's approval.
- Such signs may be placed on public property with the approval of the Zoning Administrator.
- Only one such sign is permitted per intersection.

(c) Temporary banners are allowed for non-profit events, special village events, and for commemorating major anniversaries of a business or a historic building, if the following conditions are met:

- The banner shall not exceed 18 square feet.
- Shall be placed for a time not to exceed 14 days, and must be removed within 24 hours of the end of the event.
- All banners, designs, and locations must be approved by the planning committee.
- Special event banners are limited to a maximum of 20 and shall be displayed on designated streetlights.
- Commemorative banners may be placed for longer time periods with approval of the planning committee.
- Streetlight Banners must be installed by Village employees and not by the applicant.
- The Village reserves the right to assess a fee for installing banners by Village employees.

6. More than one Business in a Building or on a lot. When more than one separately licensed business establishment is located in a single building or on one lot, a single sign is permitted for the entire building complex. Such sign shall meet the requirements of subparts. (f) 1.2. & 3 above. In addition to this common sign, each tenant is permitted one sign not to exceed 4 sq. ft. in area located within a 12 feet of the individual business.

(g) Village Directional Signs. A single directional sign may be permitted, on which may be listed the names of permitted businesses conducted on those Village roads. Accessibility for location of the sign, obstruction of view and other possible factors shall determine whether such directional signs are granted. The Plan Committee shall authorize the erection of all Village directional signs and each business nameplate attached thereto. Applications for such signs and nameplates shall be made in writing to the Plan Committee. The Plan Committee shall determine the location, design, size and type of construction of all such signs. A business shall be listed on one directional sign only. All costs and changes associated with new or altered nameplate signs shall be assumed by the businesses listed thereon.

(h) Off-Premises Signage - Off-premises signage is not allowed in Ephraim with the following exceptions:

Signage requested for and associated with multi-site tours or multi-site events may be exempted from the off-premises signage prohibition with approval from the Planning committee. Such signage must meet the following requirements:

1. Multi-Site Tours/Events

- a) Signs shall not exceed 8 square feet per site. The number of multi-site tours/events allowed per calendar year and number of sites is subject to approval and may be limited by the Planning Committee.
- b) Signage may be placed 14 days before the event and must be removed within 24 hours after the event.
- c) On-going seasonal, multi-site tours/events may be granted off-premises signage for the duration of the season with Planning committee review and approval.

(i) Legal Nonconforming Signs.

1. Loss of legal nonconforming status. A sign loses its legal non-conforming status if one or more of the following occurs:
 - (a) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to make the sign less in compliance with requirements of this chapter than it was before alteration. Normal maintenance and repair includes rebuilding or reestablishing signs damaged by vehicles, snowplowing, vandalism or storm damage.
 - (b) The sign is relocated.
 - (c) The sign fails to conform to this chapter regarding maintenance and repair, abandonment or dangerous or defective signs.
 - (d) The principal content or nature of the sign, such as the name of a business or product, is changed or altered.
 - (e) On the date of occurrence of any of the above, the sign shall be brought in compliance with this chapter with a new permit secured therefore or shall be removed.
 - (f) Granting of conditional use approval for a premises to allow additional development thereon shall entitle the Plan Committee to require as a condition of such approval that existing signs and new signs be made to conform.
1. Legal Nonconforming Sign Maintenance and Repair. Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs.
2. Reproduction of Signs by Conditional Use. Signage legally nonconforming as to size, as of the effective date of this language, may be considered for replacement by conditional use. Whereas the existing square footage is not exceeded, and the applicable criteria to be considered (below) are evaluated.
 - (a) Consideration of whether or not the signage is within the historic district
 - (b) Consideration of the visual impact of current signage vs. proposed signage – Changes in location, quantity, wording, color, and or lighting of the sign(s).
 - (c) Consideration of the overall square footage of signage and its degree of compatible infill with the district.

(d) Consideration of signage thought to complement historically significant buildings.

(j) Violations.

1. Signs that are not maintained in a safe, presentable and good structural condition.
2. Signs advertising a business that is no longer conducted on the premises.
3. Any sign erected, established, altered, moved or structurally modified without a permit or altered with a permit, but in violation of the provisions of this chapter.

(k) Penalties.

1. If the violation is a failure to obtain a permit for a conforming sign, the permit fee shall be five times normal fees.
2. If a property owner fails to remove a sign in violation of the ordinance or bring that sign into compliance with this chapter, the zoning administrator shall give the property owner 30 days written notice to remove the violation. Upon failure to comply with this notice, the Village may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the sign is located. Additional penalties of \$50 per day may be applied after receipt of written notification.

SECTION VI: If any section, subsection, paragraph or sentence of this ordinance is for any reason deemed unconstitutional or otherwise unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance.

SECTION VII: This ordinance shall take effect upon its passage and publication according to law as an amendment to the Village Zoning Code under the procedures prescribed by § 62.23 (d) Wis. Stats.

Passed and approved by the Village Board of Trustees at its regular meeting on the ____ day of _____, 2012.

_____	Date <u>05/04/2012</u>
Charity Buhr, Clerk	<u>X</u> Village offices
	<u>X</u> Visitors' Center
	<u>X</u> Post Office

Susan Shallow, Deputy Clerk	