

ENROLLED ORDINANCE 163-43

AMEND THE TEXT OF THE TOWN BROOKFIELD ZONING CODE,
REGARDING SECTION 17.08, SIGN PROVISIONS (ZT-1682)

WHEREAS the subject matter of this Ordinance having been approved by the Brookfield Town Board on September 2, 2008, after Public Hearing and the giving of requisite notice of said hearing, and duly referred and considered by the Waukesha County Park and Planning Commission and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required by Section 60.61 of the Wisconsin Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Ordinance amending the text of the Town of Brookfield Zoning Code, adopted on December 27, 1988, and amended by the Brookfield Town Board on September 2, 2008, regarding Section 17.08, sign provisions, and more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (ZT-1682) is hereby approved.

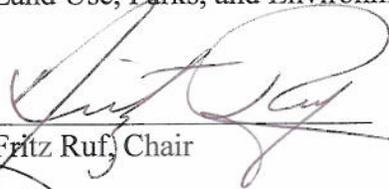
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.

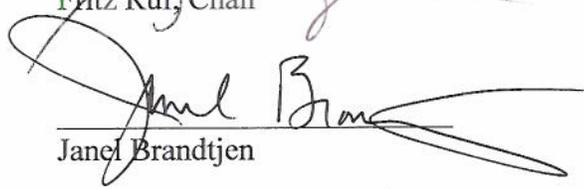
BE IT FURTHER ORDAINED that the Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or with contravention of provisions of this Ordinance are hereby repealed.

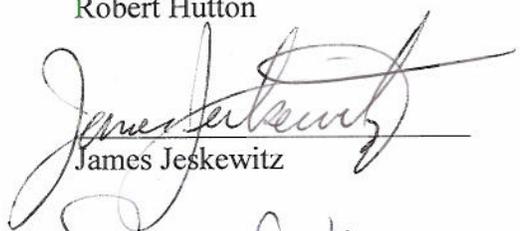
AMEND THE TEXT OF THE TOWN BROOKFIELD ZONING CODE,
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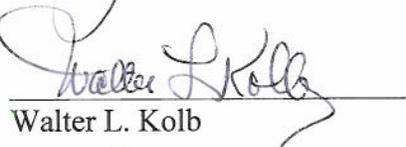
Presented by:
Land Use, Parks, and Environment Committee

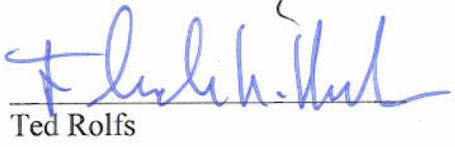

Fritz Ruf, Chair


Janel Brandtjen

Absent
Robert Hutton


James Jeskewitz


Walter L. Kolb


Ted Rolfs

Absent
Gilbert W. Yerke

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 10-31-08, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____
Date: 11-3-08, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/28/08

(ORD) NUMBER-1630045

1 D. FALSTAD.....AYE
3 R. HUTTON.....AYE
5 J. JESKEWITZ.....AYE
7 P. HAUKOHL.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....AYE
13 J. BEHREND.....AYE
15 P. MEYERS.....AYE
17 J. TORTOMASI.....AYE
19 S. WIMMER.....AYE
21 W. ZABOROWSKI.....AYE
23 J. PLEDL.....AYE
25 G. YERKE.....

2 T. ROLFS.....AYE
4 J. DWYER.....AYE
6 J. BRANDTJEN.....AYE
8 T. SCHELLINGER.....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 B. MORRIS.....AYE
16 D. PAULSON.....AYE
18 K. CUMMINGS.....AYE
20 P. JASKE.....AYE
22 P. GUNDRUM.....AYE
24 W. KOLB.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

FILE NO.: ZT-1682

DATE: October 1, 2008

PETITIONER: Town Board of Brookfield
Town of Brookfield Hall
645 N. Janacek Road
Brookfield, WI 53045-6052

NATURE OF REQUEST:

Text amendments to the Town of Brookfield Zoning Code to provide amendments to the sign provisions.

PUBLIC HEARING DATES:

July 22, 2008.

PUBLIC REACTION:

There were only a few comments from Commissioners and one citizen regarding the proposed signs and were concerned that making the change to existing signage would be too costly.

TOWN PLAN COMMISSION:

The Town of Brookfield Plan Commission, at their meeting of July 22, 2008, revised the proposed sign ordinance and voted unanimously to approve the ordinance as recommended with its change.

TOWN BOARD ACTION:

The Town of Board of Brookfield at their meeting of September 2, 2008 voted unanimously to approve the amended ordinance, as recommended by the Plan Commission.

OTHER CONSIDERATIONS:

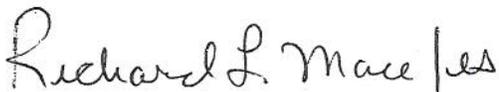
The Town of Brookfield's Architectural Control Committee had suggested a number of revisions to the language of the sign ordinance be provided. Some of the revisions were to allow real estate signs in areas greater than 32 sq. ft. with approval of the Architectural Control Committee. "Help Wanted" type signs could only be placed in the interior side of windows. Directional and informational signs were proposed to not exceed 8" x 30". Other revisions to temporary window signs and "Open" signs are also provided. The Town's feeling was that the sign amendments were consistent with the City of Brookfield's sign ordinance, which the Town felt would be appropriate in that Town lands and City lands are adjacent and in close proximity to each other and felt that consistency across and between the two communities on sign regulations would be appropriate. After the public hearing, the Plan Commission voted to modify the requirements for real estate "For Sale" signs in residential districts to be allowed only at the subject property and the directional signs advertising an open house for said real estate may be allowed to be displayed only during the hours of such an open house. In addition, requirements for illumination of flag poles and the size of tenant directional signs is also included in the provisions and a provision is now included to regulate manual versus electronically changeable signs, which are going to be regulated as

conditional uses requiring public hearings. Regulations are also provided for temporary and/or permanent (monument) real estate development signs in residential areas or in a newly developed industrial or business park area with specific minimums or maximum sizes provided and setbacks also provided. Temporary signs may be allowed subject to Building Inspector approval, including banners, flags, balloons, search lights, etc. and can be on premise no more than 30 days in any calendar year and could not be illuminated and shall be set back 10 ft. from all lot lines and not pose potential hazards to traffic or adjacent properties. The amendments also identified that parked vehicles with display signage and construction trailers with identification graphics will be regulated as temporary development signs and shall also require permits from the Building Inspector.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request to amend to the sign provisions of the Town of Brookfield Zoning Ordinance be approved. We feel it is appropriate in that this amendment helps to normalize the sign requirements between the Town and City of Brookfield, which is especially important due to the fact the Town and City lands intermingle along and throughout various areas in the Town of Brookfield. We feel that the regulations being proposed serve as a good standard that the County may utilize in future sign amendments and upgrades to the County sign ordinance. It will serve as a model to assist the County as well as other communities on how to regulate and process approvals for such signs in the interest of trying to provide a more esthetically pleasing environment, while also affording the opportunity to advertise and provide information to the public.

Respectfully submitted,



Richard L. Mace
Planning and Zoning Manager

Attachment: Town Ordinance

RLM:es

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ORDINANCE AMENDING SECTION 17.08 OF THE TOWN CODE OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN

THE TOWN BOARD OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 17.08 of the Town Code of the Town of Brookfield is hereby amended to read as follows:

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17.08 SIGNS

17.08(1) PURPOSE AND INTENT

The intent of this Ordinance is to provide for and regulate the area, number, location, construction, maintenance and overall design of signs in the Town in a manner which is compatible with surrounding land uses, and promotes public welfare and community esthetics.

17.08(2) COMPLIANCE

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without first complying with the provisions of this Ordinance.

17.08(3) SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

The following signs may not be illuminated in any manner, except as noted, and are subject to the following regulations:

(a) Real Estate Signs which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located, are subject to the following restrictions:

1. Shall be set back a minimum of 10 feet from all lot lines.
2. Shall not exceed 8 square feet of sign display area in residential districts, nor 32 square feet in all other districts. Installations at commercial properties proposing signage larger than 32 square feet require review and approval by the Architectural Control Committee.
3. Shall be displayed only on the subject property.
4. Directional signs at entrances to subdivisions may be displayed only during the hours of an open house.

(b) Election Campaign Signs are subject to the following:

1. Shall not be located in a public right-of-way and shall be set back a minimum of 10 feet from all lot lines.
2. Shall not exceed 8 square feet of sign display area in residential districts, nor 32 square feet in all other districts.
3. Shall not be erected on any parcel of land without the permission of the property owner, renter or lessee.
4. Shall not be erected prior to the first day of the "election campaign period" as defined by Section 12.04 of the Wisconsin Statutes, and shall be removed within 7 days following the election.

(c) Name and Warning Signs which identify a property or describe a hazardous condition which may exist on a property, are subject to the following:

1. Shall be set back a minimum of 10 feet from all lot lines.
2. Shall not exceed 2 square feet of sign display area.

(d) Professional Home Office Signs are subject to the following:

1. Shall be mounted flush against the dwelling, on a private light post, or on a mailbox support structure.
2. Shall not exceed 2 square feet of sign display area.

(e) Rummage Sale and Garage Sale Signs are subject to the following:

1. Shall not be located in a public right-of-way.
2. Shall not exceed 4 square feet in sign display area.
3. Shall not exceed a 7 day display period, and shall be removed within 24 hours following the sale.

(f) Bulletin Boards which are used for public, charitable or religious institutions are subject to the following:

1. Shall be located on the premises which the sign represents, and shall be set back a minimum of 10 feet from all lot lines.
2. Shall not exceed 12 square feet of sign display area.

(g) Employment and Help Wanted Signs are allowed in all districts except residential districts, and approved are for installation only in windows and on the interior.

(h) Official Signs which control traffic, parking restrictions, information and notices.

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(i) Flagpoles shall be regulated as signs not requiring a permit, and are subject to the following:

1. Shall be set back a minimum of 10 feet from all lot lines.
2. Shall not exceed the height restriction for the district in which the flagpole is located.
3. Shall not exceed 3 flagpoles on any parcel of land.
4. Shall be illuminated if intended for nighttime display, with fixture and wattage approved by the Architectural control Committee.

(j) Directional and Informational Signs directing on-site traffic to loading docks, service or parts departments, or directions to individual tenant suites are allowed with approval by the Architectural Control Committee. Such signage shall be intended to provide direction to internal traffic within a site. It shall be directional in character, without identification graphics or tag lines, and shall be architecturally consistent with the building design concept and other signage of the property. Font size shall not exceed 5 inches. Total display area shall not exceed 8" X 30" per tenant, unless approved to provide consistency with design features of the development.

(k) Temporary Promotional Window Signs which are painted, placed in or affixed to a window are subject to the following restrictions:

1. Shall be placed on the interior of the window surface.
2. Sign display area shall not exceed 25% of the window area in which the sign is displayed.
3. May not be illuminated in any way.
4. Shall be maintained in a neat and orderly conditioned, and removed if faded, worn or damaged.

(l) Illuminated "OPEN" Signs may be installed in windows, subject to a maximum area of two square feet.

17.08(4) SIGNS PERMITTED WITH ARCHITECTURAL APPROVAL AND PERMIT

Each individual sign proposed in accordance with the provisions of this Ordinance must be applied for and submitted to the Building Inspector pursuant to Section 17.08(11) of this Ordinance. All applications for permits for such individual signs, except such applications as may be determined by the Architectural Control Committee from time to time, shall be forwarded by the Building Inspector to the Committee for review. The Committee is hereby empowered to:

(a) Withhold the application pending the submittal of any additional information which the committee may require.

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(b) Deny the application based upon non-conformance with the provisions of this Ordinance, or based upon the Committee's determination that the proposed sign will violate the purpose and intent of this Ordinance.

(c) Approve the application as presented, or approve with additional conditions or restrictions which the Committee may impose based on the purpose and intent of this Ordinance. This Ordinance expressly allows regulation of all signs in the Town to be based upon the finding of the Architectural Control Committee that such signage will not violate the purpose and intent of this Ordinance. This Ordinance cannot prevent the Committee from establishing more or less stringent requirements and conditions prior to approval of any sign application. All sign applications will be returned to the Building Inspector with the action of the Committee clearly stamped on said application. Applications which have been approved by the Committee shall be reviewed for its completeness and accuracy by the Building Inspector pursuant to Section 17.08(11) of this Ordinance. All sign permits, unless otherwise specified by the Architectural Control Committee, shall be issued by the Building Inspector.

17.08(5) SIGNS PERMITTED IN ALL BUSINESS, MANUFACTURING, INSTITUTIONAL, PARK AND NON-RESIDENTIAL PUD DISTRICTS WITH ARCHITECTURAL APPROVAL AND PERMIT

(a) Free-Standing Signs are self-supporting, monument type signs, are not attached to or reliant upon any other structure for support, and are subject to the following restrictions:

1. Height must be maintained within the geometric shape resulting from a line 10 feet high at the property line and extending to the building height, or;

Height must be maintained within the geometric shape resulting from a line 12 feet high at the property line and extending to the building height for existing site development conditions where parking is provided immediately adjacent to the proposed sign location, and where the sign could potentially be obstructed by parking.

A raised landscaping planting bed surrounded by decorative masonry or other high quality finish material, of at least two feet in height, shall form a base for the monument sign.

2. A five foot minimum setback or offset shall be provided.

3. Shall not exceed 70 square feet of sign display area per side, nor 140 square feet sign display area on all sides, for single occupant buildings, or up to 120 square feet of sign display area per side for multi-tenant developments. Free-standing signs shall identify the name of the development and may include up to three business names

4. Placement of the sign on the parcel shall be designed such that it does not obstruct the visibility of signage on adjacent parcels nor result in the appearance of visual clutter.

5. Shall not exceed one free-standing sign per parcel of land.

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6. The background of internally illuminated, cabinet-type sign faces shall be opaque or a color other than white.

7. Address numerals shall be included on the sign, of 8" minimum height.

8. May be illuminated in accordance with section 17.08(8).

(b) Wall-Supported Signs which require securement to a building or structure for support are subject to the following restrictions:

1. Shall not extend above the parapet wall or the top of the roof of the building which supports it.

2. Shall not project more than 12 inches from the wall which supports it.

3. Area limited to 0.8 square feet of signage for each linear foot of building frontage on a public right-of-way, with a maximum area for any one sign not to exceed 100 square feet.

4. Maximum of two wall mounted signs per building, subject to the area limits described above, on buildings principally used as office.

5. The background of internally illuminated, cabinet type sign faces shall be opaque or a color other than white.

6. May be illuminated in accordance with Section 17.08(8).

(c) Changeable Copy Signs which are designed to allow the display message to be manually changed are subject to the following restrictions:

1. Shall require a recommendation for approval from the Architectural Control Committee and Plan Commission, and approval by the Town Board. In granting such approval, the Town Board may impose such conditions as it deems reasonable and necessary so as to carry out the purpose and intent of the Ordinance.

2. May be illuminated in accordance with Section 17.08

(d) Electronically changeable copy signs may be permitted as Conditional Uses, as provided in Section 17.02(14) of this chapter, requiring a public hearing, approval of the Architectural Control Committee, Town Plan Commission and Town Board. In granting a request for permit, the Town Board may impose such conditions as it deems reasonable and necessary so as to carry out the purpose and intent of the Ordinance.

17.08(6) SIGNS PERMITTED IN ALL RESIDENTIAL, BUSINESS, MANUFACTURING, INSTITUTIONAL, PARK, AND PUD DISTRICTS WITH ARCHITECTURAL APPROVAL AND PERMIT.

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The following signs are regulated based on the character and nature of the proposed development, as well as the adjacent land uses and context.

(a) Temporary Real Estate Development Signs which are used to designate a new subdivision, development or building are subject to the following restrictions:

1. Shall be set back a minimum of 10 feet from all lot lines.
2. Shall be regulated in height, size, design and period of display.
3. Shall not exceed 48 square feet in sign display area.
4. May not be illuminated in any way.

(b) Permanent Real Estate Development Signs which are placed at the entrance to a subdivision or development are subject to the following restrictions:

1. Shall display only the name of the subdivision or development.
2. Shall be set back a minimum of 10 feet from all lot lines.
3. Shall be regulated in Height, Size and design by the Architectural Control Committee.
4. May be illuminated in accordance with Section 17.08(8).

17.08(7) TEMPORARY SIGNS PERMITTED IN ALL DISTRICTS WITH A PERMIT

The Building Inspector may permit the Temporary use of signs, banners, flags, searchlights, balloons, tents, or any approvable form of portable signage for the purpose of promotional sales, advertisement, or any short-term event which is not defined under Section 17.02(9) as a special occupancy use, subject to the following restrictions:

- (a) Shall be set back a minimum of 10- feet from all lot lines.
- (b) Shall not pose a potential hazard to traffic or adjacent properties.
- (c) Shall be permitted for no more than 30 days in any calendar year.
- (d) Shall be regulated in location, design and construction by the Building Inspector.
- (e) May not be illuminated.
- (f) Parked vehicles with identification graphics shall not be parked or stored on a property so as to present as signage. Commercial sign banner trucks are prohibited.
- (g) Construction trailers with identification graphics shall be regulated per Section 17.08(6)(a) as temporary development signs

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17.08(8) SIGN ILLUMINATION AND NUISANCE PREVENTION

Illumination of all signs permitted in the Town must conform to the following restrictions:

(a) Shall conform to the provisions established in Section 10.08 of the Town's General Code relating to nuisance light on residential properties.

(b) Signs which are internally illuminated shall not face adjacent lands which are zoned for or used as single family or duplex use.

(c) Shall not resemble, imitate, or approximate traffic or railroad signs, signals, or devices; shall not cause glare, mislead or confuse traffic, or impair driver visibility on public ways, private roadways or adjoining properties; shall not be flashing, revolving, blinking, strobe, or animated, except for the display of the time and temperature as approved by the Town Board.

(d) No illuminating element of any kind may be visually exposed, pursuant to the provisions established in Section 10.08(4) of the Town's General Code.

(e) The level of illumination as measured at one foot perpendicular to any face of an illuminated sign may not exceed 100 foot-candles of daytime (6:00 am to 7:00 pm) candle power, nor 45 foot-candles of nighttime (7:00 pm to 6:00 am) candle power.

(f) Shall conform to the requirements of the National Electrical Code, specifically addressing the requirement for an external switch or breaker to open underground conductors (NEC 600-2); every electric sign shall be listed and installed in conformance with that listing (NEC 600-4); and all signs shall be visible marked with the manufacturer's name, input amperes at full load and input voltage (NEC 600-7).

17.08(9) SIGN CONSTRUCTION AND MAINTENANCE STANDARDS

(a) Wind Pressure and Dead Load Requirements.

All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.

(b) Protection of the Public.

The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.

(c) Maintenance.

The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition, and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds and grass.

(d) Supporting Members or Braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other non-corrosive, fire resistant material. Every means or device used for attaching any sign shall make use of sound engineering practices.

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(e) No Signs or any part thereof or sign anchors, braces, or guy rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and so such sign or any part of any anchor, brace or guy rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Town, as necessity therefore may require.

17.08(10) MEASURING SIGN DISPLAY AREA

In calculating the sign display area to determine whether it meets the requirement of the Ordinance, the Building Inspector shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the sign display area calculation. Sign display area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all the elements of the sign.

17.08(11) SIGN PERMIT

Application for a permit shall be made on forms provided by the Building Inspector and made available in the Town Clerk's office, and shall contain or gave attached thereto the following information:

(a) Name, Address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.

(b) Name of Person, firm, corporation, or association erecting the sign.

(c) Written Consent of the land owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.

(d) A Scale Drawing (and scale sectional drawing) of such a sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.

(e) A Scale Site Survey indicating the location and position of such sign in relation to nearby building, structures, vehicular and pedestrian access ways, public and private rights-of-way, and existing signs on the parcel or on adjacent parcels within 150 feet.

(f) Copies of any permit required for said sign, including the written approval by the Electrical Inspector in the case of illuminated signs, who shall examine the plans and specification, re-inspecting all wiring and connections to determine if the same complies with the Town Electrical Code.

(g) Additional Information as may be required by the Building Inspector or the Architectural Control Committee.

(h) Sign Permit Applications shall be filed with the Building Inspector who shall review the application for its accuracy and completeness. The Building Inspector shall submit all applications to the Architectural Control Committee pursuant to Section 17.08(4) of this Ordinance. Applicants shall be notified of the Committee's decision

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within 30 days after receipt of the application. A sign permit shall become null and void if work authorized under the permit has not been completed with six months of the date of issuance.

17.08(12) LEGALLY EXISTING SIGNS

Signs lawfully existing as of 9/2/2008 which do not conform with the provisions of the Ordinance, may be continued as an existing nonconforming use as defined in Section 17.09 of this Ordinance.

Such signs shall not be structurally altered, enlarged or refaced, except in cases of a new business name under the existing ownership, or new owners of an existing business.

SECTION 2: This ordinance shall be in full force and effect from and after adoption and posting, and/or publication, as required by law.

Dated this 2nd day of September, 2008.

**TOWN BOARD, TOWN OF BROOKFIELD,
WAUKESHA COUNTY, WISCONSIN**

BY: [Signature]
KEITH HENDERSON, Chairman

BY: Absent
PATRICK STROEBEL, Supervisor

BY: [Signature]
DAN SHEA, Supervisor

BY: [Signature]
ROBERT W. FLESSAS, Supervisor

BY: [Signature]
JOHN R. SCHATZMAN SR. Supervisor

ATTEST: [Signature]
JANE J. CARLSON, Clerk

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