

Chapter 202, SIGNS

ADOPTED 1-31-11

[HISTORY: Adopted by the Common Council of the City of Hudson 11-6-2002 by Ord. No. 16-02.EN Amendments noted where applicable.]

§ 202-1. Findings and purpose.

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§ 202-1. Findings and purpose.

A. Findings.

- (1) Exterior signs have a substantial impact on the character and quality of the environment.
- (2) Signs provide an important medium through which individuals may convey a variety of messages.
- (3) Signs can create safety hazards that threaten the public health, safety or welfare. Such a safety threat is particularly great for signs that are structurally inadequate, or that may confuse or distract drivers or pedestrians, or that may interfere with official directional or warning signs.
- (4) Signs can also threaten the public welfare by creating aesthetic concerns and detriments to property values. Such aesthetic concerns and detriments to property values are particularly great when an accumulation of signs results in visual clutter, or when one or more signs spoil vistas or views, or when one or more signs add or increase commercialism in noncommercial areas.
- (5) The ability to erect signs serving certain functions, such as an address sign or a sign announcing that the property on which it sits is for sale or for lease is an integral part of nearly every property owner's ability to realize the fundamental attributes of property ownership. The same cannot be said for signs serving other functions, such as billboards erected so as to be visible from public rights-of-way. Such signs are primarily designed to take advantage of an audience drawn to that location by the public's substantial investment in rights-of-way and other public property.
- (6) No signs that exceed the size or spacing limitations of this chapter constitute a customary use of signage in the City.
- (7) The City Code of Ordinances include the regulation of signs in an effort to foster adequate information and means of expression and to promote the economic viability of the community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community or threaten health, safety or the

welfare of the community. The appropriate regulation of the physical characteristics of signs in the City and other communities has had a positive impact on the safety and the appearance of the community.

B. Purpose.

The purpose of this chapter is to:

- (1) Regulate signage in a manner that does not create an impermissible conflict with statutory, administrative, or constitutional standards, or impose an undue financial burden on the City.
- (2) Provide for fair and consistent enforcement of the sign regulations set forth herein under the police power of the City.
- (3) Improve the visual appearance of the City while providing for effective means of communication and orientation, particularly in those settings in which the need for such communication or orientation is greater, consistent with constitutional guarantees and the City's Findings and other Purposes.
- (4) Protect the public health, safety, and welfare by reducing threats to public safety and traffic from poorly constructed and maintained signs and visual distractions along the roadways; preserving property values and preserving the natural beauty and attractiveness of the City by regulating the location, size, and physical characteristics of signs to avoid visual blight and to assure compatibility with the surrounding areas.

§ 202-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE – A use which is subordinate to the principal use being made of a parcel of land. Accessory uses are defined in Chapter 255, Zoning.

ADDRESS SIGN – Sign that identifies the address of the property on which it is located, using postal identification numbers only, whether written or in numeric form.

AREA IDENTIFICATION SIGN – A freestanding sign which identifies the name of a neighborhood, a residential subdivision, a multiple-residential complex, a shopping center or area, an industrial area, an office complex or any combination of the above that could be termed an "area."

BANNERS – Any sign or attention-getting device of lightweight fabric, paper, plastic, or similar material.

BASE STRUCTURE – Refers to the support structure not part of the signage area of the freestanding sign foundation above grade.

BASE WIDTH – Refers to the cross-sectional width of the structural component(s) of a freestanding sign. The total base width is the sum of the horizontal cross-sectional width of all structural components excluding free space between structural components.

BENCH SIGN – A sign affixed to a bench at a bus stop.

BUILDING FRONTAGE – To be determined by the Community Development Department; the length of wall facing the street, generally the area of primary access to the building; secondary walls are wall areas other than the building frontage.

CANOPY AND MARQUEE, BUILDING – A multiple sided roof like structure attached to and supported by a building at one or more points and supported by columns or posts at other points.

CANOPY AND MARQUEE, FREESTANDING – A multiple sided roof like structure, not attached to a building and supported by columns or posts.

COMMERCIAL SPEECH – Any sign wording, logo, or other representation advertising a business, profession, commodity, goods, services, or entertainment for business purposes.

CONDITIONAL USE PERMIT – Approval of signage, as designated by this chapter, which would not generally be permitted but, because of unique characteristics, may be allowed by the Common Council, after a public hearing and a finding that certain conditions exist, and is compatible with the existing neighborhood and subject to appropriate conditions and guarantees written into the conditional use permit. A conditional use permit is attached to the land, not to the owner or user, unless otherwise specified by the Common Council in the permit itself.

DIRECTIONAL SIGN, ON-PREMISE – A sign which is erected on private property by the owner of the property for the purpose of guiding vehicular and pedestrian traffic on the property. Such sign bears no advertising information.

DISSOLVE – A mode of message transition on an electronic message display accomplished by varying the light intensity, or pattern, where the message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

DISTRICT – Refers to a specific zoning district as defined in Chapter 255, Zoning.

ELECTRONIC MESSAGE DISPLAY – A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.

FADE – A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FRAME – A complete, static display screen on an electronic message display.

FRAME EFFECT – A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

FREESTANDING SIGN – Any sign supported by structures or supports that are placed on or anchored in the ground and that are not affixed to any building or other structure, including but not limited to, a ground mounted sign, detached sign, pole sign, pylon sign, or monument sign.

GARAGE, YARD, OR RUMMAGE SALE - Sale of used personal property or household goods by a private individual, family, group, or organization. Garage sales shall be considered noncommercial special events because they are sales of used personal property/household goods of the property owner(s) and are conducted by persons, groups, organizations who are not in the business of selling goods.

GOVERNMENTAL SIGN – A sign which is erected by a governmental unit for the purpose of carrying out an official duty or responsibility, including, but not limited to posting legal notices, identifying public property, indicating a public use, stating rules and regulations regarding use of an area zoned Public, or directing or guiding traffic.

IDENTIFICATION SIGN – See "nameplate or identification sign."

ILLUMINATED SIGN – Any sign which is illuminated by an artificial light source.

MOTION SIGN – Any sign which revolves, rotates or has any moving parts.

NAMEPLATE OR IDENTIFICATION SIGN – A sign which bears the name and/or business and/or address of the occupants of the building.

NONCOMMERCIAL SPEECH – Any message that is not commercial speech, including, but not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

NONCONFORMING SIGN – A sign which lawfully existed prior to the adoption of this chapter but does not conform to the newly enacted requirements of this chapter.

OFF-PREMISE SIGN – A sign that is not located on the property or business premises to which it refers. A sign which displays a commodity, product, service, activity, or any person, place, thing or idea, other than noncommercial speech, which is not located, found, or sold on the premises where such sign is located.

OFF-PREMISE DIRECTIONAL SIGN – A sign displayed for the sole purpose of assisting wayfinding through disclosure of no more than the name of a place, its distance from the sign and one directional arrow.

ON-PREMISE SIGN – A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises on which it is located.

PENNANT – 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.

PERMANENT SIGN – Any sign which is not a temporary sign.

PORNOGRAPHIC SIGN – Any sign that is determined to be, in whole or in part, obscene or pornographic under *Miller v. California* 413 U.S. 15, 93 S.Ct. 2607 (1973) and subsequent court decisions, construing the definition of “pornographic,” that apply in Wisconsin.

PORTABLE SIGN – Any sign not permanently attached to the ground or other permanent structure and designed to be or used in a way that is movable from one location to another, including, but not limited to: signs designed to be transported by means of wheels; signs converted to A or T frames; balloons used as signs; umbrellas used for advertising.

PROJECTING SIGN – Any sign, all or any part of which extends over public property more than 12 inches.

PUBLIC UTILITY – Electric, telephone, cable, natural gas utilities.

ROOF SIGN – Any sign erected upon or projecting above the roofline of a structure to which it is affixed.

SCROLL – A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.

SIGN – A display, illustration, structure or device that directs attention to an idea, object, product, place, activity, event, person, institution, organization or business.

SIGN AREA – That area within the smallest rectangle, square, or the marginal lines of the surface of the sign which can be made to circumscribe the message, figure or symbol displayed thereon, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area does not include the base, apron, supports, structural members, framework, poles, roof, embellishments or decorative base when such area meets the other regulations of this chapter. The stipulated maximum sign area for a freestanding sign refers to a single sign face.

SPECIAL EVENT SIGN – A sign that is temporary in nature, is not permanently mounted or attached to the ground or sign surface, is displayed for only a limited duration of time, and is used to advertise special events such as, but not limited to, grand openings, yard or garage sales, craft sales, graduation or birthday parties, festivals, fairs, performances.

TEMPORARY SIGN – A sign which is erected or displayed for a limited period of time and is not permanently mounted.

TRANSITION – A visual effect used on an electronic message display to change from one message to another.

TRAVEL – A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface.

WALL SIGN – Any sign which is affixed to a wall of any building.

§ 202-3. Nonconforming signs.

- A. Nonconforming permanent on-premise signs lawfully existing at the time of adoption of this chapter shall be allowed to continue in use and be maintained in a good state of repair but shall not be replaced nor altered, other than to change the message, or relocated without being brought into compliance with the requirements of this chapter. After a nonconforming permanent on-premise sign has been removed, it shall not be replaced by another nonconforming sign.
- B. Any nonconforming temporary or portable sign existing at the time of adoption of this chapter shall be made to comply with the requirements set forth herein or shall be removed within one week of receipt of a notification of the nonconformity.
- C. Whenever use of a nonconforming sign has been discontinued for a period of one year, such use shall not thereafter be resumed unless in conformance with the provisions of this chapter.
- D. Any nonconforming sign damaged in the amount of 50% or more of its current assessed value must be removed or brought into conformance with the regulations of this chapter.

§ 202-4. General provisions applicable in all districts.

The following regulations and standards are applicable to all signs in all zoning districts, including permanent, temporary, on-premise and off-premise signs, unless otherwise provided by this chapter.

A. Substitution clause and sign content.

- (1) Subject to the property owner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular

noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

- (2) All noncommercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under this chapter.
- (3) No commercial speech is allowed on a sign, other than a message drawing attention to a business or service legally offered on the premises, except as provided in this chapter.

B. Signs in the public right-of-way or on fire hydrants, street signs, traffic devices, utility poles or wires are prohibited.

(1) Public right-of-way shall be described as the area of the public street dedicated or granted to the city or governmental entity by easement for street and utilities including boulevard and sidewalks or pathways. (Note: The right-of-way varies in width, and the property lines vary in distance from the curblin. Before placing any sign, the Community Development Department should be contacted to confirm location of the public right-of-way.

(2) No sign or its structural components shall be erected or temporarily placed within any street, highway, right-of-way, public easement or upon any City property, except for the following, which may be placed without a permit:

(a) Governmental signs erected by or on behalf of a governmental body for the purpose of directing or regulating pedestrian or vehicular movements or pertaining to traffic control or safety.

(b) Information signs erected by a public utility regarding its poles, lines, pipes or facilities.

(c) Signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way, for the purpose of ensuring safety.

(d) As permitted in the B-3 Central Business District, per Section 202-6C(8)(c).

(3) Unauthorized signs erected or temporarily placed within any street, highway, right-of-way, public easement, fire hydrant, traffic sign, utility poles or wires, or upon any City-owned property may be removed by the City at the sign owner's expense and disposed of without notice to the owner of the sign.

C. Signs exempt from regulation.

The following signs shall be exempt from regulation under this chapter:

- (1) Signs that are traffic control devices and are permitted or allowed by the Wisconsin Manual on Uniform Traffic Control Devices published by the Wisconsin Department of Transportation.
- (2) Interior signs located completely within a building and not visible from outside the building.
- (3) Statues, sculptures, other art objects, church windows and other integrated architectural features of buildings are pieces of art and are not considered signs and do not require sign permits unless their height exceeds 10 feet and they are freestanding.
- (4) Signs in city parks that comply with city park policies and pursuant to lease agreements for use of city parks, all approved by the Common Council.

D. Signs exempt from permit.

- (1) The exemptions permitted by this section shall apply only to the requirement of a permit and shall not be construed as excusing the installer of the sign, or the owner of the property upon which the sign is located, from conforming to the other provisions of this chapter.
- (2) No permit is required under this chapter for the following signs:
 - (a) A window sign placed within a building and not exceeding 50% of the window area.
 - (b) Signs having an area of six square feet or less.
 - (c) Temporary signs as listed in § 202-7, except temporary on-premise special event signs as provided in § 202-7C and temporary off-premise special event directional signs as provided in § 202-7E.
 - (d) Memorial signs or tablets containing the name of the building, its use and the date of erection when cut or built into the walls of the building and constructed of bronze, brass, stone or marble.
 - (e) Historical identification plaques from the National Register of Historic Places may be placed in all districts.

E. Suspension of certain size, shape, placement and content restrictions during an election campaign period.

- (1) Subject only to the exceptions in paragraph (5) below, during an election campaign period, signs containing noncommercial speech may be placed upon residential property notwithstanding any other restriction in this section on the size, shape, placement or content of any sign.

- (2) For purposes of this subsection, “election campaign period” means:
- (a) In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.
 - (b) In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
- (3) If the owner of the property has rented some or all of the property to another, subject to any lease agreement between the owner and the renter, the renter may exercise the right in any area of the property that he or she occupies exclusively, and the owner of residential property may exercise the right in any portion of the property not occupied exclusively by a renter.
- (4) If another part of this chapter, including the substitution clause provisions of § 202-4A creates a right to erect or display a particular type of sign; this subsection does not in any way limit the exercise of that right, whether or not the sign is erected or displayed during an election campaign period.
- (5) Exceptions. No sign may be erected that is contrary to a size, shape, or placement regulation of this chapter if:
- (a) Compliance with the regulation is necessary to ensure traffic or pedestrian safety, or
 - (b) The sign has an electrical, mechanical or audio auxiliary.

This chapter shall not affect the City’s authority to enforce any regulation against a sign that is prohibited from being erected or displayed under Wis. Stat. §§ 12.035, 12.04, or 84.30.

- F. Prohibited signs. All signs, other than those permitted herein, shall be prohibited, including but not limited to:
- (1) Off-premise signs are prohibited in all districts except as specifically authorized in this chapter.
 - (2) Pornographic signs (see definition).
 - (3) Roof signs are prohibited in all zoning districts.
 - (4) No illuminated sign which changes in either color or intensity of light shall be permitted, except one giving time, date, temperature, weather, except for electronic message display signs, refer to § 202-6C(7). All illuminated signs shall have a shielded light source.

- (5) Motion signs are prohibited in all districts.
- (6) Signs shall not be placed on regulatory or utility posts. Signs placed on such posts will be removed without notice by the City.
- (7) A vehicle or trailer used as a sign or as the base for a sign where the primary purpose of the vehicle or trailer in that location is its use as a sign. A vehicle or trailer shall be considered to be used as a sign if it is parked at an off-premise site, unless the owner of the vehicle presents substantial evidence showing the purpose is not for use as a sign.

§ 202-5. Standards.

A. Construction and maintenance standards.

- (1) All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, provided that nothing in this chapter shall be interpreted as authorizing the erection or construction of any sign not now permissible under Chapter 255, Zoning, or Chapter 106, Building Construction and Fire Prevention.
- (2) Abandonment and maintenance.
 - (a) Any sign that is found to be unreadable, unsafe, unsecured, abandoned, unlawful or in disrepair for a period of 60 days shall be repaired or removed by the property owner or lessee.
 - (b) If the property owner, lessee, or sign owner fails to repair or remove the sign, the City shall give the property owner a thirty-day written notice by certified mail to remove the sign.
 - (c) Upon failure to remove the sign within 30 days, the City may remove the sign and charge the cost of removal to the property owner. If the property owner fails to pay, the cost shall become a delinquent special charge under W.S.A. s. 66.0627 and shall be collected along with property taxes under W.S.A. s. 66.0627.
 - (d) All signs or sign messages shall be removed by the owner or lessee of the premises upon which a sign is located when the business it advertises is no longer conducted therein.

B. Placement standards.

- (1) Signs shall not be placed on any property without the property owner's permission.
- (2) Freestanding signs. Any freestanding sign placed within 25 feet of any intersection or street right-of-way lines and/or driveway entrances shall have a minimum vertical clearance of 10 feet above the center line of the pavement. The

Community Development Department may require a greater setback or vertical clearance or may deny the sign permit if the Department determines that the sign will: a) interfere with the ability of drivers and pedestrians to see any street or b) distract drivers or create confusion with any street or highway sign or any traffic sign or signal.

C. Dimensional standards.

- (1) The total sign area of any multi-face freestanding or projecting wall sign shall not exceed twice the permitted sign area of a single-face sign.
- (2) Projecting wall signs shall be permitted only in the B-3 Central Business District, provided that the total sign area does not exceed 20 square feet per facing. A projecting wall sign shall not protrude more than four feet from the wall or vertical surface that said sign receives its support from.
- (3) Signs on canopies or marquees shall be subject to the same restrictions for percentage wall area applicable to the zoning district in which the sign is located.

§ 202-6. District regulations.

In addition to those signs permitted in all zoning districts, the following signs are permitted in each specific district and shall be regulated as to size, location and character according to the requirements herein set forth. A chart of signs allowed in each district and specific requirements for such signs is attached at the end of this chapter and is adopted as part of this chapter. All zoning districts referred to in this chapter are defined in Code §§ 255-14, 255-15, 255-16, 255-17 through 255-17.1, and 255-18.

A. R-1 and R-2 Residential Districts.

- (1) Nameplate or identification signs: one sign for each dwelling unit, not greater than two square feet in area, indicating the name and/or address of the occupant.
- (2) One on-premise sign is allowed on residential property in the R-1 and R-2 Residential Districts subject to the following standards:
 - (a) No permit is required.
 - (b) One sign per lot or parcel.
 - (c) Maximum sign area shall be six square feet.
 - (d) Any such sign shall be a freestanding design, or on the wall of the residence.
 - (e) Any such sign shall not be illuminated.

- (3) An on-premise sign is allowed on property used for nonresidential uses legally allowed or permitted in the R-1 and R-2 Residential Districts subject to the following additional standards:
 - (a) One sign per lot per street frontage.
 - (b) Maximum area of any such sign shall not exceed 36 square feet in area or 10% of the wall area, whichever is less.
- (4) Area identification signs: one sign per development not to exceed 36 square feet in area and shall be placed near the street access to the development. Maximum height is 10 feet.
- (5) Temporary signs: refer to § 202-7.
- (6) Maximum height of freestanding signs above ground level: 10 feet.

B. R-M Multiple-Family Residential Districts.

- (1) Identification signs: one identification sign or symbol per building not greater than six square feet in area, provided that such sign is attached flat against a wall of the building.
- (2) Area identification signs: area identification signs, provided that such sign does not exceed 36 square feet in area and further provided that such a sign is placed near the street access to the development. Maximum height is 10 feet.
- (3) An on-premise sign is allowed on property used for nonresidential uses legally allowed or permitted in the R-M Multiple-Family Residential Districts subject to the following additional standards:
 - (a) One sign per lot per street frontage.
 - (b) Maximum sign area shall not exceed 36 square feet in area.
 - (c) Maximum height is 10 feet.
- (4) Accessory use signs. Signs identifying uses accessory to a multiple-residential development shall not be visible from the outside of the building complex.
- (5) Temporary signs: refer to § 202-7.
- (6) Maximum height of freestanding signs above ground level: 10 feet.
- (7) On-premise directional signs shall not exceed 10 square feet in area.

C. Business districts - B-1 Local Business District, B-2 General Business District, B-3 Central Business District and OFC Office District.

(1) Wall signs.

- (a) The total sign area of all wall signs affixed to a building wall shall not exceed the following allowable sign area:

| Building Frontage: (Feet) | Allowable Sign Area (Percentage of entire wall) |
|------------------------------|--|
| 0-100 | 10% |
| 101-200 | 8.5% |
| More than 200 | 7% |
| Secondary Walls (Feet) | Allowable Sign Area (Percentage of entire wall) |
| 0-100 | 6% |
| 101-200 | 5% |
| More than 200 | 4% |

Note: Secondary wall signs shall not exceed 300 square feet.

- (b) Wall signage in excess of the allowable sign area may be permitted through issuance of a conditional use permit considering the factors stated in § 202-6C(2)(d).
- (c) Wall signage restrictions shall apply to canopies and marquees.

(2) Freestanding signs.

- (a) Number per parcel. One freestanding sign shall be permitted for the principal building.

- (b) Height.

[1] B-1 Local Business District and OFC Office District: maximum height 10 feet.

[2] B-2 General Business District: maximum height shall be 45 feet above the first floor elevation of the related building.

[3] B-3 Central Business District: maximum height shall not exceed 20 feet.

- (c) Maximum area.

- [1] B-1 Local Business District and OFC Office District: maximum area shall be 60 square feet.
 - [2] B-2 General Business District: maximum area shall be 135 square feet.
 - [3] B-3 Central Business District: maximum area shall be 80 square feet.
- (d) A freestanding sign in excess of the allowable height and sign area may be permitted in the B-2 General Business District through issuance of a conditional use permit issued by the Common Council pursuant to the procedures established in § 255-76 B, D, E, F, G, H, I, and J of the Code which are incorporated herein by reference. The Common Council shall consider the following factors in deciding whether to approve or deny a conditional use permit under this section:
- [1] The need for the proposed sign.
 - [2] Whether the proposed sign is compatible with the purposes of this chapter.
 - [3] The impact of the proposed sign on the character and esthetics of the neighborhood and community.
 - [4] The use of the property as it relates to the need for additional sign height or area, i.e., whether the property is used by a single entity or multiple users or tenants.
 - [5] The size of the lot or parcel and proposed sign location.
 - [6] Whether issuance of a conditional use permit is in the interest of the public health, safety, and welfare.
 - [7] Any other considerations deemed necessary by the Plan Commission and Common Council to determine if the proposed conditional use permit would be consistent with the purposes of this chapter and the public health, safety, and welfare.
- (e) Freestanding signs shall be set back from all property lines a distance appropriate to not interfere with traffic visibility as determined by the Community Development Department, considering slope of streets, speed of vehicles and other factors applicable to the site that may impact traffic visibility. See § 202-5B(2).
- (f) The exposed (above ground) base structure width of all freestanding signs shall be a minimum of 33% of the sign width.

- (3) Area identification signs. Sign at or near the primary access to the development, not to exceed 120 square feet in area and 15 feet in height. For a secondary access, if any, one sign not to exceed 60 square feet and 10 feet in height.
- (4) On-premise directional signs not exceeding 10 square feet in area.
- (5) Master sign plan. In the B-2 General Business District, businesses located on adjoining commercial lots, or within the same subdivision or development, may submit a master sign plan for review and recommendation of the Plan Commission and approval by the Common Council. The following standards shall apply to master sign plans:
 - (a) No more than two freestanding signs not more than 35 feet in height and 135 square feet in area shall be allowed.
 - (b) Individual freestanding signs shall not be allowed on the separate lots of individual businesses in the business development, except as provided in (c).
 - (c) Businesses not identified on the multiple-business off-premise sign described in (a) may have one freestanding sign per lot, 48 square feet in area and six feet in height, to be located near the primary entrance to the lot to identify businesses located on that specific lot.
 - (d) Wall signage may be approved to exceed the requirements of this chapter, but not by more than 10% of the wall area for each individual wall area of the space occupied by the business.
 - (e) Upon approval of the master sign plan, all future signs shall conform to the master sign plan. Modifications to the provisions of the master sign plan may be granted only with the approval of a new master sign plan. [Added 5-1-2006 by Ord. No. 9-06]
- (6) Banner signs. One banner sign per building wall shall be permitted in the B-1 Local Business District; the B-2 General Business District; the B-3 Central Business District; the OFC Office District. A permit shall be obtained prior to a banner sign being used or erected.
 - (a) Banner signs will be part of the allowable sign area percentage; shall not exceed the maximum area percentage specified for each zoning district as follows:
 - B-1 Local Business District – 20 square feet
 - B-2 General Business District – 80 square feet
 - B-3 Central Business District – 20 square feet
 - OFC Office District – 40 square feet

- (b) Banner signs must be attached to the wall of the building. Banner signs shall not be attached to fences, posts, light poles and other temporary structures, unless authorized as a temporary special event sign.
- (7) Electronic message display signs. Electronic message display signs will be permitted as freestanding signs only in the B-2 General Business District and the B-3 Central Business District with the following restrictions:
- (a) Electronic message display signs are prohibited in the designated historic district of the B-3 Central Business District.
 - (b) The area of an electronic message display sign shall not exceed 30 square feet in the B-2 General Business District and 20 square feet in the B-3 Central Business District.
 - (c) Only on-premise advertising, time, temperature and noncommercial messages may be displayed.
 - (d) Operational limitations. Such displays shall contain static messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, but which may otherwise not have movement, or the appearance of optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or flashing, scintillating or varying of light intensity.
 - (e) Each message on the sign must be displayed for a minimum of four seconds.
 - (f) Except in the designated historic district of the B-3 Central Business District where all electronic message signs are prohibited as provided in (7)(a) above, electronic message display signs capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once, and video may be permitted with the approval of a conditional use permit.
 - (g) Electronic message display signs may not exceed a height of 25 feet in the B-2 General Business District and 20 feet in the B-3 Central Business District.
 - (h) Electronic message display signs must be located a minimum of 150 feet from any residential district.
 - (i) An electronic message display sign must be separated by at least 50 feet from another electronic message display sign.
 - (j) Undue brightness is prohibited, and is defined herein as illumination of an electronic message display sign in excess of the following intensity levels:

- [1] Daylight hours: 5,000 nits or equivalent candelas per square meter or footcandles.
 - [2] Dusk to dawn (time of day between sunrise and sunset): 500 nits or equivalent candelas per square meter or footcandles.
 - [3] For electronic message display signs using incandescent lamps, no more than 15 watts per lamp.
- (k) Electronic message display signs shall be equipped with a photo cell or other automatic dimming technology based on ambient light levels.
- (8) Portable signs. Portable signs are permitted in the B-2 General Business District and B-3 Central Business District as follows:
- (a) One portable sign shall be allowed per building, plus for multiple tenant buildings with frontage wider than 100 feet, one additional sign per 30 feet of building frontage, or part thereof. Portable signs allowed under this provision shall be allowed in addition to permitted freestanding or wall signs.
 - (b) Portable signs shall not exceed four feet in height and three feet in width, with a maximum structure height of five feet and a maximum structure width of three feet in the B-2 General Business District; and three feet in height and two-and-one-half feet in width, inclusive of the structural element, in the B-3 Central Business District.
 - (c) Portable signs must not be placed in the public street right-of-way, except as allowed in the B-3 Central Business District. Portable signs if located in the right-of-way shall be placed directly adjacent to the building and only if there are five continuous feet of sidewalk clear for pedestrian movement.
 - (d) Portable signs shall not be considered temporary signs.
 - (e) Portable signs must be placed on the private property or business premises to which the sign refers.
- (9) Projecting signs. Projecting wall signs shall be permitted only in the B-3 Central Business District, provided that the total sign area does not exceed 20 square feet per facing. A projecting wall sign shall not protrude more than four feet from the wall or vertical surface that said sign receives its support from.
- (10) Regulations specific only to the B-3 Central Business District. All signs in the B-3 Central Business District are regulated and are allowed only by sign permit. Permit fees for new or replacement signs shall be in accordance with the current fee schedule on file with the City Clerk.
- (a) Sign plan. A sign plan for the entire building must be provided with the application for a sign permit.

- (b) Materials. Sign materials shall be consistent or compatible with the original construction materials and architectural style of the building facade on which they are to be displayed. Natural materials such as wood and metal shall be permitted.
- (c) Position. Wall, projecting or overhanging signs shall be positioned so as to create an integral design feature of the building to complement and enhance the building's architectural features. Signs shall not obscure or destroy architectural details such as stone arches, glass transom panels or decorative brickwork.
- (d) Awning and canopy signs. Awning and canopy signs in the B-3 Central Business District shall meet the following requirements:
 - [1] Area. The surface area of an awning or canopy sign shall not exceed 10% of the gross surface area of any face of the awning or canopy to which the sign is affixed.
 - [2] Location. A sign may be affixed to or located upon any awning, canopy or marquee.
 - [3] Height. An awning or canopy sign shall not project higher than 17 feet nor less than seven feet as measured from the base of the building wall to which the sign is affixed.
 - [4] No canopy or awning shall be less than seven feet above the level of the sidewalk or ground.
- (e) On-premise directional signs. On-premise directional signs limited in area to four square feet shall be permitted and not included in any computation of sign area, to consist of one per entrance not to exceed two-and-one-half feet in height nor located within five feet of any street right-of-way line.

D. Industrial districts - I-1 Light Industrial District and I-2 General Industrial District.

- (1) Identification signs. One freestanding identification sign per building, not to exceed 20 feet in height and 80 square feet in area, and one additional wall identification sign for each tenant having a private entry to a multi-tenant building, such sign being displayed at or near the tenant's entrance and not to exceed 7% for principal wall and 4% for secondary walls of the area of the wall to which it is affixed.
- (2) Area identification signs. One sign not to exceed 80 square feet in area located at or near the primary access with a maximum height of 20 feet, and one sign at a secondary access, if any, not to exceed 48 square feet in area with a maximum height of 10 feet.
- (3) Temporary signs: refer to § 202-7.

- (4) On-premise directional signs not to exceed 10 square feet in area.
- (5) Banner Signs. One banner sign per building wall shall be permitted in the I-1 Light Industrial District and I-2 General Industrial District.
 - (a) Banner signs shall be included in the allowable sign area percentage and shall not exceed the maximum sign area specified for each zoning district. For I-1 and I-2 Industrial Districts, the maximum sign area is 80 square feet.
 - (b) Banner signs must be attached to the wall of the building. Banner signs shall not be attached to fences, posts, light poles and other temporary structures.

E. Public districts.

- (1) Wall signs shall not exceed more than 7% of the principal wall area and not more than 4% of a secondary wall area of a building.
- (2) Banner signs shall not exceed more than 80 square feet in area and must be attached to a wall of a building and shall not be attached to fences, posts, light poles and other temporary structures.
- (3) Freestanding signs may not exceed 40 square feet in area and may not exceed a height of 10 feet.
- (4) Electronic message display signs may not exceed 30 square feet in area and comply with the requirements specified in § 202-6C(7), (c)-(k).
- (5) Governmental signs shall not exceed 32 square feet in area.

F. Planned residential, commercial and industrial districts.

- (1) Signs permitted shall be in compliance with similar residential, business, or industrial districts and must be approved as part of the conditional use permit issued for the planned residential, commercial, or industrial district.

G. St. Croix River Wild and Scenic Riverway and Shoreland Protection Overlay District.
(See Chapter NR 118, Wisconsin Administrative Code.)

- (1) Identification signs. Signs as approved by the State of Wisconsin, County of St. Croix or City of Hudson which are necessary for public health and safety; signs indicating areas that are available or not available for public use; and nameplate or other similar signs that are otherwise lawful, provided that they are not visible as viewed from the river during the summer months.
- (2) Identification signs visible from the St. Croix River without natural screening. A sign, other than an informational sign, which is visible from the river during winter months (or if the natural screening of the summer were to be lost or removed) must

have a facing area not exceeding 20 square feet and must be externally illuminated. The illumination sources must be shielded from view.

- (3) Approvals. All signs erected or placed in the St. Croix River Wild and Scenic Riverway and Shoreland Protection Overlay District within the City of Hudson must be recommended for approval by the City Plan Commission and receive final approval by the Common Council.

§ 202-7. Temporary signs.

A. Temporary construction or development site signs.

The following temporary signs are permitted to be placed on the lot or parcel to which they refer, subject to the following standards:

- (1) One temporary sign may be installed upon a construction site in any district denoting the name of the architect, engineer and contractors, provided that: In nonresidential zoned districts and for nonresidential institutional uses that are permitted in a residential district such sign does not exceed 80 square feet in area and shall be removed within seven days of when construction is completed. In R-1 and R-2 Residential Districts such signs shall not exceed six square feet in area and be removed upon completion of construction.
- (2) Temporary signs may be erected on a nonresidential development project, or on a residential development project at the time that the development includes three or more dwelling units for sale or lease provided that:
 - (a) Such signs shall not exceed 100 square feet in area.
 - (b) Only one such sign shall be permitted per street frontage upon which the property abuts.
 - (c) Such signs shall be located no closer than 100 feet to any pre-existing residence.
 - (d) Such signs shall not be located on public right-of-way property (see § 202-4B).
 - (e) Such signs shall be removed when the project is completed, sold or leased.

B. Temporary on-premise signs for the purpose of selling or leasing individual lots or buildings shall be permitted, subject to the following standards:

- (1) Such signs shall not exceed six square feet for residential property and 32 square feet for nonresidential property.
- (2) Only one such sign is permitted per street frontage upon which the property abuts.

- (3) Such signs shall not be located on public street right-of-way (see § 202-4B).
- (4) Such signs shall be removed within seven days following the lease or sale.
- (5) Temporary off-premise directional signs may be erected for the purpose of selling or leasing a single property in accordance with the following limitations:
 - (a) Not more than three signs per model home/open house.
 - (b) Signs shall not be larger than four square feet.
 - (c) Signs shall be placed no sooner than two hours before the model home/open house and shall be removed within two hours after the end of the last day of the model home/open house, but no sign shall be displayed more than four consecutive days.
 - (d) Signs shall be placed on private property only with the property owner's permission. Signs shall not be placed in the road right of way and shall not interfere with traffic visibility.
 - (e) Each sign shall include the name and telephone number of the owner of the sign.
 - (f) Signs may not be placed more than two miles from the project.

C. Temporary on-premise special event signs.

Temporary on-premise signs, banners, pennants, balloons, and whirling devices are allowed devices in any zoning district when used in conjunction with a special event on that premises, subject to the following standards:

- (1) Temporary on-premise special event signs may be displayed for not more than ten days including no more than two consecutive weekends.
- (2) No more than six temporary on-premise special event permits shall be allowed per lot/premises per year.
- (3) Such temporary signs shall be attached to a wall of a building or a fence, or for properties where the building is set back more than fifty feet from the property line, a temporary freestanding sign may be erected with a minimum setback of five feet from the property line.
- (4) Maximum size for such signs shall be:
 - (a) R-1 and R-2 Residential Districts – six square feet, maximum height four feet. Nonresidential uses permitted on residential zoned properties (e.g. churches, nursing homes, etc.) may have maximum sign area of forty square feet and a maximum height of six feet.

- (b) R-M Multiple-Family Residential District - 24 square feet.
 - (c) B-1 Local Business District - 24 square feet.
 - (d) B-2 General Business District - 40 square feet.
 - (e) B-3 Central Business District - 24 square feet.
 - (f) OFC Office District - 40 square feet.
 - (g) Industrial Districts - 40 square feet.
 - (h) Public Districts - 40 square feet.
- (5) Such signs shall be removed within 24 hours of the completion of the special event.

D. Temporary off-premise special event signs for noncommercial special events.

Temporary off-premise signs for noncommercial special events shall be permitted to be displayed in any zoning district in connection with a noncommercial special event, subject to the following standards:

- (1) In R-1 and R-2 Residential District zoned areas, a maximum of one temporary off-premise noncommercial special event sign per lot or parcel per street frontage may be displayed at one time. In R-M Multiple Family Residential Districts, Business Districts, and Industrial Districts, a maximum of two signs per lot or parcel per street frontage may be displayed at one time.
- (2) Temporary special event signs placed off premises as allowed in this chapter shall be placed on private property outside the public right-of-way and shall have the property owner's permission.
- (3) The maximum area of any such sign shall be four square feet and maximum height shall be four feet.
- (4) Signs shall be placed no sooner than 48 hours before the noncommercial special event begins and be removed within four hours after the noncommercial special event ends. If a special event is held on more than one weekend, the temporary off-premise signs shall be removed during the week days between the special event.
- (5) Any such sign shall be a freestanding design and no other attractors, such as balloons or pennants, shall be attached.
- (6) Signs must display the address, date(s) and hours of the special event.

E. Off-premise special event directional signs.

Such signs may be permitted upon issuance of a special event directional sign permit, in situations in which a special event takes place in several locations within the city of Hudson. The primary purpose of such special event directional signs shall be to assist visitors in finding the separate special event locations, including parking locations, within the city. Off-premise special event directional signs shall be placed on private property with the permission of the property owner. Signs may be permitted in the public right-of-way upon a showing that the signs are necessary to direct traffic for the special event and that it is impractical to place the signs on private property. Factors to consider in determining whether placing a sign on private property shall include, but not be limited to: 1) whether private property owner (s) will allow the sign on private property; 2) slope of the property at the proposed location for the sign; 3) visibility concerns regarding the sign and traffic visibility. Signs may be erected no sooner than 24 hours before the special event and must be removed within 24 hours after the completion of the special event. The sign area may not exceed six square feet and may include only the name of the special event, its distance from the sign and one directional arrow.

§ 202-8. Application for permit.

A sign permit is required prior to the improvement, erection, construction, reconstruction, enlargement or alteration of any sign, structural component or mounting device unless otherwise provided in this chapter. The owner or occupant of the premises on which a sign is to be displayed, or the owner or installer of such sign, shall file a sign permit application with the Community Development Department. The application shall include a complete description of the sign and a sketch showing its size, location, manner of construction and such other information as necessary to inform the Community Development Department of the kind, size, material, construction and location of the sign.

The owner of any projecting sign shall furnish with his application proof of self-insurance or that public liability insurance has been procured for any death or personal injury caused by such sign. The amount of insurance required shall be recommended by the Plan Commission annually and adopted by the Common Council. The owner shall maintain such insurance in effect at all times that the sign remains in place.

The applicant shall also submit, at the time of application, the application fee required under § 202-9 below. If a sign authorized by permit has not been installed within six months after the date of issuance of said permit, the permit shall become null and void.

§ 202-9. Fees.

For any sign for which a permit is required, a nonrefundable application fee, to be established annually upon recommendation of the Plan Commission for adoption by the Common Council, shall be required for the purpose of defraying the cost of examining and processing the application for permit and the cost of inspecting the installation and maintenance of such sign.

§ 202-10. Violations and penalties.

- A. If any sign is found to be constructed, installed, or maintained in any way that violates any portion of this chapter, the Community Development Department or other authorized City department or personnel shall notify the property owner and the sign permittee (if not the property owner) owner, in writing and that the sign must be brought into compliance or be removed.
- B. If the property owner fails to remove or alter the sign to comply with this chapter within 48 hours following receipt of said notice or within the time specified by the Community Development Department or authorized departments or personnel:
 - (1) Such sign shall be deemed to be a nuisance and may be abated by the City by proceedings taken under W.S.A. ch. 823, and the cost of abatement, including administration expenses, may be levied as a special assessment against the property upon which the sign is located.
 - (2) Such permittee or owner may be prosecuted for violating this chapter and, if convicted, shall be subject to a forfeiture in the amount not to exceed \$300.00 for each such offense plus the costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding six months. Each period of 24 hours wherein the sign is not removed or altered shall be deemed to constitute another violation of this chapter and be punishable as a forfeiture hereunder.
 - (3) Nothing in this chapter shall preclude the City from enforcing this chapter or preventing or removing a violation of this chapter by any means allowed by law.
- C. No written notice is required for second or subsequent violations of this chapter with respect to the same or similar sign.

§ 202-11. Variances and appeals.

- A. Except in cases where a conditional use permit is authorized or required under this chapter, i.e., § 202-6C(1)(b) and § 202-6C(2)(d), a permit applicant or permit holder may request a variance from the literal provisions of this chapter by filing a petition for a variance with the Community Development Department and paying a fee recommended by the Plan Commission annually and adopted by the Common Council.
- B. A permit applicant or permit holder also may appeal any alleged error in any order, requirement, decision or determination made by the administrative officer in the enforcement of this chapter. Appeals shall be filed in the same manner as provided in Chapter 255, Zoning, § 255-90. Variances and appeals shall be heard by the Board of Appeals.
- C. The Board shall grant a variance from the provisions of this chapter only if the appellant proves that:

- (1) There are exceptional or extraordinary circumstances applicable to the property or to the intended use that do not apply generally to other property in the same vicinity and zoning district.
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district but which is denied to the property in question.
- (3) The strict application of this chapter would constitute an unnecessary hardship.
- (4) The granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located.

§ 202-12. Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is declared by a court of competent jurisdiction to be invalid for any reason, such declaration of invalidity shall not affect the validity of the remaining portions of this chapter. The Common Council hereby declares that it would have adopted this chapter in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

§ 202-13. Effective date.

This chapter shall be effective, after public hearing on the chapter, adoption by the Common Council and publication as provided by law.

CHART OF SIGNS (REFERENCED IN § 202-6)

| TYPES OF SIGNS: | FREESTANDING | WALL | BANNER | PORTABLE | EMD |
|--|--------------|------------------|--------------|-------------|------------|
| EMD – Electronic Message Display | | | | | |
| NP – Not Permitted | | | | | |
| <u>Business Districts:</u> | | | | | |
| B-1 Local Business District: | | | | | |
| Maximum height | 10 feet | | | 3 feet | NP |
| Maximum sign area | 60 sq. ft. | 7% * | 20 sq. ft. | 7.5 sq. ft. | |
| B-2 General Business District: | | | | | |
| Maximum height | 45 feet | | | 3 feet | 25 feet |
| Maximum sign area | 135 sq. ft. | *** | 80 sq. ft. | 7.5 sq. ft. | 30 sq. ft. |
| B-3 Central Business (Downtown) District: | | | | | |
| Maximum height | 20 feet | | | 3 feet | 20 feet |
| Maximum sign area | 80 sq. ft. | 7% */4% ** | 20 sq. ft. | 7.5 sq. ft. | 20 sq. ft. |
| OFC Office District: | | | | | |
| Maximum height | 10 feet | | | 3 feet | NP |
| Maximum sign area | 60 sq. ft. | 7% */4%** | 40 sq. ft. | 7.5 sq. ft. | |
| <u>Industrial Districts:</u> | | | | | |
| I-1 Light Industrial District: | | | | | |
| Maximum height | 20 feet | | | NP | NP |
| Maximum sign area | 80 sq. ft. | 7% */4** 4%** | 80 sq. ft. | | |
| I-2 General Industrial District: | | | | | |
| Maximum height | 20 feet | | | NP | NP |
| Maximum sign area | 80 sq. ft. | 7% */4% ** | 80 sq. ft. | | |
| <u>Other Districts:</u> | | | | | |
| PUB Public District: | | | | | |
| Maximum height: | 10 feet | | | NP | 10 feet |
| Maximum sign area | 40 sq. ft. | (7%*/4%**) | (80 sq. ft.) | | 30 sq. ft. |

*A principal wall is the wall fronting the public street (only one principal wall per building)

**A secondary wall is any wall not a principal wall

***The maximum wall signage area in the B-2 General Business District is permitted as follows:

| | Building frontage (Feet) | Allowable sign area (% of entire wall) |
|-------------------|-----------------------------|---|
| Principal walls* | 0 – 100 feet | 10.0% |
| | 101 – 200 feet | 8.5% |
| | More than 200 feet | 7.0% |
| Secondary walls** | 0 – 100 feet | 6.0% |
| | 101 – 199 feet | 5.0% |
| | More than 200 feet | 4.0% |