



Legislation Details (With Text)

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On agenda: **Final action:** 3/18/2008

Effective date:

Title: A substitute ordinance relating to revision of regulations for automatic changeable message signs.

Sponsors: ALD. MURPHY, ALD. BAUMAN

Indexes: SIGNS

Attachments: 1. Fiscal Note, 2. Proposed Substitute C, 3. Proposed Substitute D, 4. Proposed Substitute F, 5. Dept of Public Works Study of Automatic Changeable Message Sign at Oakland and North, 6. Inventory by Market.pdf, 7. Letter From the Zoning Code Technical Committee, 8. Minutes of the Dec 13th Zoning Code Technical Committee Meeting, 9. Exhibit I - Zoning Code Technical Committee Meeting)Memo from Legislative Reference Bureau), 10. Exhibit II - Zoning Code Technical Committee meeting (2005 WI Act 464, 11. Recording of the Zoning Code Technical Committee meeting of Dec. 13, 2007, 12. City Plan Commission Letter.pdf, 13. Exhibit I - Facts about Off-premise Electronic Changeable Message Signs, 14. Exhibit II - Changeable Message LED Billboards Test Period Observations and Findings, 15. Exhibit III - Ground-breaking Studies Determine accidents Not More Likely to Occur Because of Digital Billboards, 16. Exhibit IV - Communication from South Carolina Department of Transportation, 17. Exhibit V - Memorandum from US Department of Transportation, 18. Article on Transportation chief puts the brakes on LED billboards until federal study is in, 19. Letter from Ald Murphy and Ald Bauman to Dept of Neighborhood Services Commissioner Marty Collins, 20. Response to Ald Murphy and Ald Bauman from the Dept. of Neighborhood Services, 21. Letter from Ald Murphy and Ald Bauman to Dept. of Public Works Commissioner Jeffrey Mantes, 22. Response to Ald Murphy and Ald Bauman from the Dept. of Public Works, 23. Letter from Story Hill Neighborhood Association to Ald Murphy, 24. Memo to Ald Murphy regarding Digital Billboards, 25. Memo to Ald Murphy regarding Automatic Changeable Message Signs - Digital Billboards, 26. Memorandum - Information: Guidance on Off-Premise Changeable Message Signs, 27. Memo re Cities Which Require Permits for LED Billboards, 28. Memorandum - Board of Zoning Appeals Items, 29. Memo re Off Premise Signs/Permitted and Not Permitted Uses, 30. Various e-mails from Beth Sahagian-Allsopp to Ald Bauman, 31. Various e-mail messages from John Kaye to Ald Bauman, 32. Notice List, 33. Notice Published on 12-21-07 and 12-28-07, 34. Notice Published on 4-4-08

Date	Ver.	Action By	Action	Result	Tally
7/11/2007	0	CITY CLERK	AMENDED		
10/11/2007	0	CITY CLERK	Sponsor added		
11/29/2007	1	CITY CLERK	DRAFT SUBMITTED		
11/29/2007	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
11/29/2007	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
12/3/2007	1	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
12/3/2007	1	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
12/3/2007	1	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		

12/3/2007	1	ZONING CODE TECHNICAL COMMITTEE	HEARING NOTICES SENT		
12/21/2007	1	CITY CLERK	PUBLISHED		
12/21/2007	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
12/26/2007	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/8/2008	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	4:0
1/8/2008	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	AMENDED	Pass	4:0
1/8/2008	3	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Fail	2:2
1/8/2008	3	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED WITHOUT RECOMMENDATION AND ASSIGNED TO	Fail	2:2
1/8/2008	3	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	4:0
1/8/2008	3	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Fail	2:2
1/9/2008	2	CITY CLERK	DRAFT SUBMITTED		
1/9/2008	3	CITY CLERK	DRAFT SUBMITTED		
1/10/2008	3	CITY CLERK	Sponsor removed		
1/15/2008	3	COMMON COUNCIL	SUBSTITUTED	Pass	12:2
1/15/2008	4	COMMON COUNCIL	ASSIGNED TO	Fail	4:10
1/15/2008	4	COMMON COUNCIL	HELD IN COUNCIL	Pass	11:3
1/15/2008	4	CITY CLERK	DRAFT SUBMITTED		
2/5/2008	4	COMMON COUNCIL	ASSIGNED TO	Pass	12:2
2/11/2008	4	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/12/2008	4	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/12/2008	4	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/12/2008	4	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/18/2008	4	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
2/29/2008	4	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
3/11/2008	4	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
3/14/2008	5	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	4:1
3/14/2008	5	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Fail	2:3
3/14/2008	5	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	AMENDED	Fail	2:3
3/14/2008	5	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Fail	2:3

3/14/2008	5	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	3:2
3/18/2008	5	COMMON COUNCIL	SUBSTITUTED	Pass	9:5
3/18/2008	6	COMMON COUNCIL	AMENDED	Fail	2:12
3/18/2008	6	COMMON COUNCIL	AMENDED	Fail	6:8
3/18/2008	6	COMMON COUNCIL	PASSED	Pass	9:5
3/27/2008	6	MAYOR	SIGNED		
4/4/2008	6	CITY CLERK	PUBLISHED		

070548

Substitute 6

070982

ALD. MURPHY AND BAUMAN

A substitute ordinance relating to revision of regulations for automatic changeable message signs.

295-311-1-a-1 am

295-311-1-a-3 rn

295-311-1-a-3 cr

295-407-3-c rc

295-407-4 rc

295-407-5 rc

295-407-6 rc

295-407-7 rc

295-407-8 rc

295-407-9 cr

295-409-0 am

295-605-5 (table) am

295-705-7-b-8-d cr

295-805-5 (table) am

This ordinance amends the zoning code to revise regulations relating to automatic changeable message signs. This ordinance revises regulations as follows:

1. Creates a definition for automatic changeable message signs.
2. States off-premise automatic changeable message signs may change as frequently as once every 8 seconds.
3. Requires no off-premise electronic automatic changeable message sign shall be located within 400 feet of any residential district from which the sign face is visible.
4. Requires a minimum distance of 1,000 feet between any 2 off-premise electronic or tri-vision automatic changeable message signs which are visible to drivers facing the same direction.
5. Prohibits speakers and all forms of pyrotechnics in off-premise automatic changeable message signs.
6. Prohibits nuisance light on residential properties, and defines "spill light" and states spill light shall be considered a nuisance when it exceeds certain levels.
7. Provides that a permit holder may appeal the commissioner's order to abate light nuisance orders.
8. Authorizes the commissioner of neighborhood services to enforce a light standard of 5,000 NITs (candelas per square meter) during daylight hours and 500 NITs (candelas per square meter) between dusk to dawn.
9. States that if the commissioner of the department of public works finds that an off-

premise electronic automatic changeable message sign is causing interference with traffic signals or controls, creates a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device, or otherwise obstructs a motorist's line of sight with traffic signals or controls, then the commissioner shall order the sign be turned off, and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the interference. The permit holder may appeal the commissioner's order by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

10. States the continuing operation of a malfunctioning sign that causes a glare shall be considered an acute traffic hazard. The commissioner of public works shall order the sign be turned off and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the hazard.
11. Provides a sunset clause whereby provisions relating to off-premise automatic changeable message signs will become null and void on and after March 31, 2010.
12. States no person may erect a new off-premise automatic changeable message sign, or convert an existing off-premise sign with a static display area to an off-premise automatic changeable message sign, without first obtaining a special use permit from the board of zoning appeals if the new or existing sign will be or is located more than 1,000 feet from a freeway or the Lake Parkway.

Whereas, It is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that on-premise and off-premise signs be regulated according to location, size, maintenance and operation; and

Whereas, It is appropriate to revise signage regulations due to innovations in technology, and any change in signage regulations should be assessed according to community concerns and traffic safety; and

Whereas, On-premise automatic changeable message signs are already prevalent in the City, and recently outdoor advertising companies have transitioned off-premise traditional, static signs to electronic automatic changeable signs, but the City's current zoning code does not provide specific regulations for electronic automatic changeable message signs; and

Whereas, Off-premise automatic changeable message signs are most often located along high-speed, heavily trafficked roadways, in areas with dense traffic patterns, and the level of distraction that electronic signs create should be minimized and mitigated; and

Whereas, In a September, 2007, memorandum, the Federal Highway Administration noted that in its review of respective states' regulations that have been approved by the Federal Highway Administration, duration of each display is generally between 4 and 10 seconds, and also noted that 8 seconds is recommended, and many municipalities have adopted an 8-second message display regulation; and

Whereas, It is the understanding of the Common Council that there is a study that is to be underway by the Federal Highway Administration in June, 2008, which will assess the impact of frequency of message change on driver safety, and that the study will be concluded no later than March 31, 2010; and

Whereas, It is the intent of the Common Council that the City's policies relating to automatic

changeable message signs be reevaluated when this study is completed and released to the public, and at that time the City may adopt policies consistent with the study; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-311-1-a-1 of the code is amended to read:

295-311. Appeals.

1.BOARD OF ZONING APPEALS.

a-1. There is created a board of zoning appeals which shall have the powers granted by state statutes and the authority to interpret this chapter, to approve, conditionally approve or deny variances and special use permits, to resolve disputes concerning floodplain district boundaries and to hear and decide appeals of administrative decisions of the commissioner of city development or the commissioner or neighborhood services that may arise under this chapter >>, except as provided in subdiv. 3,<<or state statutes.

Part 2. Section 295-311-1-a-3 of the code is renumbered a-4.

Part 3. Section 295-311-a-3 of the code is created to read:

a-3. Appeals based on decisions arising from interpretation of s. 295-407-4-d-5-b and 7 of the code shall be heard by the administrative review appeals board.

Part 4. Section 295-407-3-c of the code is repealed and recreated to read:

295-407. Signs.

3.SPECIAL SIGNS TYPES.

c. Automatic Changeable Message Signs. Automatic changeable message signs shall be permitted according to the provisions of sub. 4 and sub. 7-d.

Part 5. Section 295-407-4 to 8 of the code is repealed and recreated to read:

4.AUTOMATIC CHANGEABLE MESSAGE SIGNS. For purposes of this subsection, an automatic changeable message sign is an on-premise or off-premise advertising sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and includes tri-vision signs and mechanically-operated signs. In addition to the provisions for on-premise and off-premise signs, as provided in subs. 2 and 7, automatic changeable message signs shall conform to the provisions included in this subsection.

a. The display area of automatic changeable message signs shall be included in the calculation of the total display area of the applicable sign type.

b. No signs containing flashing, intermittent or moving sections or intermittent or flashing lights, except for intermittent display of time and temperature, shall be permitted.

c. The display area, other than time and temperature displays, and each portion thereof may be changed not more frequently than once every 60 seconds.

d. In addition to the provisions of par. a to c, off-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

d-1. The display area of off-premise signs, other than time and temperature displays, and each portion thereof may be changed not more frequently than once every 8 seconds.

d-2. No off-premise electronic automatic changeable message sign shall be located within 400 feet of any residential district from which the sign face is visible. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the residential zoning district, in a straight line and without regard to intervening structures.

d-3. The minimum distance between any 2 off-premise electronic or tri-vision automatic changeable message signs which are visible to drivers facing the same direction shall be 1,000 feet. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of another sign, in a straight line and without regard to intervening structures.

d-4. Audio speakers and all forms of pyrotechnics are prohibited.

d-5-a. Nuisance light on residential properties shall be prohibited pursuant to s. 80-19. Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 foot candles or more measured perpendicular to the ground at approximately 4 feet from the ground or floor surface at which the measurement is taken. For purposes of this paragraph, spill light shall mean any artificial light flowing onto an adjacent residential property.

d-5-b. A permit holder may appeal the commissioner's order to abate a nuisance order issued pursuant to s. 80-8 by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

d-6. The commissioner of neighborhood services may enforce a light standard of 5,000 NITs (candelas per square meter) during daylight hours, and 500 NITs (candelas per square meter) between dusk to dawn.

d-7. If the commissioner of public works finds that an off-premise electronic automatic changeable message sign is causing interference with traffic signals or controls, creates a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device, or otherwise obstructs a motorist's line of sight with traffic signals or controls, the commissioner shall order the sign be turned off, and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the interference. The permit holder may appeal the commissioner's order by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

d-8. The continuing operation of a malfunctioning sign that causes a glare shall be considered an acute traffic hazard. The commissioner of public works shall order the sign be turned off and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the hazard.

5. MAINTENANCE, ABANDONMENT AND REMOVAL. See ss. 244-3, 275-32 and 275-34 for regulations relating to the maintenance, abandonment and removal of signs.

6. PERMITS REQUIRED. See s. 244-2 for information on sign permit requirements.

7. OFF-PREMISE SIGNS. a. Applicability. The standards and regulations of this subsection shall apply to all off-premise signs. Where the standards in this section conflict with those found elsewhere in this code, the most restrictive standards shall apply.

b. Standards. b-1. General. See the regulations for the applicable zoning district for standards relating to the number, location and size of off-premise signs.

b-2. Combustible Signs. No portion of a combustible off-premise wall sign may be located above the sill of a 2nd story window or more than 30 feet above grade, whichever is lower.

b-3. Minimum Distance Between Signs. The minimum distance between any 2 off-premise freestanding or roof signs shall be 500 feet. The minimum distance between an off-premise freestanding or roof sign and an off-premise wall sign shall be 200 feet. The minimum distance between any 2 off-premise wall signs shall be 200 feet. The minimum distance requirement does not apply in the following situations:

b-3-a. Where off-premise signs are wall or roof signs located on opposite sides of a street from which they are intended to be viewed.

b-3-b. Where off-premise signs are separated by buildings or other permanent structures in such a

way that the display area of only one off-premise sign is visible from a street at one time.

b-4. Distance Measurement. The distance between signs shall be measured in a straight line, without regard to intervening structures, between the nearest components of the 2 signs in question.

b-5. Maximum Height. b-5-a. The maximum height of off-premise freestanding signs shall be 40 feet above grade, except in a local business, commercial service, residential and specialty use or neighborhood retail district, where the maximum height shall be 35 feet unless a sign is located within 50 feet of a building having a height of 35 feet or more.

b-5-b. An off-premise freestanding sign may be located and maintained along a public viaduct or bridge to a height of not more than 50 feet above the roadway of such viaduct or bridge, provided that the sign is set back from the viaduct, bridge or adjoining building a distance equal to or greater than the height of the sign above the roadway.

b-6. Height Measurement. The height of any off-premise freestanding sign is the vertical dimension of the sign measured from the grade of the roadway to which the sign is oriented to the highest point of the sign. However, where a structure bridges the roadway to which an off-premise freestanding sign is oriented and where the structure is within 100 feet of the sign, the height of the sign may be measured from the grade of the bridge structure at the point closest to the sign.

b-7. Minimum Required Setbacks. b-7-a. Wall Signs. Off-premise wall signs located on front walls of buildings shall be set back a minimum of 5 feet from building corners. Off-premise wall signs located on side or rear walls of buildings shall be set back from building corners a minimum distance equal to 10% of the sign's width or 3 feet, whichever is less, but not less than one foot.

b-7-b. Freestanding Signs. For off-premise freestanding signs, the minimum required setback from any street lot line shall be 30 feet or a distance equal to the height of the sign, whichever is greater. No portion of any off-premise freestanding sign may extend into the public right-of-way or project over any public or private access drive.

b-7-c. Roof Signs. Off-premise roof signs shall be set back 5 feet from any exterior wall facing a public street and 2.5 feet from any other exterior wall.

b-8. Required Residential Buffers. No portion of any off-premise sign may extend into any of the following required residential buffers:

b-8-a. 60 lineal feet from a rear lot line abutting any residential district.

b-8-b. 50 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area up to 300 square feet.

b-8-c. 75 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area in excess of 300 square feet.

b-9. Signs Near Public Right-of-Way. Any component of an off-premise sign located within 3 feet of the public right-of-way shall be at least 10 feet above grade.

b-10. Lighting Reflectors. Lighting reflectors may extend 12 feet beyond the face of an off-premise sign but may not extend into any required setback or buffer areas.

c. Signs Adjacent to Freeways and Parkways. Off-premise signs adjacent to freeways or the Lake Parkway shall conform to the following standards:

c-1. Setbacks. c-1-a. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in an industrial district shall be 75 feet plus 10 feet for each 100 square feet of sign area over 750 square feet.

c-1-b. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in a commercial district shall be 500 feet.

c-2. Minimum Spacing. The minimum distance between any 2 off-premise signs located on the same side of a freeway or the Lake Parkway shall be 1,000 feet.

c-3. Prohibited Locations. Off-premise signs are prohibited within 1,000 feet of the High Rise Bridge or the Hoan Memorial Bridge/Lake Parkway. In this paragraph, "High Rise Bridge" means that portion of Interstates 94 and 43 located between the center line of West St. Paul Avenue and the center line of West National Avenue, and "Hoan Memorial Bridge/Lake Parkway" means those

portions of Interstate 794 and State Trunk Highway 794 located between East St. Paul Avenue extended and the south city limits.

d. Automatic Changeable Message Signs. No person may erect a new off-premise automatic changeable message sign, or convert an existing off-premise sign with a static display area to an off-premise automatic changeable message sign, without first obtaining a special use permit from the board if the new or existing sign will be or is located more than 1,000 feet from a freeway or the Lake Parkway.

8. EXCEPTIONS. Notwithstanding any other provisions of this chapter, the following signs are permitted if they meet the standards specified in this subsection:

a. Signs placed by public utilities or units of government for the safety or welfare of the public, such as signs identifying high voltage underground cable or signs related to the construction of capital improvement projects by units of government.

b. Official fire- or police-related signs or signs required to be maintained by law or governmental order, such as warning, traffic, parking or similar regulatory signs, or warning signs at a railroad crossings.

c. Public service information signs with no commercial messages.

d. Political signs, provided that in the case of an election for office or a referendum, such sign is removed within 30 days of the end of the election campaign period, as defined in

s. 12.04(1)(a), Wis. Stats.

e. Any of the following temporary signs, provided such signs do not exceed 6 feet in height, are not located in the public right-of-way and are not illuminated:

e-1. Special event signs not exceeding 6 square feet advertising community-wide events of general interest and sponsored by non-commercial groups, placed for 15 days or less.

e-2. Signs erected and maintained on lots to advertise the leasing, rental or sale of buildings or other improvements located on such lots. Only one such sign shall be permitted on each street frontage. Signs shall not exceed the maximum area specified in the sign regulations of the zoning districts in which they are located.

e-3. Residential real estate signs not exceeding 6 square feet relating to open house events or providing directions.

e-4. Signs pertaining to the construction of buildings or the sale or lease of vacant land. No sign of this type shall exceed applicable height or area limitations or be illuminated. A construction sign shall be removed within 30 days of issuance of a certificate of occupancy for the building or structure to which the sign pertains.

f. The changeable copy or message portion of a theater marquee or reader board.

g. Painted murals, permanent banners and flags not containing commercial messages.

h. Signs placed on the interiors of buildings such that the signs cannot be seen by the general public from outdoors.

i. Holiday decorations, lights and displays.

j. Construction or advisory signs installed by units of government.

k. Signs of up to 18 square feet in area and not more than 6 feet in height identifying specific geographic areas having common characteristics but multiple ownerships, such as residential subdivisions, commercial shopping areas and industrial parks.

L. "NO TRESPASSING," "NO DUMPING" and similar signs not exceeding 6 square feet in area.

m. Signs painted on or attached to motor vehicles in a manner allowing normal operation of such vehicles.

9. PROHIBITED SIGNS. The following signs are prohibited:

a. Animated signs, including pennants, streamers, roof-mounted balloons and other inflatable objects, unless part of a master sign program.

- b. Automatic changeable message signs, except:
 - b-1. Signs providing time or temperature information only.
 - b-2. Signs with messages that change not more than once every 60 seconds, except as specified in sub. 4-d.
 - b-3. Signs that are part of an approved master sign program.
- c. Portable signs.
- d. Flashing signs.
- e. Signs attached to or painted on a vehicle parked on a premises for the sole purpose of advertising or relaying commercial messages to the public.
- f. Signs attached to light poles, canopy supports or utility masts.
- g. Temporary banner signs, except as permitted under sub. 3.
- h. Abandoned signs.

Part 6. Section 295-409-0 of the code shall be amended to read:

295-409. Lighting. In all zoning districts, >>with the exception of automatic changeable message signs, as provided in s. 295-407-4-d<<, all on-site lighting shall have cut-off fixtures that ensure that lighting levels and glare are controlled as follows:

Part 7. Table 295-605-5 of the code is amended to read:

Table 295-605-5 COMMERCIAL DISTRICT SIGN STANDARDS							
	Zoning District						
	NS1	NS2	LB1	LB2	RB1	RB2	CS
<i>Freestanding Signs</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>
Maximum number per site	1 per site	1 per site	1 per street frontage*	1 per site*	1 per street frontage*	1 per street frontage*	1 per site*
Type "A" maximum area (sq. ft.)	60	40	100	60	150	100	60
Type "B" maximum area (sq. ft.)	32	20	50	32	75	50	32
Maximum height	10	6	14	14	20	20	14
<i>Wall Signs</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" maximum area (sq. ft.)	40	40	60	40	60	60	40
Type "B" maximum area (sq. ft.)	25	25	32	25	32	32	25
<i>Projecting Signs</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type "A" maximum area (sq. ft.)	50	50	60	50	100	60	50
Type "B" maximum area (sq. ft.)	25	25	30	25	50	30	25
<i>Awning Signs</i>	<i>type "A" permitted only</i>	<i>type "A" permitted only</i>	<i>type "A" permitted only</i>	<i>type "A" permitted only</i>	<i>type "A" permitted only</i>	<i>type "A" permitted only</i>	<i>type "A" permitted only</i>

Maximum number of signs	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.		1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type “A” maximum area (sq. ft.)	20	10	20		20	20	10	20
Canopy and Hanging Signs	permitted	permitted	permitted		permitted	permitted	permitted	permitted
Maximum number of signs	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.		1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type “A” maximum area (sq. ft.)	50	50	60		50	100	60	50
Type “B” maximum area (sq. ft.)	25	25	30		25	50	30	25
Roof Signs	not permitted	not permitted	permitted		type “A” permitted only	permitted	permitted	type “A” permitted only
Maximum number of signs	NA	NA	1 per building		1 per building	1 per building	1 per building	1 per building
Type “A” maximum area (sq. ft.)	NA	NA	100		100	100	100	50
Type “B” maximum area (sq. ft.)	NA	NA	32		0	32	32	0
Off-premise Signs	not permitted	not permitted	permitted >> **<<		permitted >> **<<	permitted >> **<<	permitted >> **<<	permitted >> **<<
Maximum number of signs	NA	NA	1 per site		1 per site	1 per site	1 per site	1 per site
Maximum display area (sq. ft.)	NA	NA	300		300	300	300	300
Minimum distance between Signs	NA	NA	500 ft. between any 2 ground or roof signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between wall signs					
Maximum height of freestanding sign	NA	NA	35	35		35	35	35
Maximum height of sign (ft.)	NA	NA	40	40		40	40	40
Maximum height of sign	NA	NA	25 ft. above roof					
* Except 2 shall be permitted if the site fronts on 3 streets or has continuous street frontage of at least 240 feet. >> ** Subject to special use permit requirements								

Part 8. Section 295-705-7-b-8-d of the code is created to read:
295-705. Design Standards.

7. SIGNS.

b. Limited-Permission Sign Standards.

b-8. Off-Premise Signs.

b-8-d. Off-premise automatic changeable message signs shall be subject to the special use permit requirement set forth in 295-407-7-d.

Part 9. Table 295-805-5 of the code is amended to read:

Table 295-805-5 INDUSTRIAL DISTRICT SIGN STANDARDS				
	Zoning District			
	IO1/IO2	IL1/IL2	IM	IH
Freestanding Signs	permitted	permitted	permitted	permitted
Maximum number	1 per street frontage	1 per site*	1 per site*	1 per site*
Type "A" max. display area (sq. ft.)	80	100	80	100

Type “B” max. display	40	50	40	50
Maximum height	15	15	15	30
Wall Signs	permitted	permitted	permitted	permitted
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type “A” max. display	60	120	60	120
Type “B” max. display	32	60	32	60
Projecting Signs	permitted	permitted	permitted	permitted
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type “A” max. display	50	60	50	60
Type “B” max. display	25	30	25	30
Awning Signs	type “A” permitted only			
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type “A” max. display	20	20	20	20
Canopy and Hood Signs	permitted	permitted	permitted	permitted
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Type “A” max. display	50	60	50	60
Type “B” max. display	25	30	25	30
Roof Signs	type “A” permitted only	permitted	type “A” permitted only	permitted
Maximum number	1 per building	1 per building	1 per building	1 per building
Type “A” max. display	50	no limit	50	no limit
Type “B” max. display	NA	100	NA	100
Off-premise Signs	permitted >> ** <<	permitted >> ** <<	permitted >> ** <<	permitted >> ** <<
Maximum number	1 per site	1 per site	1 per site	1 per site
Maximum display area (ft.)	672	672	300	672
Minimum distance between signs	500 ft. between any 2 ground or roof signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2 wall signs			
Maximum height, (ft.)	35	35	40	40
Maximum height,	40	40	60	60
Maximum height, roof	25 ft. above roof			
*Except 2 shall be permitted if the site fronts on 3 streets or has continuous street frontage of at least 240 feet. >> ** Subject to				

Part 10. Part 2 of Common Council File 070982, passed November 9, 2007, is amended to read: Part 2 of this ordinance shall be null and void ~~[[June 18, 2008]]~~ >>upon the effective date of Common Council File 070548<<[4/5/2008].

Part 11. Section 295-407-4-d of this ordinance, pertaining to off-premise automatic changeable message signs, shall be null and void on and after March 31, 2010.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB07405-10

LCS

3/11/08