

156 East First Street  
New Richmond, WI 54017  
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**April 27, 2016**

**TO ALL PLAN COMMISSION MEMBERS:**

<b>Jim Zajkowski</b>	<b>Ron Volkert</b>
<b>David Wilford</b>	<b>Mike Kastens</b>
<b>Kyle Hinrichs</b>	<b>Fred Horne</b>
<b>MaryKay Rice</b>	<b>Sarah Skinner (ex officio)</b>

**This is to notify you that there is a Plan Commission meeting scheduled for Tuesday, May 3, 2016 at 5:00 p.m. in the Council Chambers of the Civic Center, 156 East First Street, City of New Richmond, WI.**

**AGENDA:**

- 1. Roll Call**
- 2. Adoption of Agenda**
- 3. Approval of the Minutes of the Previous Meeting, April 7, 2016**
- 4. Review of Sign Ordinance Revisions – First Draft**
- 5. Communications and Miscellaneous**
- 6. Adjournment**

**Fred Horne,  
Mayor**

**cc:**

<b>The News</b>	<b>Northwest Cable</b>	<b>City Website</b>
<b>Nick Vivian</b>	<b>Mike Demulling</b>	<b>Bob Meyer</b>
<b>Tom Rickard</b>	<b>Dan Licht</b>	<b>Jim VanderWyst</b>
<b>Craig Yehlik</b>	<b>Beth Thompson</b>	<b>Steve Skinner</b>
<b>Nancy Petersen</b>		

**A majority of the members of the New Richmond City Council may be present at the above meeting.**

**Pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W. 2<sup>nd</sup> 408 (1993) such attendance may be considered a meeting of the City Council and must be noticed as such, although the Council will not take action at this meeting.**

**If you need a sign language interpreter or other special accommodations, please contact the City Clerk at 246-4268 or Telecommunications Device for the Deaf (TDD) at 243-0453 at least 48 hours prior to the meeting so arrangements can be made.**

PLAN COMMISSION MEETING  
APRIL 7, 2016 - 5:00 P.M.

Members Present: Fred Horne, Ron Volkert, David Wilford, Mike Kastens, and Sarah Skinner (ex-officio)

Members Absent: Jane Hansen, Kyle Hinrichs, and MaryKay Rice

Others Present: Beth Thompson, Tanya Reigel, and Noah Wiedenfeld

Fred Horne called the meeting to order and roll call was taken.

Mike Kastens moved to adopt the agenda as presented, seconded by David Wilford and carried.

Mike Kastens moved to approve the minutes of the previous meeting on March 1, 2016, seconded by Ron Volkert and carried.

**Certified Survey Map from Dorset Investments, Inc.**

Beth Thompson explained the location of this CSM on the corner of West Richmond Way and Knowles Avenue. It was approved at the March Plan Commission meeting, but a change was made to the road right-of-way to accommodate additional development. Mike Kastens moved to recommend City Council approval of the CSM for Dorset Investments II, LLC subject to the following conditions:

- 1 All public right-of-way, trail, sidewalk and drainage and utility easement are subject to review and approval of the Public Works Director.
2. All grading, drainage and erosion control issues are subject to review and approval of the Public Works Director.
3. All utility issues are subject to review and approval of the Public Works Director.
4. Installation of street trees required by Section 117-40.B of the Subdivision Ordinance shall be deferred and is to be made a condition of the site plan review approval.

Motion was seconded by David Wilford and carried.

Within the CSM, a lot line was changed and the utility easement around the previous lot line needs to be vacated. The process for vacating an easement is for the Plan Commission to recommend City Council approval of the change. Mike Kastens moved to proceed with vacating the utility easement, seconded by David Wilford and carried.

**Communications & Miscellaneous**

Noah Wiedenfeld explained the sign ordinance process and let the Plan Commission know that an extra meeting will be necessary in the next month or so for them to discuss changes to this ordinance.

David Wilford moved to adjourn the meeting, seconded by Ron Volkert and carried.

Meeting adjourned at 4:14 p.m.

Tanya Reigel  
City Clerk



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## MEMORANDUM

TO: Beth Thompson

FROM: Daniel Licht, AICP

DATE: 28 April 2016

RE: New Richmond – Zoning Ordinance; Sign Regulation Update

TPC FILE: 164.01

## BACKGROUND

The City of New Richmond adopted comprehensive updates to the Zoning Ordinance and Subdivision Ordinance effective 1 January 2015. The update of the Zoning Ordinance did not include revision of Section 121-44 regulating signs. Update of the sign related provisions of the Zoning Ordinance was intended to be a separate effort to focus on the issues specific to such regulations and the interests of the various stakeholders. The City is initiating the update of the sign regulations to provide for a comprehensive revision to:

- Draft ordinances that are “content neutral” to avoid First Amendment conflict issues whereby the definition, basis and application of the regulations is dependent upon the content of the sign.
- Establish appropriate physical regulations for signs as to allowed area, number, height, setback and other construction elements for each of respective Zoning Districts. This step will include consideration of the sign allowances for the New Richmond Business and Technical Park as set forth by the development covenants to ensure consistency.
- Provide for administration of the sign regulations by identifying signs allowed without a permit, signs that require administrative approval, prohibited signs and any circumstances whereby Development Review Committee or Plan Commission review should be required.

- Address if electronic signs are to be allowed; if electronic signs are allowed, establish provision as to how such signs are regulated by use, zoning District, operational requirements/limits, and administration.

## EXHIBITS

- Summary of Community Meetings
- Draft Sign Ordinance
- Zoning Map

## ANALYSIS

**Electronic Signs.** There was general support at the community meetings for continued allowance of electronic signs. The proposed Sign Ordinance update addresses electronic signs as follows:

- Operation of an electronic sign would be regulated as a business license under the City Code related to The operation of an electronic sign would require issuance of a one-time license by the City to ensure compliance with the operational standards and to provide an enforcement mechanism if the standards are not followed in operating the sign. The licensing and operational provisions are established separate from the Zoning Ordinance in Section 46, Article VIII of the City Code.
- The signs are limited to electronic changeable copy (text) and electronic graphic display signs (images and text). No video or motion is allowed to be displayed on the electronic sign.
- Sign would be allowed a minimum of 30 second rate of change of the electronic copy or display. The display may not include any animation and the transition from one display to another must be instantaneous.
- The electronic sign is limited to 32 square feet or 20 percent of the total allowed sign area within the various zoning districts and must be located in a yard abutting a non-residential street and setback a minimum of 50 feet from any residentially zoned property.
- Electronic signs would be a permitted when located adjacent to a arterial, collector or local commercial/industrial street and a conditional use for other streets within the various zoning districts to ensure compatibility with surrounding properties.

- The licensing provisions require an ability to immediately freeze the display in the event of malfunction or if ordered by the City due to non-compliance with the established operational standards.

**Findings.** Due to the legal scrutiny involved in regulating signs to ensure protection of First Amendment rights, the revised sign regulations include statements of findings, purposes and intent of the City in adopting these ordinances. The main purpose of these statements is to identify the City is not regulating speech but rather the time, place and physical characteristics of signs. There are instances allowed under law and past Court decisions where the content of a sign is subject to regulation and include off-premises signs, commercial versus non-commercial speech, and dynamic display. There are also provisions included within the draft regulations stating that any non-commercial speech may be substituted on a sign at any time without regulation and that there is no City regulation of non-commercial speech during election periods as defined by State Statute.

**Definitions.** The draft ordinance removes definitions that require the sign content to be read to determine the type of sign based on a content neutral basis of regulation. Definitions are proposed to be added to identify dynamic display signs, freestanding signs and speech, while the definition of a ground sign is modified to identify monument type construction.

**General Standards.** The general performance standards outline requirements applicable to all signs in all zoning districts. This includes definitions for the calculation for area and height, a minimum 10 foot setback from any property line, limitations on brightness for illuminated signs and reference to the Uniform Sign Code regarding construction.

**Signs by Districts.** Table 11 of the Zoning Ordinance outlines specific allowances for wall signs and freestanding signs by Zoning District and by use. The area and height limits for the respective zoning districts are carried over from the existing Zoning Ordinance for consistency and so as not to create non-conforming conditions.

- For single family, two family and townhouse uses, signs are limited to signs allowed by the Zoning Ordinance without a permit as well as a six square foot sign for allowed home occupations.
- Wall signs for multiple family, commercial, industrial and institutional uses would be allowed to be 15 percent of the wall area on which the sign is mounted with a maximum size specified for any single sign. There is no requirement that wall signs be mounted on elevations facing a public street or no limitation on the number of wall signs up to the 15 percent of the wall area to allow each location to determine the most effective means of locating wall signage.
- Free standing signs are limited to one sign per property with area and height limits specific to each zoning district. Within the Z6 District, which is established for the central business district area along Knowles Avenue, freestanding signs would be limited

to monument type construction. Under the special sign provisions, there is allowance for a second freestanding sign for those commercial and industrial properties having frontage to a collector or arterial street but access is off of a side or rear street. The secondary sign allows for improved business identification and patron wayfinding.

**Special Signs.** Special signs are those allowed in addition to the wall and freestanding signs allowed by zoning district are outlined to address what would have previously been called out as exceptions based on type of sign. Under content neutral regulations, these special signs are identified based on the time/place characteristics for which they are allowed.

- Changeable copy signs are allowed for all uses limited to 32 square feet or 20 percent of the allowed sign area (whichever is greater). The changeable copy may be in the form of a dynamic display subject to approval of a license as outlined above.
- Allowance is made for gas stations to display an additional 24 square feet of sign area intended to accommodate the display of current fuel prices, which may either be within the freestanding sign or mounted on the canopy.
- Multiple occupancy buildings where each tenant has an exterior entrance are required to provide a sign plan for the site. Individual wall signs for each tenant are allowed to be mounted on the exterior wall of their suite. One freestanding sign is allowed per property to be shared by the individual tenants.
- Allowance is made for commercial uses to display projecting signs that extend away from the wall on which they are mounted. Typical of a central business district environment, these signs would be allowed to extend over the sidewalk and public right-of-way within the Z6 District subject to minimum clearance standards.
- Sandwich board signs are also common in downtown areas or pedestrian oriented commercial areas. The draft sign regulations would allow sandwich board signs in the Z6 District subject to size and location standards and provision to the City of insurance documentation protecting the City against any liability issues. The Plan Commission should consider if sandwich board signs are to be allowed in other zoning districts as well.
- Subdivision identification signs are outlined to allow for both permanent area signs as well as signs used to identify a subdivision during development (including signs for model homes). This section may be revised further based on the recommendations for the area sign plan for the business and technical park currently being prepared.
- Provision is made for display of temporary signs (including portable signs) for up to sixty days for single occupancy properties and 120 days for properties having two or more occupants. The draft sign regulations would allow for display of off-premises events by

non-commercial entities as has been the practice within the City, but limited to the allowed time frame.

**Permit.** Construction of a sign upon a property will require a permit issued by the Zoning Administrator. No sign permit is required to change the display of a sign that does not affect the structure. City staff will provide a survey of sign permit fees from surrounding communities as part of the final draft ordinance for consideration; the intent of the fee is only to recover any costs incurred by the City in review of the permit application and inspection of the sign.

**Signs Not Requiring Permit.** The draft ordinance makes provision for display of certain signs not requiring a permit. These include address signs; official signs placed by the City, St. Croix County, or WI/DoT; and real estate signs including temporary display of signs within the public right-of-way on Saturdays and Sundays to accommodate wayfinding for open houses. There is also provision for a 16 square foot sign to be displayed on any residential property for the purpose of allowing free speech.

**Prohibited Signs.** The draft ordinance includes a listing of signs prohibited to be displayed within the City including private signs resembling official signs; balloon signs; signs that may be distracting by flashing, rotating, shimmering, or swinging; signs mounted on the roof of a building, off-premises signs with commercial speech; signs in the public right-of-way not authorized by the City, St. Croix County, or WI/DoT; signs mounted on vehicles on permanent display or affixed to natural features; and obscene content.

**Non-Conforming Signs.** Non-conforming signs would be handled under the general provisions of the Zoning Ordinance and allowed to continue in the same manner as they were approved by not allowed to be enlarged or moved.

## CONCLUSION

The Plan Commission will review the draft sign ordinance regulations at their meeting on 3 May 2016. The meeting is intended to be a work session format for the Plan Commission to ask questions, make comments, and provide direction to City staff as to the provisions of the draft ordinances.

- c. Mike Darrow, City Administrator  
Nick Vivian, City Attorney  
Noah Wiedenfield,

**ORDINANCE #\_\_**

**THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 46 of the City Code (Licenses, Permits and Miscellaneous Business Regulations) is hereby amended to add the following provisions:

**ARTICLE VIII - DYNAMIC DISPLAY SIGNS**

**Sec. 170-1: -Purpose.**

- (a) The City has established the fundamental basis for the regulation of signs generally in Section 121-44 of the City Code.
- (b) The City finds that dynamic display signs are highly visible from long distances and at very wide viewing angles both day and night and are designed to attract the attention of persons in their vicinity and hold it for extended periods of time and that if the operation of such signs is not regulated, there is potential for significant harm to public health, safety and welfare.
- (c) It is not the purpose or intent of this Article to regulate the message displayed on any dynamic sign but to:
  - (1) Allow for operation of dynamic signs in compliance with the standards set forth in this Article to lessen the impact of such signs on the environment and the public health, safety and welfare.
  - (2) Provide for the administration and enforcement of provisions regulating the operation of dynamic display signs as set forth in this Chapter.

**Sec. 170-2: -Definitions:** The following words and terms, wherever they occur in this Article, shall be interpreted as herein defined:

APPLICANT: The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Chapter are being considered or reviewed.

CHANGEABLE COPY SIGN, ELECTRONIC: A sign or portion thereof that displays electronic, non-pictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or objects. Electronic changeable copy signs do not include official signs.

DYNAMIC DISPLAY: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure or any other component of the sign. This includes displays that incorporate technology or methods allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components as well as any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images or displays.

ELECTRONIC GRAPHIC DISPLAY SIGN: A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs

include projected images or messages with these characteristics onto buildings or other objects.

ILLUMINATED SIGN: Any sign which contains an element designed to emanate artificial light internally or externally.

MULTIVISION SIGN: Any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two (2) or more images.

OFFICIAL SIGN: Signs of a public noncommercial nature including public notification signs, safety signs, traffic signs, direction to public facilities when erected by or on behalf of a public official or employee in the performance of official duty.

SIGN: Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

VIDEO DISPLAY SIGN: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

ZONING ADMINISTRATOR: The person designated by the City Administrator to be the Zoning Administrator for the City of New Richmond.

**Sec. 170-3: -License Required:** Display or operation of a dynamic display sign within the City of New Richmond shall require approval of a valid license issued by the City pursuant to this Article.

**Sec. 170-4: -Issuance of License:**

- (a) Application. An application for a license must be submitted by the property owner or their authorized agent on a form provided by the Zoning Administrator.
- (b) Fees. The applicant shall pay the license fee as adopted by the City Council by resolution for the application to be accepted.
- (c) Required Information. The application shall include all of the following information unless specifically exempted by the Zoning Administrator:
  - (1) Names and addresses of the sign contractor and owners of the sign and lot.
  - (2) Written consent of the owner or lessee of any site on which the sign is to be erected.
  - (3) The address at which any signs are to be erected.
  - (4) The lot, block and addition at which the signs are to be erected and the street on which they are to front.
  - (5) Type and size of sign and type of dynamic display.
  - (6) The specifications of the signs related to illumination and brightness.
  - (7) Specifications for controls needed to regulate the display both for normal operation and in the event of a malfunction.
  - (8) Any electrical permit required and issued for the sign.
  - (9) Any and all other information as may be requested by the Zoning Administrator to determine compliance with this Article.

(d) Zoning Administrator Review:

- (1) The Zoning Administrator shall approve or deny an application for a license within thirty (30) days of a complete application being submitted.
- (2) The Zoning Administrator shall issue a license as provided for by this Article or shall state in writing the reasons for an application for a license having been denied. The applicant may resubmit an application for a license in accordance with the procedures in this Section or, within ten (10) days of the Zoning Administrator's decision, submit an appeal in accordance with Section 170-6(e) of this Article.

(e) Transferability: Licenses are issued to the applicant only and for one (1) location, and such licenses are nontransferable between property owners, tenants, or locations.

**Sec. 170-5: -License Expiration and Renewal.**

- (a) Licenses shall not expire except due to a change in property owners, sign owners, tenants, location, or removal of the dynamic display sign.
- (b) A license that will expire under the provisions of this subsection may be renewed only by making application as provided in Section Sec. 170-4 of this Article.

**Sec. 170-6: -Administration.**

- (a) This Article shall be administered by the Zoning Administrator.
- (b) Inspections.
  - (1) Any licensee shall, at all times during the term of the license, allow the Zoning Administrator to enter the premises for the purpose of verifying compliance with the requirements of this Article.

- (2) The licensee shall provide certification as to compliance with Section 170-7(b) of this Article to the City upon request by the Zoning Administrator.
- (c) Suspension. The Zoning Administrator may suspend a license for a period not to exceed thirty (30) days following written notice and an opportunity to be heard if the Zoning Administrator determines that a licensee has violated or is not in compliance with this Chapter.
- (d) Revocation:
- (1) The Zoning Administrator shall issue a written statement of intent to revoke a license if a cause of suspension in Section 170-6(d)(2) of this Article occurs.
  - (2) The Zoning Administrator may initiate action to revoke a license if the Zoning Administrator determines that:
    - i. The license has been suspended two (2) times within the preceding twelve (12) months.
    - ii. A licensee has knowingly operated an electronic sign during a period of time when the licensee's license was suspended.
    - iii. A licensee is delinquent in payment to the City for ad valorem taxes or other taxes or fees related to business.
- (e) Appeals:
- (1) Process:
    - i. Within ten (10) days of receipt of such notice of an application being denied, suspension, or intent to revoke, the applicant or licensee may provide to the Zoning Administrator, in writing, a response that shall include a statement of reasons why the license should not be suspended or revoked.

- ii. Within three (3) days of the receipt of licensee's written response, the Zoning Administrator shall notify the respondent in writing of the hearing date on the application denial or the license suspension or revocation proceeding.
- iii. Within forty-five (45) working days of the receipt of applicant or licensee's written response, the City Council shall conduct a hearing on licensee's appeal of the Zoning Administrator's decision.
- iv. Hearings on the appeal shall be open to the public and the applicant or licensee shall have the right to appear and be represented by legal counsel and to offer evidence in its behalf.

(2) City Council Action. At the conclusion of the hearing, the City Council shall make a final decision.

- i. If a response is not received by the City in the time stated or, if after the hearing, the City Council finds that grounds as specified in this Article exist for denial, suspension, or revocation, then such denial, suspension or revocation shall become final three (3) days after the City sends written notice that the license has been denied, suspended, or revoked; such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction.
- ii. If the City Council finds that no grounds exist for denial, suspension, or revocation of a license, then within three (3) days after the hearing, the Zoning Administrator shall withdraw the intent to suspend or revoke the license, and

shall so notify the licensee in writing of such action.

**Sec. 170-7: -Performance Standards:**

(a) Allowed Signs: Only those dynamic display signs defined and identified herein shall be allowed to be operated within the City in accordance with this Article and the Zoning Ordinance:

(1) Electronic changeable copy signs.

(2) Electronic graphic display signs.

(b) The operation of a dynamic display sign allowed by this Article shall conform to the following requirements:

(1) The display shall change display not more often than once every one (1) minute.

(2) The display sign shall not include scrolling, flashing, animation, or other effects.

(3) The display must be static and the transition from one static display to another must be instantaneous without any special effects.

(4) The display must be complete in themselves, without continuation in content to the next image or message.

(5) Brightness:

i. The brightness of the sign shall not exceed five thousand (5,000) NITS after sunrise and before sunset or five hundred (500) NITS after sunset and before sunrise each day.

ii. The sign shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with the requirements of this subsection.

(6) Malfunctions:

- i. The display must be designed and equipped to freeze the device in one position if a malfunction of the electronic display occurs.
- ii. The display must be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the electronic display when notified by the City that it is not complying with the stipulations of this section.

(7) The sign shall comply with Section 121-44 of the Zoning Ordinance.

**Sec. 170-8: -Severability.** If any section, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have adopted the Article and each subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 2.** Section 121-15 of the City Code (Zoning Ordinance - Definitions) is hereby amended to repeal the following sign related definitions:

Business Identification Sign.

Construction Sign.

Directional Sign.

Real Estate Sign.

Time and Temperature Sign.

**Section 3.** Section 121-15 of the City Code (Zoning Ordinance - Definitions) is hereby amended to add the following sign related definitions:

Dynamic Display: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the

apparent movement or change is in the display, the sign structure or any other component of the sign. This includes displays that incorporate technology or methods allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components as well as any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images or displays.

Freestanding Sign: Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Speech:

- A. Commercial: Messages identifying or advertising a business, profession, commodity, service or entertainment.
- B. Non-Commercial: Dissemination of messages not defined as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

**Section 4.** Section 121-15 of the City Code (Zoning Ordinance - Definitions) is hereby amended to revise the following sign related definitions:

Ground Sign. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

**Section 5.** Section 121-44 of the City Code (Sign Regulations) is hereby repealed in its entirety and amended to read as follows:

**Sec. 121-44: -Sign Regulations**

- A. Findings, Purpose, and Interpretation:

1. Findings: The City finds:
  - (a) Exterior signs have a substantial impact on the character and quality of the environment.
  - (b) Signs provide an important medium through which individuals may convey a variety of messages.
  - (c) Signs can create traffic hazards and aesthetic concerns, thereby threatening the public health, safety and welfare.
  - (d) The City's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression in accordance with the First Amendment and promote economic viability, 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 and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.
  
2. Purpose: It is not the intent of this Chapter to regulate the message displayed on any sign; nor is it the intent of this Chapter to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose of this Chapter is to:
  - (a) Regulate the number, location, size, type, illumination and other physical characteristics of signs in order to promote the public health, safety, and welfare.
  - (b) Maintain and enhance the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
  - (c) Improve the visual appearance of the City while providing for effective means of communication, consistent with First Amendment rights and the City's goals of public safety and aesthetics.

- (d) Provide for consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.
3. Interpretation: A sign may be erected and displayed if it is in conformance with the provisions of this Chapter. The effect of this Chapter, as more specifically set forth herein, is to:
- (a) Allow a wide variety of sign types for commercial and industrial businesses, and a more limited variety of signs for other uses, subject to the standards set forth in this Chapter.
  - (b) Allow certain small, unobtrusive signs incidental to the principal use of a site for all uses when in compliance with the requirements of this Chapter.
  - (c) Prohibit signs when the location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety, and welfare.
  - (d) Provide for the administration and enforcement of the provisions of this Chapter, which must be interpreted in a manner consistent with the First Amendment guarantee of free speech; the content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

B. General Provisions

- 1. Signs shall be allowed in all zoning districts as accessory uses for the purposes of this Chapter.
- 2. Area calculations:
  - a. The area within the frame of a sign shall be used to calculate its area, and if such letters or graphics are mounted directly on a wall or in such way as to be without a frame the dimensions for calculating the square footage shall be the

area formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof.

- b. Each surface utilized to display a message or to attract attention using symbols, flags, pictures, wording, figures or other forms of graphics shall be measured as a separate sign and shall be calculated in the overall area.
  - c. A freestanding sign shall be allowed to have two sign faces each with the maximum area allowed in the applicable zoning district provided that the sign faces are constructed back-to-back with an angle less than 20 degrees separating the sign faces.
3. Height:
- a. The top of any sign mounted on a building shall not project above the roofline the building.
  - b. The height of a freestanding sign shall be measured from the ground at the base to the highest-most part of the structure.
4. Freestanding signs shall be setback 10 feet from any property line, shall not encroach upon any drainage and utility easement, and shall not encroach upon the traffic visibility zone required by Section 121-53.
5. Illumination:
- a. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic so as not to impair the vision of drivers, not interfere with traffic signs and signals, or illuminate adjacent properties, buildings, or streets.
  - b. All external light sources shall be hooded with a 90-degree horizontal cut-off and downcast onto the sign face in compliance with Section 121-51.
  - c. Signs using fluorescent, neon or incandescent light sources shall not exceed 12 watts per square foot of sign surface area.

- d. No sign incorporating LED lighting may be illuminated in any way so as to exceed a maximum intensity of 5,000 NITS during daylight hours or 500 NITS from sunset to sunrise measured at the sign face at maximum brightness; Signs incorporating LED lighting shall be equipped with a mechanism that automatically adjusts the brightness to ambient lighting conditions to conform to the requirements of this subsection.
  - e. The installation of illuminated signs shall be subject to the State electrical code; All electrical service to such signs shall be installed underground.
6. The design and construction standards as set forth in Chapter 4 of the 1997 edition of the Uniform Sign Code are hereby adopted.

C. Sign Standards By District

- 1. Sign allowances for uses within individual zoning districts shall be as provided for by Table 11.

<b>Table 11</b>			
	Single Family, Two Family, Townhouse	Agriculture, Multiple Family, Business, Industrial, and Institutional Uses	
		Wall Signs	Freestanding Signs
Z1	Sec. 121-44.F and home occupations: 1 wall or window sign not to exceed 6sf.	Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf. Height: 25ft.
Z2	Sec. 121-44.F and home occupations: 1 wall or window sign not to exceed 6sf.	Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf. Height: 25ft.
Z3	Sec. 121-44.F and home occupations: 1 wall or window sign not to exceed 6sf.	Area: 15% of wall Per Sign: 300sf.	Number: 1 Area: 300sf. Height: 35ft.
Z4	Sec. 121-44.F and home occupations: 1 wall or window sign not to exceed 6sf.	Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf. Height: 25ft.

Z5	Sec. 121-44.F and home occupations: 1 wall or window sign not to exceed 6sf.	Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf. Height: 25ft.
Z6		Area: 15% of wall Per Sign: 100sf.	Number: 1 Area: 100sf. Height: 25ft.
Z7		Area: 15% of wall Per Sign: 300sf.	Number: 1 Area: 300sf. Height: 35ft.
All	Signs as allowed by Section 121-44.D and E		

2. Within the Z6 District:

- a. Freestanding signs shall be constructed as ground signs; the sign base and supporting material constructed of stone, brick, or decorative masonry shall be equal to at least forty 40% percent of the total allowable sign area, but shall not be counted toward the allowed sign area and shall not contain any display.

D. Special Signs. In addition to the signs allowed by Section 121-44.C, the following additional provisions shall apply.

1. Changeable Message Signs:

- a. For commercial, industrial and institutional uses, changeable messages of 32 square feet or 20 percent of the area allowed within the zoning district, whichever is greater, may be integrated within an allowed freestanding sign.

- b. Dynamic display of the changeable message shall be allowed provided that:

- (1) The operation of the dynamic display shall require issuance of a license pursuant to Section 46, Article VIII of the City Code.

- (2) Location:

- (a) The sign shall be displayed only in a yard abutting an arterial, collector or local commercial/industrial street as defined by the Comprehensive Plan, except as may be allowed by approval of

a conditional use permit in accordance with Section 121-31.

- (b) The sign shall be set back a minimum of 50 feet from any side or rear lot line abutting a residential district.

2. Drive Through Facilities: Commercial uses with drive through facilities may display additional signs provided that:

- a. A maximum of 2 freestanding signs is allowed adjacent to each access to the lot from a public street or shared private drive.
- b. The maximum area of an individual sign is limited to 6 square feet.
- c. The maximum height of the sign(s) shall be 3 feet.

3. Gas stations: Signs for gas stations shall be regulated by the sign provisions for the zoning district in which the facility is located, except that:

- a. Signage may be allowed on a detached canopy above the fuel island in lieu of wall signage on the principal structure, provided that:
  - (1) The area of the sign(s) does not exceed more than 20% of the canopy elevation facing a public right-of-way.
  - (2) The canopy elevation shall not be illuminated, except for allowed canopy signage.

3. Multiple Occupancy Commercial and Industrial Buildings: When a single principal building is devoted to 2 or more tenants having individual exterior entrances, signs shall be allowed based upon the following provisions:

- a. A comprehensive sign plan shall be submitted that includes all of the following information:

- (1) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.
  - (2) Scale elevations of buildings showing the location of existing or proposed wall, canopy, or marquee signs.
  - (3) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and any means of illumination.
- b. Individual tenants may display separate wall signs subject to the following requirements:
- (1) The number of individual wall signs shall be limited to 1 sign per exterior wall of the tenant space.
  - (2) The area of each sign for an individual tenant shall comply with the maximum area for individual signs allowed in the applicable zoning district.
- c. Multiple occupancy buildings may display 1 freestanding sign that complies with the requirements of the applicable zoning district.
4. Projecting Signs: Projecting signs, including awnings, shall be allowed for commercial uses provided that:
- a. There is a minimum of 8 feet of clearance under the base of the sign to the ground below.
  - b. The sign does not project more than 5 feet beyond the wall to which it is mounted; may not project over any vehicular portion of a public street or private drive; and may not project over a public right-of-way except in the Z6 District.
  - c. Area:
    - (1) Projecting signs: 24 square feet

- (2) Awning signs: Maximum area for individual signs allowed within the applicable zoning district.
5. Sandwich board signs shall be allowed for commercial uses within the Z6 District, provided that:
- a. Not more than 1 sign is allowed per principal building or 1 is allowed sign per tenant within a principal building having 2 or more tenants each with an exclusive exterior entrance.
  - b. The sign shall only be displayed when the business is open to the public.
  - c. The sign shall conform to the following maximum dimensions:
    - (1) Height: 4 feet
    - (2) Width: 3 feet
  - d. Location:
    - (1) The sign shall be located so as to maintain a minimum 5 foot pedestrian walkway and so as not to obstruct vehicular traffic.
    - (2) The sign shall be set back a minimum of 2 feet from the back of curb of a public street or private drive.
    - (3) For signs to be located upon the sidewalk or boulevard portion of a public right-of-way, issuance of a sign permit shall be required each calendar year.
    - (4) The owner of the sign located upon the sidewalk or boulevard portion of a public right-of-way shall provide a certificate of general liability insurance with minimum coverage of \$300,000.00 naming the City as an additional insured.
6. Secondary Freestanding Signs. One additional ground sign shall be allowed for commercial, industrial, and

institutional uses abutting an arterial or collector street defined by the Comprehensive Plan but to which there is no driveway access, subject to the following:

- a. The sign shall be located in a yard abutting the street to which the lot has access.
  - b. The maximum area of the sign shall be 48 square feet.
  - c. The maximum height of the sign shall be 16 feet.
7. Subdivisions: For subdivisions having 3 or more lots the following signs shall be allowed:
- a. Permanent Signs: One sign ground sign shall be allowed at each public street entrance to a subdivision from a collector or arterial street defined by the Comprehensive Plan provided that:
    - (1) The area of the face of each sign shall not exceed 100 square feet.
    - (2) The maximum height of the sign shall be:
      - (a) Residential uses: 8 feet.
      - (b) Commercial and industrial uses: 25 feet
    - (3) The design and construction of the ground sign shall utilize the highest quality materials and workmanship and shall be compatible with nearby structures in the area; Detailed construction plans and a materials list shall be included with each sign permit application and shall be subject to the review and approval of the Zoning Administrator.
    - (4) The area around the ground sign shall be landscaped in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site; a landscape plan shall be included with each sign permit application and shall be subject

to review and approval of the Zoning Administrator.

- (5) The ground sign may be illuminated but only an external light source downcast upon the sign face shall be allowed for residential subdivisions.

b. Temporary Signs:

- (1) Additional temporary signs shall be allowed upon approval of a final plat for a subdivision having 3 or more lots or zoning approval for development of one or more properties provided that:
  - (a) One sign shall be allowed per subdivision or development for each access from public streets and each frontage to a collector or arterial street.
  - (b) The maximum area of the sign face shall be 64 square feet.
  - (c) Freestanding signs shall not exceed a maximum height of 8 feet.
- (2) Model homes shall be allowed the following signs:
  - (a) One freestanding sign shall be allowed per model home:
    - i. Maximum area: 32 square feet
    - ii. Maximum height: 8 feet
  - (b) Not more than 3 flags with a maximum area of 16 square feet per face per flag, and maximum height of 25 feet shall be allowed upon lots within the subdivision.
- (3) The temporary signs and flags allowed by this Section shall only be displayed for a period not to exceed three 3 years from the

date a permit is issued for the sign or flag, or until building permits have been issued for 100% of the lots within a final plat or subsequent phases of the same preliminary plat of a subdivision, whichever occurs first.

8. Temporary Signs: The use of banners, pennants, portable signs, and similar devices for commercial, industrial, and institutional uses shall be subject to the following provisions:

- (a) Not more than 1 temporary sign shall be displayed upon a property at any time.
- (b) Temporary signs shall require a temporary sign permit valid for no more than 60 days during any calendar year for single occupancy properties or 120 days for properties having two or more principal uses or tenants.
- (c) The maximum area of a temporary sign shall be 50 square feet per sign face.
- (d) The maximum height of a temporary sign shall be 16 feet.

#### E. Permit Required

A permit issued by the Zoning Administrator in accordance with Section 121-23 shall be obtained for a new sign to be erected or an existing sign structure modified except when changing only the face of the sign without altering the area, height or location of the sign.

- 1. Application for a sign permit shall be filed by the property owner with the Zoning Administrator on a form provided by the City and shall be accompanied by a fee as established by City Council resolution.
- 2. The Zoning Administrator shall review the application for a sign permit and determine whether the proposal is in compliance with all applicable codes, ordinances, and performance standards set forth in this Section within 30 days of submission of a complete application.

3. Application for a sign permit shall contain the following information unless waived by the Zoning Administrator:
  - a. Names and addresses of the applicant and/or owners of the sign and property.
  - b. The address at which the proposed sign(s) are to be erected.
  - c. Area and type of sign(s) to be erected (e.g., wall sign, freestanding sign, projecting sign, etc.).
  - d. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
  - e. Plans, location and specifications and method of construction and attachment to the buildings or placement method on the ground.
  - f. A detailed description of any electronic or electrical components that are proposed to be added to the sign and any electrical permit required and issued for the sign.
  - g. Other information as requested by the Zoning Administrator to demonstrate compliance with this Chapter.
5. All signs requiring a permit shall be subject to inspection by the Zoning Administrator.
6. The City reserves the right to require the removal, at the owner's expense, of any sign when the requirements of this Section are not complied with, or if a sign is not properly maintained or falls into a state of disrepair constituting a public nuisance.

F. Signs Not Requiring a Permit

1. The following signs shall not require a permit and are allowed in addition to those signs allowed by Section 121-44.C and D, subject to compliance with the other provisions of this Chapter.

- a. The changing of the display surface only of an existing sign.
- b. A sign on each principal building in all districts displaying the assigned property number at least 3 inches in height for residential uses and 6 inches in height for all other uses.
- c. One sign per property for residential uses not to exceed 16 square feet.
- d. Signs with non-commercial speech may be erected during an election campaign period on the first day for circulation of nomination papers by candidates, or in the case of a referendum the first day the question is submitted to the electorate, and shall be removed not more than 5 days after the general election in accordance with Wisconsin Statutes Chapter 12.04.
- e. Official signs of a non-commercial nature including public notices, safety signs, traffic signs erected by the City of New Richmond, St. Croix County, or State of Wisconsin.
- f. One sign shall be allowed per street frontage when a property or building is offered for sale or lease, provided that:
  - (1) For single family, two-family and townhouse residential uses the maximum area of a sign shall be 12 square feet with a maximum height of 8 feet.
  - (2) For all other uses and in those cases where a parcel of land exceeds five acres, regardless use, the maximum area of a sign shall be 64 square feet with a maximum height of 12 feet.
  - (6) Additional temporary signs not exceeding 6 square feet may be placed within the public right-of-way of streets a maximum distance of 1,000 feet from the property on Saturdays

and Sundays from 8:00AM to 6:00PM; any signs that remain within the public right-of-way outside of the allowed days and times specified by this subsection are subject to immediate removal and disposal as abandoned property.

- g. Flags mounted on poles displaying non-commercial speech.
  - h. Window signs limited to 40 percent of the total area of the window in which they are displayed.
2. Substitution. The owner of any sign which is otherwise allowed by this Section may substitute noncommercial messages in lieu of any other commercial or noncommercial message without any additional approval or permitting. 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 prevails over any more specific provision to the contrary.

#### G. Non-Conforming Signs

- 1. A nonconforming sign lawfully existing upon the effective date of this Section shall be regulated in accordance with Article IV of this Chapter.
- 2. When a principal use is legally nonconforming under Article IV of this Chapter, all existing or proposed signs in conjunction with that land use shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

#### H. Prohibited Signs

The following signs are prohibited:

- 1. Any sign, signal, marking or device which purports to be or imitates, or resembles any official traffic control device; railroad sign or signal; emergency vehicle signs; or which attempts to direct the movement of traffic.

2. Balloon signs.
3. Flashing signs.
4. Obscene content as defined by Wisconsin Statutes Chapter 944 Subdivision IV.
5. Off-premises signs displaying commercial speech.
6. Roof signs.
7. Rotating signs.
8. Shimmering signs.
9. Swinging signs.
10. Signs painted, attached or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, or similar public structures, or public fences.
11. Signs installed in the public right-of-way other than those installed at the direction of the Wisconsin Department of Transportation, St. Croix County, or the City of New Richmond.
12. Signs affixed to vehicles or trailers intended to increase the number or area of signs displayed on a property where:
  - (a) The vehicle or trailer is not licensed and in such condition so as to be operated upon public streets.
  - (b) The vehicle or trailer is not used in regular operation of the business occupying the property.
  - (c) The vehicle or trailer is not parked upon the property in compliance with Section 121-52.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

Passed and approved:  
Published and effective:

**CITY OF NEW RICHMOND**

By: \_\_\_\_\_  
Fred Horne, Mayor

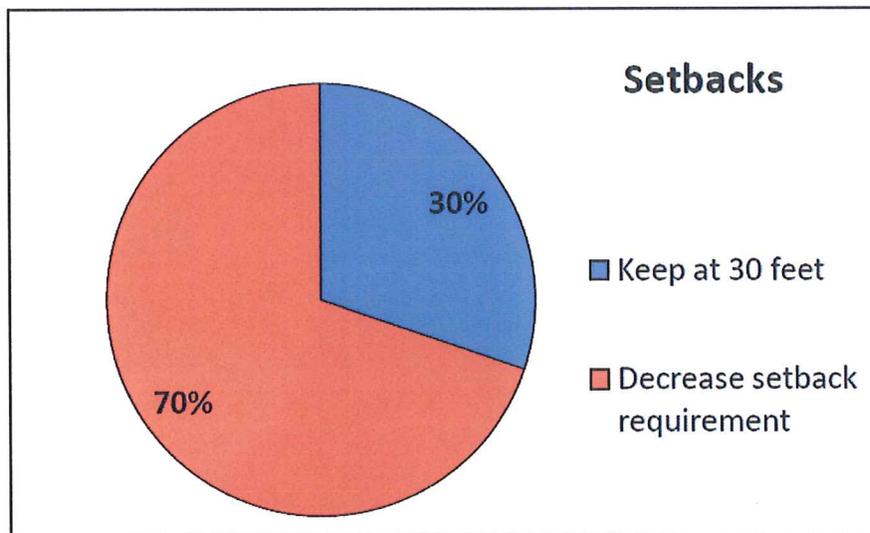
ATTEST: \_\_\_\_\_  
Tanya Reigel, City Clerk

## Sign Ordinance Public Meeting Summary

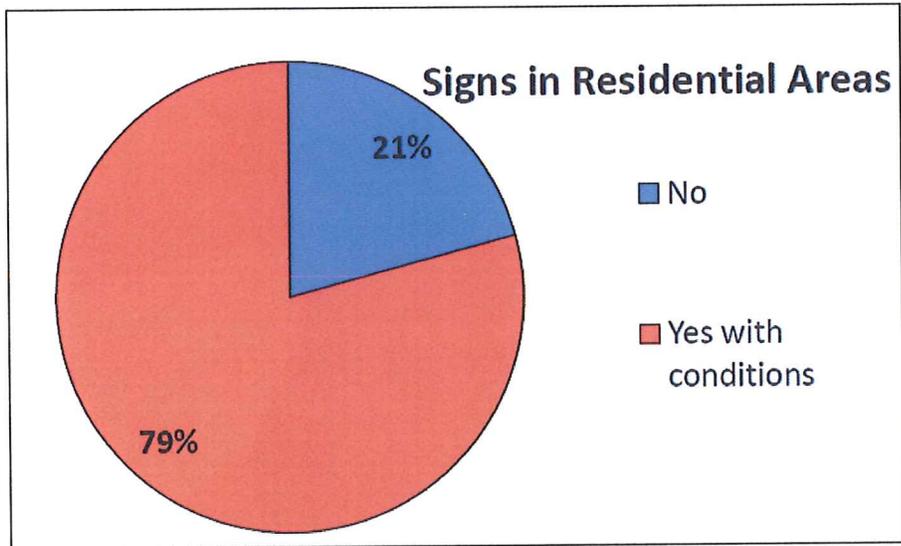
Three public input meetings were held March 8-10. The meetings were publicized in the New Richmond News, on the City of New Richmond website and social media pages, as well as a postcard that was sent to nearly 350 businesses. Only 10-12 people attended altogether. However, there was a diverse mix of attendees, including community members, a developer, a business in the Business and Technical Park, a realtor, and business owners from both the south side and north side of the city. City staff spoke to a group of 15-20 local realtors and lenders on April 6th. Finally, an online survey was completed by nearly 60 community members as well.

Some of the results from the online survey are shown below. Additional comments received will be shown at the Plan Commission meeting.

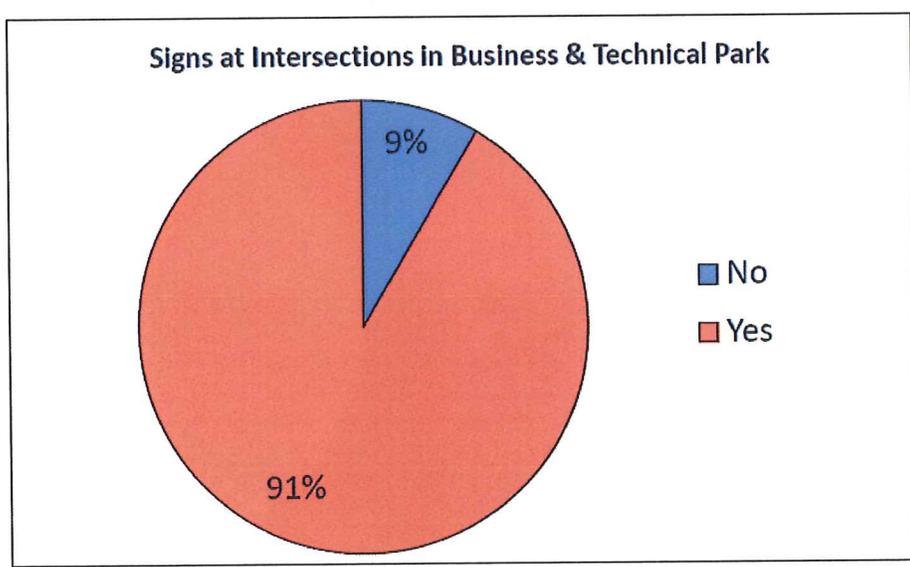
**Currently, ground signs must be placed 30 feet back from the property line. In many other communities, a more standard distance is 10-20 feet back. What are your thoughts?**



Currently, signs are not allowed in residential neighborhoods without a conditional use permit (e.g. a church). Today, there are more people who have a home-based business. However, there is a need to respect the character and tranquility of a residential neighborhood. What are your thoughts on allowing signs in residential areas?



Should signs be allowed at key intersections in the Business & Technical Park to help guide customers to businesses that are located further back from Richmond Way? What are your thoughts?



# Sign Ordinance Meeting – Tuesday, March 8<sup>th</sup>, 2016

## Attendees

Mark Mitchell – Derrick  
Kirk Lubow – Federal Foam  
Mike Darrow  
Beth Thompson  
Noah Wiedenfeld  
Sarah Skinner  
Jeanne Bergman

## Wall Sign

Comments: Regulate by how much frontage  
Regulate per business instead of bldg.

## Ground Sign

Comments: Setbacks biggest issue – 10' back reasonable (Mark Mitchell ie MM)  
Important to have truck traffic signs internal to the business (Kirk Lubow ie KB)  
Signs at intersection noting locations of business to distracting, not necessary as so many people have smart phones

## Portable Sign

Comments: They are important - Like to support Community  
OK to have sign advertising community events outside of City limits  
Balance is biggest issue – everyone has their own needs

## Electronic Message Board

Comments: They are necessary due to today's technology  
Need more clarification of ordinance – more detail  
See what other communities are doing

## Residential Signs – Home Based Business Signage

Comments: Since may be more people work from home in the future they should be allowed  
Window signage ok with size regulation stipulation  
Too much distraction if sign is by road  
Still must be respectful to neighbors and their privacy

## Other Comments

Height of signs – Depends on Zoning District – proximity to major roads  
Size-Need clarification on current ordinance (include sq. ft. of one or both side of sign)

## Enforcement

Need different rules for different zoning districts – sometimes we need public comment

**Take Away** See what are other communities are doing BUT we need to do what makes sense and works for New Richmond

## **Sign Ordinance Meeting – Thursday, March 10<sup>th</sup>, 2016**

### **Attendees**

Debbie Morales - Hallmark  
Pat Doyle – Farm & Home  
Shawn Doyle – Farm & Home  
Julie Eickhoff – Keller Williams  
Noah Wiedenfeld  
Sarah Skinner  
Jeanne Bergman

Conversation centered on **portable and realtor signs** as this type of signage is what was most important to those attending.

### **Comments:**

Pat Doyle would like a portable sign up all the time. He would support paying an annual fee to do so. He feels portable signs are the most effective and cheapest way to advertize.

Debbie Morales stated her Hallmark Store and Beth's Jewelry Shop both lost a considerable amount of business/income as they were not allowed to put up a portable sign as they had exhausted the allowable number. Debbie stated she would be in favor of sharing the language on a sign with another business.

A compromise was also suggested such as allowing a sign to exist for a predetermined amount of time. Once a person goes over that time or number, they would have to pay a fee.

### **Real Estate Signs:**

Julie Eickhoff requested that directional signage be considered as marketing is a large part of her profession. She stated the ordinance has changed many times over the years and is working pretty well at present so is hoping it doesn't change. She also would like the Police Department to weigh in as they have removed her signs in the past.

### **Electronic Message Board:**

Comments:

They are distracting and hard to read as you are traveling down the street

### **Home Businesses:**

Comments:

OK with them provided they limited the number of signs. Seem to preferred door and window signage.

### **Signs at Key Intersections:**

Comments:

Group liked the idea...easier to find the business. Helps both the business and the consumer.

# City of New Richmond Zoning 2015

**Zoning Districts**

- Z1: Agriculture / Preservation District
- Z2: Sub-urban District
- Z3: Multi-Use / Corridor District
- Z4: General Urban District
- Z5: Traditional Neighborhood District
- Z6: Central Business District
- Z7: Specific Use / Industrial District
- PUD: Planned Unit Development

New Richmond City Limits  
 Right of Way  
 Water

