

Design Review Path Forward

1. Lift Downtown Sign Moratorium
 - a. Update Sign code to minimum standards – Objective
 - i. Ordinance change requires two (2) readings at Council
 - b. Create Sign Design Standards – Subjective
 - i. Preliminary
 - ii. Adopted by Council per resolution (one reading)
2. Create Downtown Architectural Standards
 - a. Use ZebraDog Examples preliminarily for immediate review.
 - b. Final standards adopted by Council per resolution
3. Address existing issues
 - a. Release CDA Façade improvement funds if project complies with standards
 - b. Prioritize locations that need improvement



Professional Services Agreement

This AGREEMENT (Agreement) is made today 9/30/2015 by and between CITY OF WISCONSIN DELLS (OWNER) and MSA PROFESSIONAL SERVICES, INC. (MSA), which agree as follows:

Project Name: City of Wisconsin Dells - River Arts District Design Standards and Sign Ordinance Technical Assistance

The scope of the work authorized is:

City Sign Ordinance – Technical Support (Estimated Fee = \$10,000)

- Coordinate with the DRC to identify the desired ordinance goals and required revisions
- Review both the Wisconsin Dells and Lake Delton sign ordinance for comparisons to suggest inclusions/exclusions to the current code
- Assist the DRC with the development of revised ordinance content and suggest potential reformatting opportunities
- Develop a draft and final rewrite in coordination with the City legal counsel
- Attend and facilitate 3 committee workshop meetings, as described below:
 - 1st Meeting (October 14): Review current code
 - 2nd Meeting (November 11): Review draft rewrite
 - 3rd Meeting (December 9): Review final draft rewrite (after review from City legal counsel); recommendation to Plan Commission
- Attend 1 Plan Commission meeting and 1 Council meeting if needed for Ordinance adoption (late December)
- Final deliverable shall be in digital, .pdf, format

River Arts District Design Standards (Estimated Fee = \$10,000)

- Assist Design Review Committee (DRC) with the development of a mission statement.
- Design Standard Brainstorming, Review, and Development (Architectural and Blade Sign Components). Coordinate with ZEBRADOG as necessary. Develop representative graphics as needed.
- Review other example design standards as provided by the Design Review Committee (DRC)
- Identify Overlay District limits
- Develop initial draft document, revisions, and final deliverable
- Attend and facilitate 3 committee workshop meetings and 1 public meeting, following the below schedule:
 - 1st Working Meeting (October 28): first draft-part 1
 - 2nd Working Meeting (late November): first draft-part 2 / revisions
 - Public Meeting (early January)

- 3rd Working Meeting (late January): final draft; recommendation to Plan Commission
- Attend 1 Plan Commission meeting and 1 Council meeting if needed for Ordinance adoption (February)
- Final deliverable shall be in digital, .pdf, format

The schedule to perform the work is:

Approximate Start Date: Upon receipt of signed contract

Approximate Completion Date: February 26, 2016

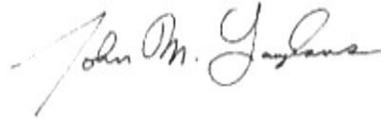
The estimated fee for the work is: \$20,000

All services shall be performed in accordance with the General Terms and Conditions of MSA, which is attached and made part of this Agreement. Any attachments or exhibits referenced in this Agreement are made part of this Agreement. Payment for these services will be on a time and expense basis.

Approval: Authorization to proceed is acknowledged by signatures of the parties to this Agreement.

CITY OF WISCONSIN DELLS

MSA PROFESSIONAL SERVICES, INC.



John M. Langhans, P.E.

Team Leader

Date: _____

Date: _____

Attest: City/Township/Village Clerk (WI Only)

1230 South Blvd

Baraboo, WI 53913

Phone: 608-355-8895

email: jlanghans@msa-ps.com

Clerk Name: _____

Date: _____

300 LaCrosse St

Wisconsin Dells, WI 53965

**ATTACHMENT A:
RATE SCHEDULE
MARCH 2015/2016***

<u>CLASSIFICATION</u>	<u>LABOR RATE</u>
Architects	\$125-\$151/hr.
Clerical	\$60-\$80/hr.
CAD Technician	\$59-\$110/hr.
Geographic Information Systems (GIS).....	\$76-\$128/hr.
Housing Administration	\$58-\$104/hr.
Hydrogeologists	\$99-\$152/hr.
Planners	\$83-\$160/hr.
Principals.....	\$155-\$190/hr.
Professional Engineers	\$85-\$190/hr.
Project Manager.....	\$62-\$180/hr.
Registered Land Surveyors	\$93-\$150/hr.
Staff Engineers.....	\$80-\$115/hr.
Technicians	\$59-\$110/hr.
Wastewater Treatment Plant Operator.....	\$72-113/hr.

REIMBURSABLE EXPENSES

Copies/Prints	Rate based on volume
Fax	\$1.00/page
GPS Equipment	\$40/hour
Mailing/UPS	At cost
Mileage – (currently \$0.575/mile)	Rate set by Fed. Gov.
Nuclear Density Testing	\$25.00/day + \$10/test
Organic Vapor Field Meter	\$100.00/day
PC/CADD Machine.....	Included in labor rates
Robotics Geodimeter.....	\$30/hour
Stakes/Lathe/Rods	At cost
Total Station	Included in labor rates
Travel Expenses, Lodging, & Meals	At cost
Traffic Counting Equipment & Data Processing	At cost

* Labor rates represent an average or range for a particular job classification. These rates are in effect until March 1, 2016. After March 1, 2016, these rates may increase by not more than 5% per year.



Memo

To: City of Wisconsin Dells
From: MSA Professional Services, Inc.
Subject: Wisconsin Dells Sign Ordinance
Date: October 9, 2015

ORDINANCE COMPARISON

MSA Professional Services conducted a review of both the City of Wisconsin Dells and Lake Delton's sign ordinances. It is our recommendation that the City do the following:

Current differences and considerations:

Wisconsin Dells Code Reference	Regulation	Lake Delton	Wisconsin Dells
22.19 Prohibited Signs, 22.22 Ground Signs, 22.23 Wall Signs, 22.24 Roof Signs,	Size	Area limitation: maximum aggregate area of such signs are not to exceed 15% of wall or 200 square feet, whichever is greatest	300 square feet
	Size	Freestanding signs shall not exceed six-hundred (600) square feet per face on premise and not exceed three hundred (300) square feet in are per face for off-premise signs	300 square feet
none	Permit and inspection fees	Fees section	none

Offices in Illinois, Iowa, Minnesota, and Wisconsin

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MEMO

October 9, 2015

ORDINANCE FORMATTING

See Attachment A for some formatting found in other sign codes.

As it pertains to organization, format and ease of use MSA recommends the following:

1. Create a sign standards table to each zoning district that identifies the following:
 - a. Sign Class
 - b. Allowed sign types
 - c. Maximum number of signs
 - d. Maximum height of signs
 - e. Location requirements
 - f. Lighting Allowed?
 - g. Additional requirements
2. Utilize a more varied topography (bold, underline, italics). Eliminate excess numbering and subdivisions to ease of use. Reformat section headings and definition words so they are **bold**. Reduce the amount of indent and align/ left justified indented text.
3. Provide one illustration for each sign type.

ORDINANCE REVISIONS

In response to the preliminary outline for sign ordinance updates to the Wisconsin Dells Ordinance, provided by Chris Tollaksen, City Planner/Zoning Administrator, MSA Recommends the following:

Provide additional narrative for purpose of sign ordinance.

22.03 Definitions

Add "On-premise does not include tickets sold for off-premise businesses."

Remove numbers, bold definition words

Add 22.0XX Classification of Signs. Signs shall be classified as follows:

Add list of sign classifications

22.19 Prohibited Signs

Remove Temporary Signs, Remove "Revolving signs..."

22.21 Wind Signs

Add, "Wind signs are prohibited in the C-2 Commercial Downtown Zoning District."

22.22 Ground Signs

Change Ground sign to "Pole Signs"

Add, separate section for Ground signs

MEMO

October 9, 2015

Add new "22.XX Ground Signs, Monument Signs or Freestanding Signs"

Add, definition, height limitations, area limitations, location/spacing

Limit number?

22.23 Wall Signs

Adjust numbers

Change, "on premise only"

Add Area limitations

Identify a maximum aggregate area of such signs are not to exceed, based on a percent of wall size or the total number of square feet, whichever is greatest. MSA recommends matching Lake Delton's Standard of 15% or 200 square feet.

22.24 Roof Signs

Change to "On-premise only"

Limit number?

Add new "22.XX Window Signs and Decals"

Adjust number

Add definition, height limitations, area limitations, and location/spacing

Add new "22.XX Blade Signs"

Adjust numbers

Add Text: Add "All Blades Signs are subject to the Downtown Signage Design Standards and are subject to approval by the DRC."

SIGN "CONTENT" REGULATIONS (Reed v. Town of Gilbert)

Recent court case suggests potential concern regarding regulations of sign content (i.e. "primary lure"), as a recent court case struck down a local government's sign code as a violation of freedom of speech guaranteed by the First Amendment because it embodies "content" discrimination subject to strict scrutiny by the courts (see attached ruling abstract).

22.26 Projecting Structures

Adjust numbers

Add under Design Standards: (i) Awnings must be made of a fire resistant, textile material.

(j) Awnings must have a shallow profile and may not extent beyond **X'** from building façade.

Remove section on "Signs Under Projecting Structures", add "All signs under projecting structures are subject to the C-2 Commercial Downtown Signage Design Standards and are subject to approval by the Design Review Committee (DRC). Refer to the C-2 Commercial Downtown Signage Design Standards for guidelines."

Adjust number to add "Temporary and Sandwich Signs"

Add Text: Add "All Temporary and Sandwich Signs are subject to the C-2 Commercial Downtown Signage Design Standards and are subject to approval by the DRC."

MEMO

October 9, 2015

Add "All signs under projecting structures are subject to the C-2 Commercial Downtown Signage Design Standards and are subject to approval by the Design Review Committee (DRC). Refer to the C-2 Commercial Downtown Signage Design Standards for guidelines."

22.285 Variable Message Signs

Add (l) illumination controls, maximum number of lumens

Attachment A:

19.34.060 Creative Signs.

- A. *Purpose.* This section establishes standards and procedures for the design, review, and approval of creative signs. The purposes of this creative sign program are to:
1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit, and
 2. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the city, while mitigating the impacts of large or unusually designed signs.
- B. *Applicability.* An applicant may request approval of a sign permit for a creative sign to authorize on-site signs that employ standards that differ from the other provisions of this chapter but comply with the provisions of this section.
- C. *Application Requirements.* A sign permit application for a creative sign shall include all information and materials required by the department, and the filing fee set by the city's Fee Resolution.
- D. *Procedure.* A sign permit application for a creative sign shall be subject to review and approval by the Director when the proposed sign is fifty square feet or less, and by the Commission when the sign is larger than fifty square feet. Notification for a sign permit for a creative sign shall be given in the same manner specified by this Zoning Ordinance for Director-approved development permits in Chapter 19.43.
- E. *Design Criteria.* In approving an application for a creative sign, the review authority shall ensure that a proposed sign meets the following design criteria:
1. *Design Quality.* The sign shall:
 - a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area,
 - b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
 - c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
 2. *Contextual Criteria.* The sign shall contain at least one of the following elements:
 - a. Classic/historic design style,
 - b. Creative image reflecting current or historic character of the city,
 - c. Symbols or imagery relating to the entertainment or design industry, or
 - d. Inventive representation of the use, name, or logo of the structure or business.
 3. *Architectural Criteria.* The sign shall:
 - a. Utilize or enhance the architectural elements of the building, and
 - b. Be placed in a logical location in relation to the overall composition of the building's façade and not cover any key architectural features and details of the façade.
 4. *Neighborhood Impacts.* The sign shall be located and designed not to cause light and glare impacts on neighboring residential uses.
- (Ord. 01-594 § 2 (Exh. A), 2001)

19.34.040 General Provisions for On-Site Signs.

- A. *Encroachment into Public Right-of-Way.* No sign shall encroach into a public right-of-way, except that a blade or bracket sign or awning attached to a building façade may project a maximum of three feet over a public sidewalk, if the lowest part of the sign is at least eight feet above the sidewalk surface, with the approval of the City Engineer.
- B. *Illumination of Signs.* The illumination of signs, either from an internal or external source, shall be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
1. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
 2. Sign lighting shall not be of an intensity or brightness that will create a nuisance for residential properties in a direct line of sight to the sign.
 3. Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness, or color, except for large screen video signs approved in compliance with Section 19.34.090(H), and creative signs approved in compliance with Section 19.34.060;
 4. Signs shall not use colored lights or other design elements that may be confused with or mistaken for traffic-control devices;
 5. Reflective type bulbs and incandescent lamps that exceed fifteen watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is visible from a public right-of-way or adjacent property; and
 6. Light sources shall utilize energy-efficient fixtures to the greatest extent possible.
- C. *Measurement of Sign Area.*
1. The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles. See Figure 3-10.



Figure 3-10
SIGN AREA MEASUREMENT

19.34.030 Sign Standards by Zoning District.

All signs shall comply with the standards of the applicable zoning district, in compliance with the provisions in Tables 3-11 and 3-12.

TABLE 3-11
SIGN STANDARDS FOR RESIDENTIAL ZONING DISTRICTS (R1, R2, R3, R4)

Sign Class	Allowed Sign Types	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
1. Multi-family project identification	Wall or monument	1 for each street frontage	25 sq. ft. maximum per sign	Below edge of roof, 42 in. monument	Affixed to wall, or placed within a landscaped area near building entrance.	Yes	Name and address of facility only
2. Bed and breakfast or hotel	Wall or elevated monument sign	1 for each street frontage	4 sq. ft.	Below edge of roof, 36 in. freestanding	Affixed to wall, or placed within a landscaped area near building entrance.	Yes	Name and address of facility only
3. Commercial uses (legal non-conforming only)	Wall or elevated monument sign	1 for each tenant space	1 sq. ft. for each linear ft. of building frontage, 25 sq. ft. maximum	Below edge of roof, 36 in. freestanding	Affixed to wall, or placed within a landscaped area near tenant entrance.	Yes	Name and address of facility only

TABLE 3-11 (CONTINUED)
SIGN STANDARDS FOR RESIDENTIAL ZONING DISTRICTS (R1, R2, R3, R4)

Sign Class	Allowed Sign Types	Maximum Number of Signs	Maximum Sign Area	Maximum Sign Height	Location Requirements	Lighting Allowed?	Additional Requirements
4. Offices (not including home occupations)	Wall or elevated monument sign	1 for each tenant space	1 sq. ft.	Below edge of roof, 36 in. freestanding	Affixed to wall, or placed within a landscaped area near building entrance.	Yes	Name and address of facility only. No signs allowed for home occupations.
5. Other allowed uses, except family day care, emergency shelters, and residential care	Wall or elevated monument sign; changeable copy sign if allowed by Section 19.34.050(C).	1 for each street frontage	4 sq. ft. maximum per sign	Below edge of roof, 36 in. freestanding	Affixed to wall, or placed within a landscaped area near building entrance.	Yes	Name and address of facility only
6. Real estate signs	See Section 19.34.050(F)						
7. Religious facilities	Wall or free-standing bracket sign; changeable copy sign	2 identification signs per use, 1 changeable copy sign per façade	Identification sign 0.5 sq. ft. for each linear ft. of primary building frontage, 25 sq. ft. maximum per sign. Changeable copy sign 15 sq. ft. maximum	Below edge of roof, 36 in. freestanding	Affixed to wall, or placed within a landscaped area near building entrance.	Yes	Name and address of facility only on other than changeable copy sign.

c. The number of signs on the site.

D. Installation and Maintenance.

1. All limited duration signs must be installed such that in the opinion of the [municipality] building official, they do not create a safety hazard.
2. All limited duration signs must be made of durable materials and shall be well-maintained.
3. Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

E. Illumination: Illumination of any limited duration sign is prohibited.

F. Summary Table for Limited Duration Signs.

	Limited Duration Signs	
	Non-Residential Districts	Residential Districts
Large Limited Duration Signs (max area 16 sq. ft.)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 square feet of floor area. <u>Height:</u> Maximum 8 ft.	<u>Number:</u> 1 per property if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 square feet of floor area. <u>Height:</u> Maximum 8 ft.
Small Limited Duration Signs (max area 6 sq. ft.)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of frontage or has > 10,000 square feet of floor area. <u>Height:</u> Maximum 6 ft.	<u>Number:</u> 1 per property <u>Height:</u> Maximum 6 ft.

Section 10: Regulations by Sign Type: Temporary Signs

B. Temporary signs, as defined in this Section, located on private property, are exempt from standard permit requirements. Temporary signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

A. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.

B. Size and Number.

1. Non-Residential Districts:

- a. Large Temporary Signs: One (1) large temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area,

Limited Duration Signs



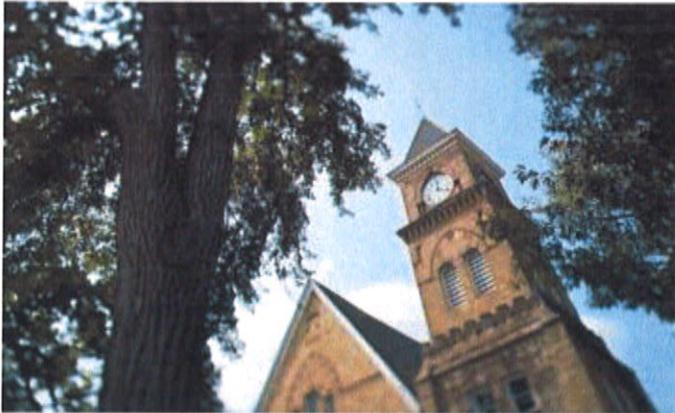
District	Illumination Type				Brightness Limitation for Digital Displays and Message Center Signs	Hours of Illumination	Motion Limitation Digital Displays and Message Center Signs	Size Limitation	
	Internal	Message Center Sign	External	Digital Display				Digital Display Signs as a Max % of Total Sign Area on Site	Message Center Signs as a Max % of Sign Area
Ag/Rural	N	N ^{^^^}	N ^{^^}	N	N/A	N/A	N/A	N/A	N/A
Residential	N	N	Y	N	N/A	N/A	Determined by visibility. See §6.f.4.c	N/A	50%
Institutional	Y	Y	Y	N	Daytime: 5,000 Nits Nighttime: 250 Nits	5 am to 11 pm or 1/2 hour past close of business	Determined by visibility. See §6.f.4.c	N/A	50%
Main Street	Y	N [^]	Y	N	N/A	5 am to 11 pm or 1/2 hour past close of business	Determined by visibility. See §6.f.4.c	N/A	50%
Village Commercial	N	N	Y	N	N/A	5 am to 11 pm or 1/2 hour past close of business	N/A	N/A	N/A
General Commercial & Industrial	Y	Y	Y	Y	Daytime: 5,000 Nits Nighttime: 250 Nits	5 am to 11 pm or 1/2 hour past close of business	Determined by visibility. See §6.f.4.c	30%	50%
Off- Premises*	Y	Y	Y	Y	Daytime: 5,000 Nits Nighttime: 250 Nits	5 am to 11 pm or 1/2 hour past close of business	Determined by visibility. See §6.f.4.c	100%	100%
Temporary Signs*	N	N	N	N	N/A	N/A	N/A	N/A	N/A
Portable Signs*	N	N	N	N	N/A	N/A	N/A	N/A	N/A

*Off-premises, temporary, and portable signs are subject to the illumination regulations governing off-premises, temporary and portable signs, rather than the illumination standards governing the specific district where the sign is located

[^]Excludes marquee signs

^{^^}Excludes signs located in Parks or Recreational Facilities

^{^^^}Excludes scoreboards located in Parks or Recreational Facilities



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Sign Regulations After *Reed v. Town of Gilbert*

By Brian W. Ohm

The United States Supreme Court's June 2015 decision in *Reed v. Town of Gilbert*, 576 U.S. ____ (2015) significantly changed the way in which local governments can regulate signs. In *Reed*, a unanimous Supreme Court struck down a local government's sign code as a violation of the freedom of speech guaranteed by the First Amendment because it embodies content discrimination subject to strict scrutiny by the courts.

(A recent article in the *New York Times* discussing *Reed* described the legal concept of "strict scrutiny" in the following way: "Strict scrutiny requires the government to prove that the challenged law is 'narrowly tailored to serve compelling state interests.' You can stare at those words as long as you like, but here is what you need to know: Strict scrutiny, like a Civil War stomach wound, is generally fatal.")

The Facts of the Reed Case

The sign code for the Town of Gilbert, Arizona, prohibited the display of outdoor signs without a permit, but then exempted 23 categories of signs from that requirement. Three categories of exempt signs based on the content of the sign were relevant

to the case: Ideological Signs, Political Signs, and Temporary Directional Signs Related to a Qualifying Event. The code defined a "qualifying event" as an event sponsored by a religious, charitable, or other non-profit organization. Temporary Directional Signs are limited in size (6 square feet), the number that may be placed on property (4), and time (12 hours before and one hour after the event). The signs are treated less favorably than ideological signs (which may be 20 square feet, allowed in any zone and unlimited in time) and political signs (which may be 16 to 32 square feet, depending on the status of the property, and allowed 60 days before and 15 days following an election).

Clyde Reed, the pastor of Good News Community Church, wanted to advertise the time and location of Sunday church services. The church owned no building and held services in elementary schools or other locations in or near the Town. The Church began placing 15 to 20 signs around the Town early in the day on Saturday to announce the time and location of the upcoming service. The signs were removed around midday on Sunday. The Town cited the Church for violating the Town's sign code. Efforts by the Church to reach an accommodation with the

Town proved unsuccessful. The Church sued the Town arguing that the Sign Code abridged their freedom of speech in violation of the United States Constitution.



Alliance Defending Freedom

The United States Supreme Court Decision

Justice Thomas, writing for the Court, found the regulations content-based because they focused on the message (the “qualifying event,” an ideological matter, an election) which triggered different regulations for each category. As content-based regulations of speech, Thomas said that the regulations were subject to strict scrutiny by the Court. “Content-based laws--those that target speech based on its communicative content--are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.”

As a result of the decision, sign codes similar to the Town of Reed that distinguish between political signs, ideological signs, or temporary directional signs to certain events will be considered to be content-based. These laws, wrote Thomas, likely will be struck down “regardless of the government’s benign motive, content-neutral justification, or lack of ‘animus toward the ideas contained’ in the regulated speech.”

Chief Justice Roberts and Justices Alito, Kennedy, Roberts, Scalia, and Sotomayor supported the main opinion. A concurring opinion written by Justice Alito, and joined by Justices Kennedy and Sotomayor, included a non-comprehensive list of rules, discussed below, that would not be content based as guidance for communities trying to determine what signage they can regulate following the *Reed* case. Alito also concluded that: “Properly understood, today’s decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.”

Justices Kagan and Breyer also wrote separate opinions. Justice Kagan expressed her concern that there was no reason to apply strict scrutiny in this case and warned that the Court risks becoming the “Supreme Board of Sign Review.”

Sign regulations after *Reed*

Because of the sweeping impact of the Supreme Court’s decision in *Reed* for sign regulations, local governments need to review their sign codes and ask “Does this regulation apply to a sign because of the content on the sign?” In other words, if you have to read the message to figure out how a sign is to be regulated, then it is content-based and subject to challenge under *Reed*. Examples include the categorical regulations found in many sign codes for “political signs,” “temporary directional signs,” “ideological signs,” “identification signs,” “real estate signs,” “homeowner association signs,” “drive-through restaurant signs” “business hours of operation signs,” or signs based on other content distinctions.

Previous U.S. Supreme Court cases recognized content-based distinctions between commercial and non-commercial speech. The Court drew distinctions based on the content of the sign and held that regulation of commercial speech is subject to a lower level of scrutiny by the courts than non-commercial speech. *Reed* did not overrule the line of cases drawing distinctions between commercial and non-commercial speech so, at least for the time being, sign

ordinances that include provisions for commercial signage, such as special regulations for “temporary business signs” should be okay.

Justice Thomas’ opinion in *Reed* offered some other content-based regulations that may be acceptable if they are narrowly tailored to ensure public safety: “such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses.” It will be critical that local communities clearly articulate the purpose for these regulations.

Justice Thomas also offered examples of content-neutral sign regulations that are not impacted by *Reed*. Regulations that have nothing to do with a sign’s message include: size, building materials, lighting, moving parts, and portability. Justice Thomas also states: “on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner.” This would include the public right-of-way. If signs are allowed, the regulations must not distinguish based on the content of the message, like only allowing signs by non-profit organizations such as a church sign about a spaghetti supper.

The list of content-neutral sign regulations in Justice Alito’s concurring opinion also provides some guidance for local communities trying to understand what types of regulations are still allowed. According to Alito, the following are examples of non-content based regulations that should be acceptable after *Reed*:

- Rules regulating the size of signs;
- Rules regulating the locations in which signs may be placed;
- Rules distinguishing between free-standing signs and those attached to buildings;
- Rules distinguishing between lighted and unlighted signs;
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change;

- Rules that distinguish between the placement of signs on private and public property;
- Rules distinguishing between the placement of signs on commercial and residential property;
- Rules distinguishing between on-premises and off-premises signs;
- Rules restricting the total number of signs allowed per mile of roadway;
- Rules imposing time restrictions on signs advertising a one-time event.
- Government entities may also erect their own signs consistent with the principles that allow governmental speech.

However, the list raises some questions. Justice Alito’s list includes time restrictions on signs for one-time events. This seems at odds with the temporary directional sign challenged in *Reed*. Nevertheless, after *Reed* it would presumably be appropriate to have sign ordinances that regulate “temporary signs” based on factors other than the event that is the subject of the sign such as allowing the sign to remain for a certain number of days.

Justice Alito’s list also indicated that it would be appropriate to have signs that distinguish between on-premises and off-premises signs. In order to determine if a sign is off-premises or on-premises, the local government will need to read the sign. Presumably the on-premise/off-premise distinction is still valid based on Justice Alito’s statement and the fact that prior U.S. Supreme Court decisions recognized those distinctions and those decisions were not overruled. For example, not allowing off-premise billboards in residential areas should still be appropriate.

As communities remove content-based restrictions, they can explore alternatives such as allowing “yard signs” (as opposed to “yard sale”) which would not be content-neutral) of a certain number and dimension in residential districts. Regulations could also be based on the type of building material of the sign. From a planning perspective, it will be important to stand back and evaluate what a community is trying

to accomplish through sign regulations and how much regulation is necessary. It is important to review other ordinances that may relate to speech to insure they are content-neutral. Future cases may help clarify the Court's decision.

Endnotes

* "Court's Free-Speech Expansion Has Far-Reaching Consequences," *New York Times*, Aug. 17, 2015, available at:

<http://www.nytimes.com/2015/08/18/us/politics/courts-free-speech-expansion-has-far-reaching-consequences.html? r=2>

Brian W. Ohm, an attorney, is a professor in the Department of Urban & Regional Planning and State Specialist in Planning Law for the University of Wisconsin-Extension.



Wis Dells Sign Ordinance Updates

Current Code section:

22.03 Definitions

Change: On-premise does not include tickets sold for off-premise business.

22.19 Prohibited Signs.

Change: allow exception for Sandwich Board and Temporary signs that meet Design Standards

22.21 Wind Signs.

Change: Prohibit in C-2 Commercial downtown Zoning District

22.22 Ground Signs

Change: On-premise only

Limit # (currently all businesses have a right to one on-premise ground sign)

22.23 Wall Signs

Change: On-premise only

Maximum size based on wall size (25%)

Allow multiple sign, with aggregate size under maximum

22.24 Roof Sign

Change: On-premise only

Limit # allowed (currently all businesses have a right to one on-premise roof sign)

22.25 Projecting Signs

Change: ? (meet design standards)

Allowable high with low Blade sign

22.26(3) Projecting Structures (Canopies and Awnings)

Change: Shallow Textile awnings only only (fire resistant)

Differentiate if over public/private property

22.25(5) Signs Under Projecting Structure

Change: Remove all existing requirements

Re-write with standards in-line with Blade signs

Add new requirements for Window Signs.

Limit blocked window space (even from inside)

Add new requirements:

22.23 Temporary Signs

- (1) **Definition:** Temporary signs are signage for new businesses that are utilized until permanent signage is in place
- (2) **Time Limit:** Temporary signs may only be used by new businesses for 30 days after opening, or until permanent signage is in place
- (3) **Approval:** All Sandwich boards must be approved by the DRC

22.24 Sandwich Boards

- (1) **Definition:** Portable A-frame signs, with changing message boards (chalk, white board, ect.)
- (2) **Use Limitation:** Sandwich boards may only be used by restaurants (?), and may only be used to display daily specials
- (3) **Size Limitations:** Sandwich boards must meet the standards set forth by the DESIGN REVIEW COMMITTEE (DRC) as:
 - (a) Max Height = 48 inches
 - (b) Max Width = 32 inches
- (4) **Location:** Sandwich Board signs may only be placed in front of the restaurant and MUST be put away on closing.
- (5) **Approval:** All Sandwich boards must be approved by the DRC

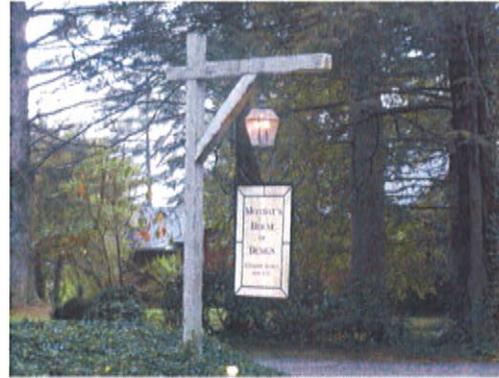
22.25 BLADE Signs.

- (1) **Definition:** A BLADE SIGN is a sign in the C-2 Commercial-downtown zoning district that is positioned perpendicularly from the building face and meets the criteria set forth in this section of the sign code. Blade Signs may be projections attached to the building face or a sign hanging down from an projecting structure.
- (2) **SIZE Limitations:** A BLADE SIGNs must meet the standards set forth by the DESIGN REVIEW COMMITTEE (DRC) as:
 - (a) Height = 24 inches
 - (b) Width = 42 inches
 - (c) Silhouette as set (approved) by DRC
 - (d) Bracket as set (approved) by DRC
- (3) **Location over public property:**
 - (a) **Height:** the bottom of every blade sign shall be 7 feet above the public sidewalk
 - (b) **Distance from building face:** The side nearest to the building shall be 16 inches from the building
- (4) **Lighting:** Blade signs shall not be backlight. Lighting shall be mounted on the building.
- (5) **Content:** Blade signs shall be approved by the DRC, to meet the following standards:
 - (a) Blade sign advertises the business primary lure, not necessarily the business name
 - (b) Blade signs shall contain 4 words or less
 - (c) Blade signs shall not include phone numbers or web-sites
 - (d) Blade signs shall not use outlined or script text, or any font which is hard to read from a distance.
- (6) **Approval:** All Blade sign must be approved by the DRC

Gatlinburg Commercial Corridor
Lighting and Signage

**PROFILES,
ARTICULATION, AND
CONFIGURATION**

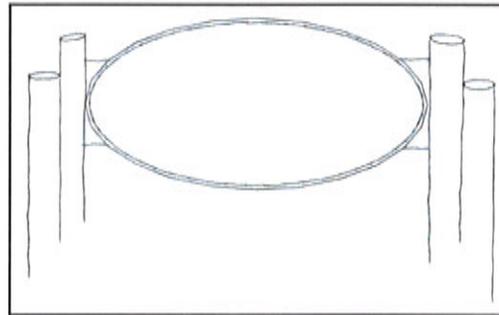
Sign panels with three dimensional relief are encouraged.



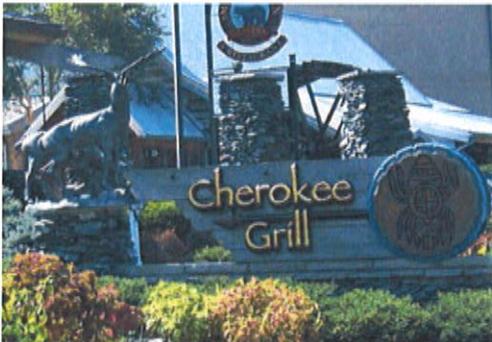
Effective combination of lighting and signage.



This sign has a clever design with dimensional relief.



Signage supports, like buildings, should use natural materials, and signs should use simple elements that convey the desired message clearly.



This sign uses an attractive color scheme and natural materials.

Gatlinburg Commercial Corridor
Lighting and Signage

APPLICATION

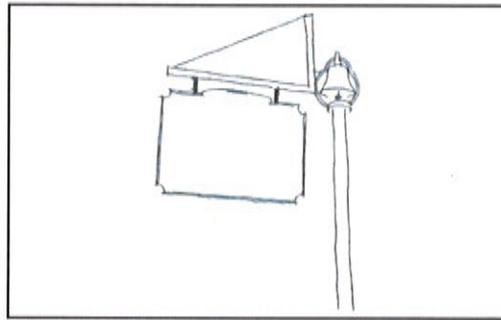
Lighting should be adequate for public safety and enhance the building environment while preserving views of the night time skies.

Signage should identify the business clearly with simple messages and a simple layout that is proportional to setting.

Lighting should not be a nuisance to the public way or adjacent properties.



This lighting fits in well with the building design and materials.



Lighting and signage can be combined to create an attractive ensemble..



Well-designed awnings provide a way to present signage and identify a business without interfering with the public way.



This sign identifies a business clearly and projects a positive image.

Gatlinburg Commercial Corridor
Lighting and Signage

COLOR

Exterior color composition should be in keeping with the natural environment, consistent with the mountain village aesthetic, and in harmony with the surrounding structures.

Earth tones of greens, blue-grays, rusts, grays, and browns are most appropriate, and bright, fluorescent, or pastel colors should be avoided altogether.



Appropriate colors and a simple design make this a successful sign.



Signs can identify businesses clearly while also improving the aesthetic character of a community.



The colors of this sign are loud and obtrusive.



This sign uses subdued colors effectively to identify a business and enhance the streetscape.

Signage

Intent

To promote effective and attractive signage that complements the building's architectural character and reflects the pedestrian scale of the district.

Examples

Examples of preferred signage (window, awning, wall, & projecting); appropriate signage (monument & neon-interior usage); and prohibited signage (back-lit, neon, pylon & roof).

The projecting sign provides an example of a sign illuminated from above.



Window Sign



Awning & Wall Signs



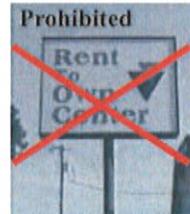
Projecting Sign



Monument Sign



Neon (interior usage) Sign



Back-lit, Pylon Sign



Large Neon, Roof Sign

Recommendations

- Preferred sign types include: building mounted facing the street, window, projecting and awning.
- Signage should be integrated with the architectural concept of the development in scale, detailing, use of color and materials, and placement. Creative, detailed, artistic and unique signage is encouraged.

Standards

1. All signs **shall** conform to the design and maintenance requirements of the City's Sign Ordinance (Chapter 22: Article 8) and a sign permit must be acquired.
2. **Prohibited** sign types include: roof-mounted, back-lit, pylon, neon (excludes interior usage), and billboard signs.
3. Free-standing signs, if used, **shall** utilize monument-style design, and shall extend no higher than six (6) feet above the mean street grade.
4. Any exterior lights **shall** be mounted above the sign and directed downwards. This standard applies to all signs, including free-standing monument signs.

ORDINANCE NO. A-
(Design Review Committee)

The City of Wisconsin Dells, Columbia, Sauk, Juneau and Adams Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

The purpose of the ordinance is to create a Design Review Committee.

SECTION II: PROVISIONS CREATED

Municipal Code Sections 19.260 through 19.299 are created.

SECTION III: PROVISIONS AS CREATED

19.260 Establishment

A Design review committee is established to undertake the responsibilities herein defined and as allowed by state law.

19.261 Authority

- (1) **Generally.** The Design review committee shall serve in an advisory role to the building official, plan commission and common council.
- (2) **Jurisdiction.** The Design review committee shall review all projects that involve construction, and/or maintenance in the C-2 Commercial downtown Zoning District and all signage throughout the City.
- (3) **Right to enter property.** The Design review committee, along with its individual members and consultants, may enter upon land which is the subject of a pending conditional use application it has authority to act on.
- (4) **Conditional use and Site Plan applications.** The Design review committee shall review, hear, and make recommendations to the plan commission on those conditional use and site plan applications it has authority to act on.
- (5) **Standards.** The Design review committee shall have the power and authority to enact Design Standards to assist in reviewing a development application it has authority to act on.
- (6) **Comprehensive plan amendments.** The Design review committee may recommend changes to the city's comprehensive plan which are intended to safeguard the quality and character of the Zoning Districts within its jurisdiction. .
- (7) **Code amendments.** The Design review committee may develop recommended changes to this code and/or the sign code which are intended to safeguard the quality and character of the Zoning Districts within its jurisdiction. .

19.262 Composition and appointment of members

- (1) The committee shall consist of five (5) voting members. Voting members shall include: the Public Works Committee Chair; the Business Improvement District Committee Chair, or designee; the Community Development Authority Chair, or designee; and two (2) C-2 District real property owners or tenants (to be appointed by the Mayor).
- (2) Committee members appointed by the Mayor will serve staggered three (3) year terms. For the initial appointment, one member will be identified to serve a two (2) year term.

19.263 Officers

The Public Works Committee Chair shall serve as chair of the Design review committee.

19.264 Committee procedures

- (1) The Design review committee shall review all projects involving signage, construction and/or maintenance, including: all new building construction, any exterior alteration or additions to existing buildings, all new signage or decorations, changes to existing colors.
- (2) The Design review committee shall evaluate projects on a case by case basis to ensure the exterior architectural appeal and functional plan of the proposed project will not, within the discretionary judgment of the committee, be contrary to generally accepted design standards or to the underlying aesthetic values of the downtown business district.
- (3) If the Committee denies, modifies, or conditions an application, it shall give written notice of the action, reasons and rationale to the applicant and the building official.
- (4) Decision of the Design review committee will be forwarded to the permitting body.
 - (a) Conditional Use Permit and Site Plan Permit reviews will be forwarded to the Plan Commission, to be included in its recommendation to the Common Council.
 - (b) Building Permit and Sign Permit reviews will be forwarded to the Building Official to approve or deny the permit.
- (5) Appeal. The applicant and/or an aggrieved person may appeal a Decision of the Design Review Committee by filing a written request to the Common Council within 30 days of the Design Review Committee decision.

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19.265 Meeting minutes

The Design review committee shall keep minutes of its proceedings, showing the vote of each voting member upon each question, or, if absent or failing to vote, indicating such fact. Minutes once approved by the committee shall be filed with the city clerk and shall constitute a public record.

19.266 Schedule of meetings

Meetings shall be held at the call of the chairperson and at such other times as the Design review committee may determine.

19.267 Voting and quorum

- (1) **Requirements for quorum.** A quorum shall consist of 3 voting members.
- (2) **Requirements for voting.** A decision of the committee shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.

19.268 to 19.269 reserved

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VII:

This ordinance becomes a part of Wisconsin Dells Code, Chapter 19.

Brian L. Landers, Mayor

Nancy R. Holzem, City Clerk

INTRODUCED: June 15, 2015
FIRST READING PASSED: June 15, 2015
SECOND READING PASSED:
PUBLISHED: June 27, 2015

THE JOY OF BEAUTY



DAY SPA & NAIL ACADEMY

608-254-4959



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meters



Chris Tollaksen

From: Mason Rudarmel [info@belgiis.com]
Sent: Friday, October 09, 2015 2:43 PM
To: Chris Tollaksen
Subject: Re: Belgiis Waffle Bar proposed Facade

I have the logo which the sign company is creating the neon off of. The sign will look like this in white neon. positioned in the triangle portion of my facade. All one sign. Does that work?

belgiisTM
waffle bar

On Oct 9, 2015, at 11:27 AM, Chris Tollaksen <ctollaksen@dellscitygov.com> wrote:

Mason,
Do you have an updated sketch of the "Waffle bar" portion of the sign?

Chris Tollaksen
City Planner/Zoning Administrator
City of Wis. Dells
(608) 253-2542
Fax (608) 254-8904

From: Mason Rudarmel [<mailto:info@belgiis.com>]
Sent: Thursday, October 01, 2015 10:35 AM
To: Chris Tollaksen
Subject: Re: Belgiis Waffle Bar proposed Facade

Chris,

Chris Tollaksen

From: Mason Rudarmel [info@belgiis.com]
Sent: Friday, October 09, 2015 3:40 PM
To: Chris Tollaksen
Subject: Re: Belgiis Waffle Bar proposed Facade

Update:

Sign: Will be the Belgiis logo placed in the triangle in white neon.

Trim: Will be a dark grey rather than espresso. Trim along roof line will be a natural wood stained warm cedar.

Triangle/Other non trim surfaces on facade: Will be a neutral teal color, Bluish green, (Sherwin Williams: Teal Stencil).

Roof: Will keep the shingles and dormers, dormers will be painted and secured. To match the rest of the trim work.

Door/counter to alleyway: Counter will be removed. Door will be replaced or altered with a door painted or stained to match the rest of the trim work.

On Oct 9, 2015, at 3:02 PM, Chris Tollaksen <ctollaksen@dellscitygov.com> wrote:

Just to be sure we are on the same page, attached is basically what you are planning.

From: Mason Rudarmel [<mailto:info@belgiis.com>]
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<image001.jpg>

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