

Town of Brookfield
645 N. Janacek Road
Brookfield, WI 53045
(P) 262-796-3788
(F) 262-796-0339



MEETING NOTICE

Meeting will be held at the
Town of Brookfield Municipal Building, Eric Grant Room
645 N. Janacek Road, Brookfield, WI

Tuesday, March 25, 2025

PLAN COMMISSION

7:00 p.m.

AGENDA

- 1) Call to Order.
- 2) Meeting Notices.
- 3) Approval of Agenda.
- 4) Approval of Minutes.
 - a. February 25th Plan Commission Regular Meeting.
 - b. February 25th Plan Commission Special Meeting.
- 5) Citizen Comments: Three-minute limit.
- 6) Old Business:
 - a. None.
- 7) New Business:
 - a. Mat Szula (Top Dog Remodeling) is requesting conceptual, preliminary, and final approval for the construction of a storage building for the property located at 1500 North Springdale Road.
 - b. Ryan Janssen (Avery & Birch) is requesting conceptual approval of a new building consisting of a one-story salon suite facility, located at 21055 Crossroads Circle.
 - c. Jim Taylor (Oscar's) and 7-Brew are requesting conceptual approval of two new drive-thru restaurants on the property located at 21165 Highway 18 and the adjacent property to the east.
 - d. Discussion on proposed sign code for new Zoning Code Update.
 - e. Discussion/action to set April Plan Commission date.
- 8) Communication and Announcements.
- 9) Adjourn.

Posted this 20th day of March, 2025

*Bryce Hembrook
Town Planner*

TOWN OF BROOKFIELD
PLAN COMMISSION MINUTES
February 25, 2025

The regular meeting of the Plan Commission was held in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

1) CALL TO ORDER.

Town Chairman Keith Henderson called the meeting to order at 7:00p.m., with the following people present: Town Supervisor Ryan Stanelle; Plan Commission members Len Smeltzer, Kevin Riordan, Tim Probst, and Jeremy Watson; and Town Planner Bryce Hembrook.

2) MEETING NOTICES.

Hembrook confirmed the meeting was noticed in accordance with Open Meeting Law.

3) APPROVAL OF AGENDA

Motion by Stanelle to approve the agenda.

Seconded by Riordan.

Motion Passed Unanimously.

4) APPROVAL OF MINUTES.

a. Motion by Watson to approve the January 28, 2025 regular Plan Commission Minutes as presented.

Seconded by Riordan.

Motion Passed Unanimously.

5) CITIZEN COMMENTS; Three-minute limit.

None.

6) OLD BUSINESS:

a. None.

7) NEW BUSINESS:

a. Ken Krahe, representing Silgan Containers, requesting approval to install a backup generator, replace existing lighting with LED fixtures and review proposed signage before Architectural Review Committee review, located at 21027 Crossroads Circle.

Hembrook described the request as outlined in the site plan amendment of the staff report. The town engineer recommended the photometric plan should be updated to include the light level at the property line. No point on the property line shall exceed 0.2 foot-candles. Krahe explained that this location is the company's technology headquarters. The generator runs 15 minutes, 1 day a week at noon. There is a level 2 sound enclosure, which is the highest level for this generator. The sound level is 65-70 decibels at 21 feet at startup, and then gets quieter. Henderson suggested turning the unit so the sound would not be projected towards the residential area.

Motion by Watson to **recommend** approval to install a backup generator, replace existing lighting with LED fixtures for Silgan Containers, located at 21027 Crossroads Circle, contingent on the following:

- Turn the generator 90 degrees, so loudest sound is closer to the building;
- Provide updated lighting plan, which includes foot-candles at the property line.

Seconded by Probst.

Further Discussion:

None.

Motion passed unanimously.

8) COMMUNICATION AND ANNOUNCEMENTS.

Henderson reported that the 3rd Tuesday in April (April 15) is the annual meeting.

9) ADJOURN.

Motion by Watson to adjourn at 7:12pm.

Seconded by Probst.

Motion Passed Unanimously.

Respectfully submitted,

Bryce Hembrook – Town Planner

BH/lr

TOWN OF BROOKFIELD
PLAN COMMISSION MINUTES
February 25, 2025

The Special meeting of the Plan Commission was held in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

1) CALL TO ORDER

Town Chairman Keith Henderson called the meeting to order at 4:00p.m., with the following people present: Town Supervisor Ryan Stanelle; Plan Commission members Len Smeltzer, Kevin Riordan, Tim Probst, and Jeremy Watson; and Town Planner Bryce Hembrook. Town Attorney Michael Van Kleunen was also present.

2) MEETING NOTICES

Hembrook confirmed the meeting was noticed in accordance with Open Meeting Law.

3) OLD BUSINESS

None.

4) NEW BUSINESS

a. Discussion and working meeting to discuss proposed revisions to Town Zoning Code.

Hembrook presented proposed changes. Town Attorney and Planner will prepare a draft for upcoming meeting.

5) COMMUNICATION AND ANNOUNCEMENTS

None.

6) ADJOURN.

Motion by Watson to adjourn at 6:50pm.

Seconded by Probst.

Motion Passed Unanimously.

Respectfully submitted,

Bryce Hembrook – Town Planner

BH/lr



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TOWN OF BROOKFIELD PLAN COMMISSION ZONING REPORT

TO: Plan Commission

FROM: Bryce Hembrook, AICP
Town Planner

REPORT DATE: March 20, 2025
PC MEETING DATE: March 25, 2025

RE: **Top Dog Remodeling – Conceptual Approval**
1500 N Springdale Road BKFT1083996

SEH No. 171421, TASK 92

Applicant: Mat Szula (Top Dog Remodeling)

Application Type: Conceptual, preliminary, and final approval for proposed storage building.

Request

Applicant is requesting conceptual, preliminary, and final approval of the construction of a storage building for the property located at 1500 North Springdale Road.

Summary of Request

- The subject property is located on the east side of North Springdale Road and there is an existing building that is approximately 2,162 square feet.
- Applicant is proposed to construct a 2,880 square accessory building intended to store materials and products for the business. Staff believes that this building should be considered a principal building due to the size and that it is used in relation to the primary use of the property.
- Proposed Size of All Structures = 5,042 sf addition
- Zoned M-2 General Manufacturing District
- Lot size = .62 acres.
- Existing/Proposed Use = Remodeling company in principal building and new building to consist of storage related to remodeling business.
- Proposed setbacks:
 - Street (Springdale Road) = 70’.
 - Side (west) = 26’ (existing)
 - Side (east) = 12’
 - Rear (north) = 26’
 - All building setbacks will meet code requirements.
- Building Height
 - Proposed height is 21’8” and will be similar to the height of the existing building.

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- Accessory buildings are typically limited to 15' but staff believes this proposed building should be considered a principal building which has a maximum height requirement of 45 feet.
- Sum total of floor area
 - Proposed = 18.8% of lot area.
 - Required = Sum total of the floor area of the principal building and all accessory buildings shall be not less than 8,000 square feet or 20% of the lot area, whichever is less. Also, sum total of the floor area of the principal building and all accessory buildings shall not exceed 50% of the lot area.
 - Requirement is not met but the existing building is well under the requirement and this would bring the property closer to conformance but still not meeting the 20% requirement.
- Parking
 - Code requirement: 1 space per employee for the work shift with the largest number of employees.
 - There is no proposed increase in employees and this building is mainly used for storing materials and equipment related to the building, thus no additional parking should be required.
 - There appear to only be 4 existing marked parking spaces but vehicles have generally parked on gravel to the south of the existing building.
 - The access drive leading up to the new building and the new parking area should be an improved surface.
- Architectural requirements for manufacturing districts
 - The facade of a manufacturing building which faces upon a street right-of-way shall be finished with an aesthetically pleasing material. Fifty percent of a facade facing a street shall be finished with brick, decorative masonry, glass panel, or other appropriate finished facade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 20 feet along the sides of the structure. Manufacturing buildings on corner lots shall have the required masonry facade facing each street. Metal buildings may be constructed in any business, manufacturing, institutional, or park district, but only by a 3/4 affirmative vote of the Plan Commission.
- The Plan Commission may permit two where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- Outdoor Storage
 - A proposed dumpster location is shown on the site plan to the north of the proposed building. The applicant should update their renderings to show the proposed materials and colors of the proposed enclosures by the time the Architectural Review Committee reviews this.
- Lighting
 - Not required for conceptual approval.
- Landscaping
 - Not required for conceptual approval.

The development review team has provided some feedback and generally do not have any concerns.

Conceptual Approval

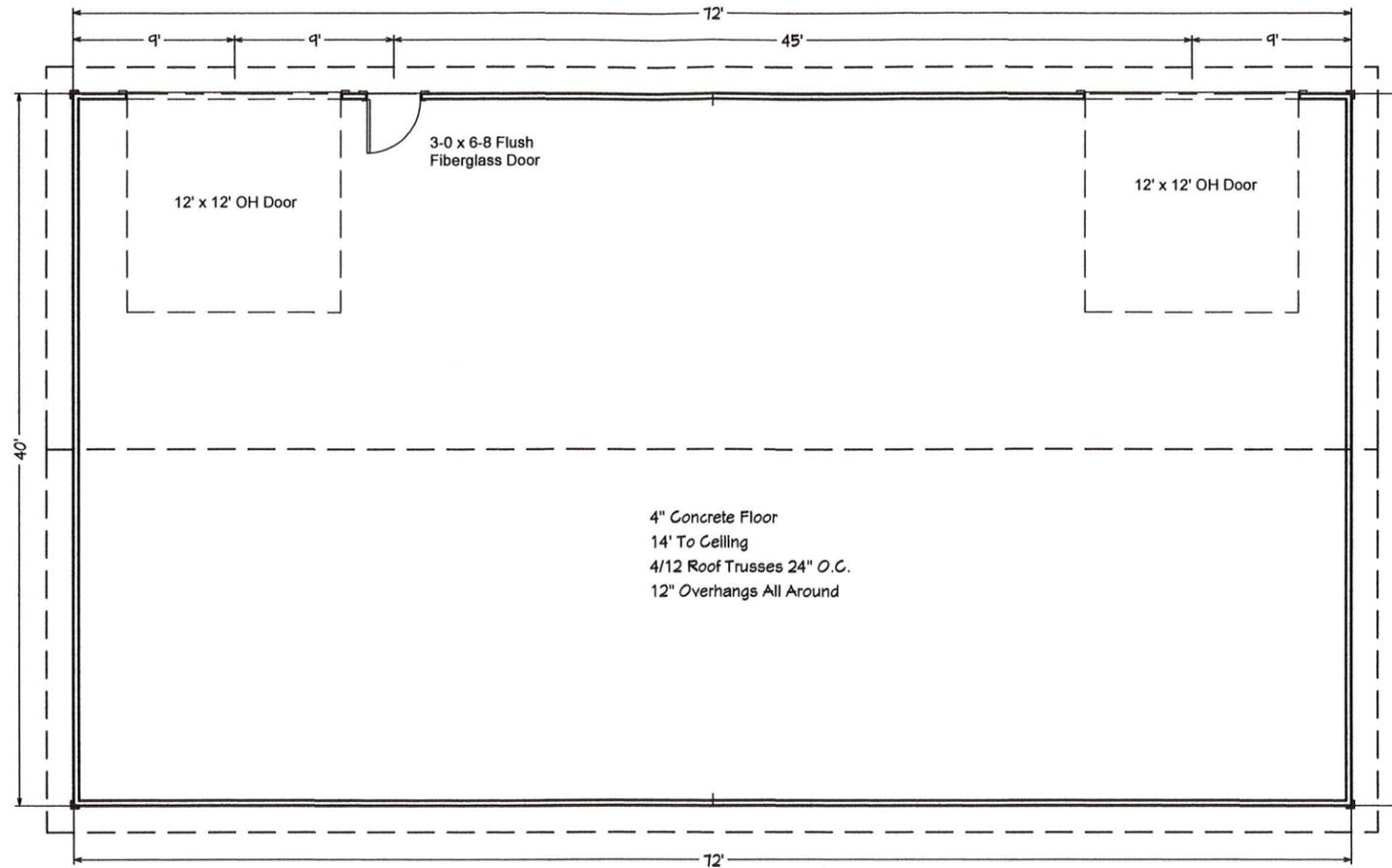
The purpose of conceptual project review shall be to determine the best use of a building site. The Plan Commission will consider the proposed land use and its compatibility with adjacent land uses. The Plan Commission should consider ingress and egress, off-street parking, and internal traffic patterns.

Preliminary Approval

The purpose of preliminary project review shall be to determine that proposed structures are properly located and to review the project plans. The project plans, in the maximum scale of one inch equals 40 feet, for any multifamily residential, commercial, industrial, park, or institutional development shall include a plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, existing and proposed grades to the Town of Brookfield datum; and uses and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, driveways, ingress and egress plans; landscaping and open space utilization plans; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, existing grades, and use of any abutting lands and their structures within 100 feet of the subject site. Preliminary approval recommended by the Architectural Review Committee and granted by the Plan Commission shall expire within six months unless final project plans are presented to the Plan Commission.

Final Approval

The purpose of final project review shall be to determine that this chapter and other Town ordinances have been fully complied with, and to authorize the issuance of a building permit, subject to the developer receiving approval of the Wisconsin Department of Safety and Professional Services (SPS) of the building plans, if required, including architectural details and lighting plan. The Plan Commission may require appropriate sureties to guarantee the completion of grading, landscaping, and construction and paving of parking and loading areas within an approved time schedule. Final approval granted by the Town Board shall expire within 12 months unless necessary building permits have been applied for and issued.



Layout



Drawn By: Benjamin Schmackle
 Top Dog Remodeling
 15850 W. Bluemound Rd.
 Suite 101
 Brookfield, WI 53005

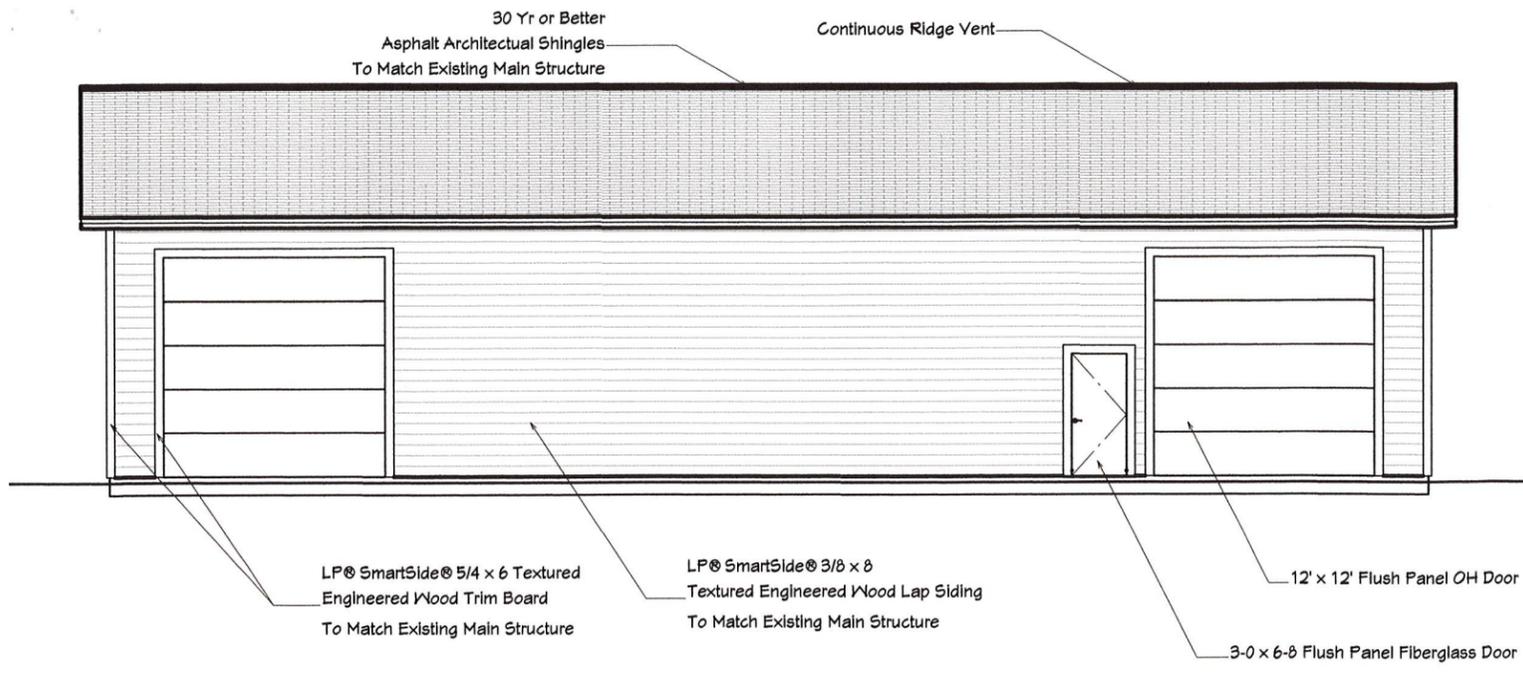
Drawn For: Top Dog Remodeling
 Address: 1500 N Springdale Road
 Waukesha, WI 53186
 Date: 3/3/2025

Project:
 1500 Springdale
 Storage Building

Revisions

Scale
 1/4" = 30"

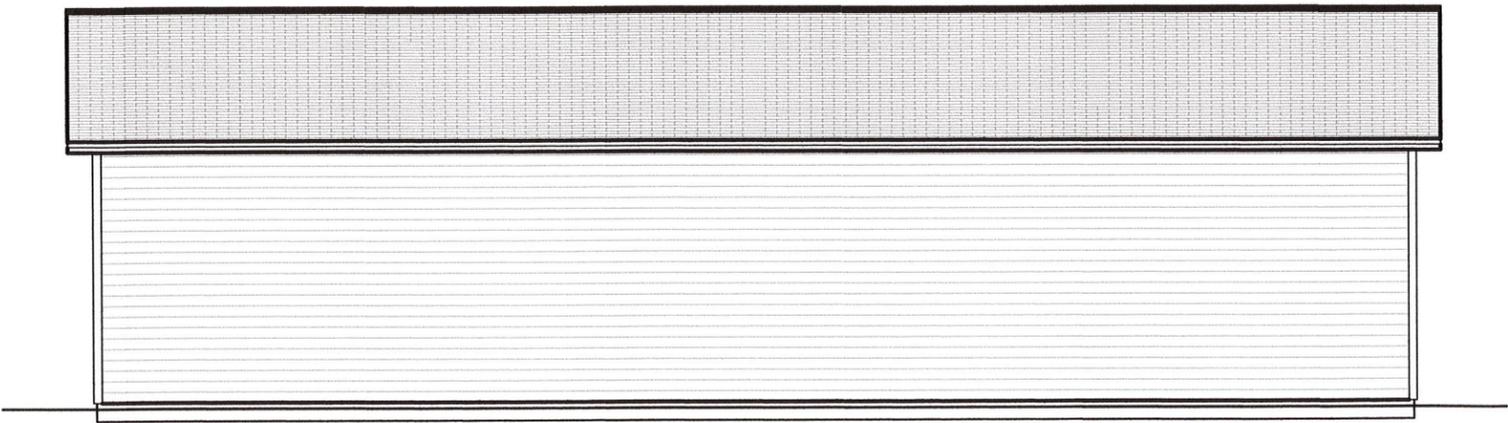
Sheet
 1



North Elevation



West Elevation



South Elevation



East Elevation



Drawn By: Benjamin Schmackle
 Top Dog Remodeling
 15850 W. Bluemound Rd.
 Suite 101
 Brookfield, WI 53005

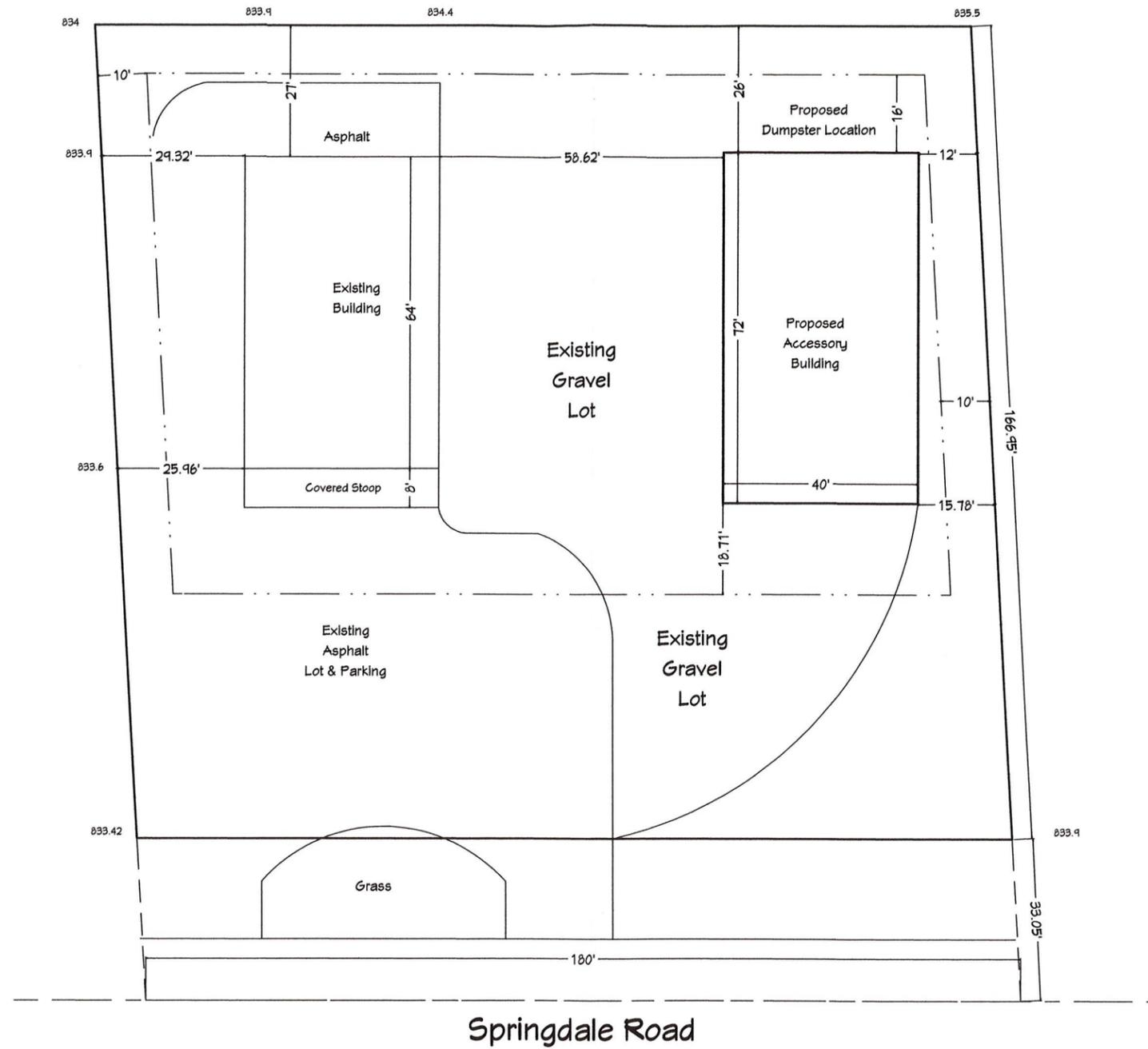
Drawn For: Top Dog Remodeling
 Address: 1500 N Springdale Road
 Waukesha, WI 53186
 Date: 3/3/2025

Project:
 1500 Springdale
 Storage Building

Revisions

Scale
 1/4" = 30"

Sheet
 2



North

Springdale Road

Preliminary Storage Building Site Plan

	Drawn By: Benjamin Schmackle Top Dog Remodeling 15850 W. Bluemound Rd. Suite 101 Brookfield, WI 53005	Drawn For: Top Dog Remodeling Address: 1500 N Springdale Road Waukesha, WI 53186 Date: 3/3/2025	Project: 1500 Springdale Storage Building	Revisions	Scale 1" = 30'
					Sheet 3



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TOWN OF BROOKFIELD PLAN COMMISSION ZONING REPORT

TO: Plan Commission

FROM: Bryce Hembrook, AICP
Town Planner

REPORT DATE: March 20, 2025
PC MEETING DATE: March 25, 2025

RE: **Avery & Birch – Conceptual Approval**
21055 Crossroads Circle BKFT1129999007

SEH No. 171421, TASK 93

Applicant: Ryan Janssen (Avery & Birch)
Application Type: Conceptual Approval

Request

Conceptual approval of a new building consisting of a one-story salon suite facility, located at 21055 Crossroads Circle.

Summary of Request

- Received approval for a three-story facility in 2024 but have since changed their plans. Applicant is now proposing a single-story 16,550 square foot building that will be used for luxury salon suite rentals.
- Each one of the suites is occupied by a self-employed beauty professional. Avery and Birch does not provide beauty services we simply act as a landlord for our multi-tenant buildings. This use for this submittal is similar to the last approval except for the proposed building is now a single-story building.
- Zoning District = B-2 Limited General Business District
- Currently a vacant 3.67 acre parcel in an office park.
 - This parcel has received two approvals in the past few years. First, Quest Interiors received final approval for their facility on the subject property in 2023, but decided to no longer pursue the project. Avery and Birch received final approval in 2024 but have since changed their plans.
- The applicant no longer intends to split the property into two.
- Proposed structure = 16,550 total square foot facility with salon suites.
- Approximately 86 parking stalls currently proposed, including 4 handicap stalls.
 - The proposed use is likely considered a personal service use, which requires one space per 200 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
 - According to the code, 82 parking spaces are required for the square footage and the number of employees is unknown at this time.
 - The proposed site plan shows one drive access to Crossroads Circle.

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- Proposed setbacks:
 - Front = 154'
 - Side = 107' north and 101' south
 - Rear = 77'
 - All building setbacks will meet code requirements.
 - The pavement setbacks appear to meet requirements.
- Sum total of floor area
 - Proposed = 10.3% of lot area.
 - Required = No less than 6,000sf or 15% of the lot area, whichever is less. Shall not exceed 50% of lot area.
 - Requirement is met.
- No building height dimensions were provided but the building will likely meet the 45' height requirement.
- There are single-family residences directly to the west of the subject property, but only one of the adjacent parcels is zoned residential. The applicant intends to keep the existing landscaping to serve as a buffer for the residential properties.

The development review team has provided some initial feedback regarding the plans, but most of the comments or concerns can be addressed later in the review process.

Fire Department Comments – “I would like to see a different turn radius pattern. There no such thing as a Typical Fire Engine. Ladder trucks can go anywhere from 40'-45' long. That is why I like to see a turn radius using a semi-tractor/trailer.”

Conceptual Approval

The purpose of conceptual project review shall be to determine the best use of a building site. The Plan Commission will consider the proposed land use and its compatibility with adjacent land uses. The Plan Commission should consider ingress and egress, off-street parking, and internal traffic patterns.

Staff Recommendation

Per the discretion of the Plan Commission.

Town of Brookfield

Concerning the use of 21055 W Crossroads Cr.

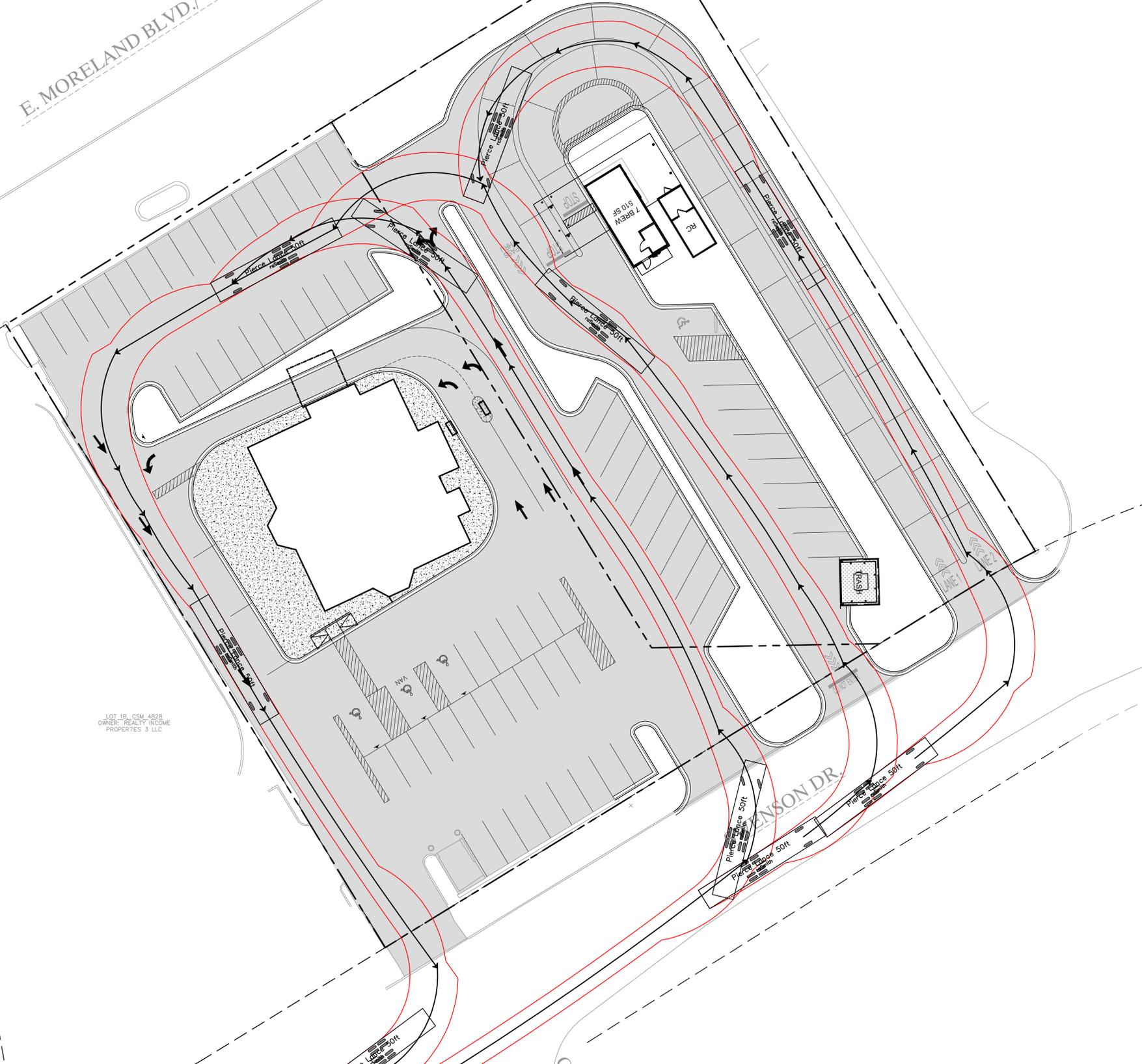
Avery and Birch is a provider of luxury salon suite rentals. Each one of our suites is occupied by a self-employed beauty professional. Avery and Birch does not provide beauty services we simply act as a landlord for our multi-tenant buildings. This use for this submittal is similar to the last approval only difference being that we will construct a single story building rather than a multi-story. We will have approximately 40 suites in a 15,000-16,000 sq ft building.

More info on Avery and Birch can be found at www.averyandbirch.com

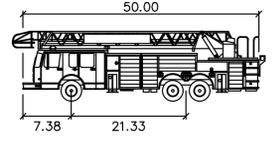
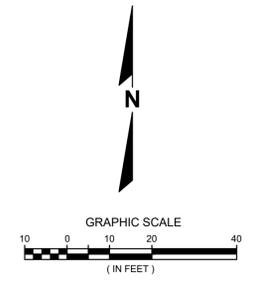
Regards

Ryan Janssen

E. MORELAND BLVD./U.S.H. "18"



LOT 1B, CSM 4828
OWNER: REALTY INCOME
PROPERTIES 3 LLC



Pierce Lance 50ft
feet
Width : 7.83
Track : 7.00
Lock to Lock Time : 6.0
Steering Angle : 31.8



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DATE	DESCRIPTION

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Brookfield, WI 53005-5938
(262) 781-1000
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OSCAR'S FROZEN CUSTARD
TOWN OF BROOKFIELD
TRUCK ACCESS PLAN

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R.A. Smith, Inc.
DATE: 03/18/2025
SCALE: 1" = 20'
JOB NO. 3240290
PROJECT MANAGER:
CHRISTOPHER WHITE, P.E.
DESIGNED BY: CBW
CHECKED BY: MAF

SHEET NUMBER
C101

§ 17.08. Signs.

[Amended 12-7-2004; 11-21-2006; 9-2-2008]

- (1) Purpose and intent. The intent of this ~~chapter~~Section is to provide for and regulate the area, number, location, construction, maintenance and overall design of signs in the Town in a manner which is compatible with surrounding land ~~uses, and~~uses and promotes public welfare and community aesthetics. These sign regulations leave ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signs – namely, distributed print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit said prohibition to commercial speech on exterior signage. This section reflects the formal finding of fact by the Town Board that regulation of signage advances the following compelling governmental interests:
- (a) Promote the public welfare, health, and safety of all persons using public thoroughfares and right-of-way within the Town in relation to the signage displayed thereon.
 - (b) Advance the aesthetic goals of the Town throughout the community, and to ensure the effectiveness and flexibility in the design, creativity, or use of signage without creating a detriment to the general public.
 - (+)(c) Reduce signage which the Town has determined is a cause of unsafe traffic and visibility conditions.
- (2) Compliance. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without first complying with the provisions of this ~~chapter~~Section.
- (3) Definitions Related to Signage.
- (a) See Section 17.02 for the definition of signs and related definitions.
 - (b) Additional Sign Definitions. Words and terms used in this ordinance shall have the meanings given in this Section. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.
 - 1. Advertising. Any writing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, good, service, idea, or statement.
 - 2. Address Sign. A sign that designates the street number and/or street name for identification purposes.
 - 3. Awning. A cloth, plastic or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

4. Awning Sign. Any sign painted on, or applied to, an awning.
5. Banner. A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or similar method or that may be supported by stakes in the ground.
6. Building elevation. The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. No building shall be treated as having more than four building elevations. Each elevation will generally be identified as a north, south, east or west building elevation.
7. Building frontage. The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public or private street or parking lot.
8. Changeable copy sign. See Section 17.10(8)(d).
9. Commercial message. Any sign wording, logo, branding, or other representation that, directly or indirectly, names, advertises, or calls attention to a business product, service, idea, or commercial activity. Any sign authorized by this Section may contain a commercial message.
10. Copy. Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.
11. Customer entrance. The main entrance intended for the general public to use.
12. Directional sign. Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a property.
13. Electronic Message Center. See Section 17.10(8)(E).
14. External illumination. A lighting method where the light source is positioned outside and directed towards the sign face, illuminating it from the front or sides. This can include spotlights, floodlights, or other fixtures designed to highlight the sign's content without being integrated into the sign structure itself.
15. Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.
16. Freestanding sign. A sign supported by structures of supports that are placed on, or anchored in, the ground and is independent and detached from any building or other structures. The following are subtypes of freestanding signs.
 - a. Ground sign. A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as a monument sign).
 - b. Pole sign. A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure. Pole signs are generally not permitted.

17. Holiday decorations. Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons.
18. Incidental Sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives.
19. Incidental window sign. Signs displayed in the window displaying information such as the business hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.
20. Internal illumination. A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.
21. Light trespass. Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.
22. Limited duration sign. A non-permanent sign that is displayed on private property for more than 30 days but not intended to be displayed for an indefinite period.
23. Luminance. An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).
24. Noncommercial message. Any wording, logo, branding, or other representation that does not, directly or indirectly, name, advertise, or call attention to a business product, service, idea, or commercial activity.
25. Nonconforming sign. A sign that does not meet current code regulations but was permitted under a previous ordinance or regulation or was constructed prior to sign code regulations.
26. Permanent sign. A sign that is self-supporting and sufficiently attached to a building or its own ground foundation.
27. Projecting Sign. A sign that is wholly or partly dependent on upon a building for support and which projects more than 12 inches from such building.
28. Sign area. The entire face of a sign, including the extreme limits of writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display but not including any supporting framework.
29. Sign face. The area or display surface used for the message.
30. Sign height. The vertical distance from the average ground level at the base of the sign to the top of the highest attached sign component.
31. Temporary sign. A sign or advertising intended to be displayed for a certain period of time. If a sign display is permanent, but the message displayed is subject to periodic

changes, that sign shall not be considered temporary. A portable sign shall not be considered a temporary sign or used for such a purpose.

32. Wall sign. A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. This includes projecting signs which use the building to support the sign.

33. Window sign. A sign located inside of a building that is visible from outside the premises and is within 16 inches of an exterior window or door.

(4) Prohibited Signs.

(a) Abandoned Sign. Any sign remaining in place on a site or a portion of a site (such as a single tenant in a multitenant building) that has been vacant, closed, or otherwise unoccupied for a period of 90 days.

(b) Animated Sign. A sign having lights or illumination which flashes, scrolls, moves, rotates, twinkles, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. Does not include electronic message center signs as defined in this Section.

(c) Billboard Sign. An off-premises advertising sign which is freestanding, constructed of durable materials, and permanently affixed to a structure used to display advertisements and other messages to vehicle travelers for a fee paid to the owner of the structure.

(d) Beacon Sign. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source. May also include any light with one or more beams that rotate or move.

(e) Inflatable Sign. A sign that is kept inflated by mechanical means or filled with gas, such as air or helium, and is tethered to a building, structure, or the ground. These signs are often used for promotional purposes and can include shapes like balloons, characters, or other figures.

(f) Off-Premise Advertising Sign. A sign which directs attention to a business, commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the property upon the sign is displayed. Governmental related signage within the right-of-way is excluded from this definition.

(g) Pylon Sign. A freestanding sign that is supported by one or more poles or pylons, typically elevated above ground level. These signs are often used to increase visibility from a distance, especially along highways or major roads.

(h) Portable Sign. A sign that is not permanently affixed to the ground or a building and can be easily moved from one location to another. This includes signs on wheels, A-frame signs, and sandwich boards. Portable signs are often used for temporary advertising or directional purposes and are typically placed on sidewalks or other public spaces.

(i) Roof Sign. A sign displayed above the eaves or cornice of a building.

(j) Vehicle Sign. A vehicle, trailer, or other piece of equipment which contains any sign or advertising device, which is unlicensed or inoperable, or which is parked for greater than

24 hours on a public right-of-way or in a location that is not an active worksite so as to be seen from a public right-of-way.

1. Business vehicles legally parked in any of the locations described below shall be permitted.

a. A business vehicle parked on-site at the place of business in a parking space designated for company vehicle parking or storage on a site plan approved by the Town.

b. A business vehicle legally parked on-site at the residence of an employee.

~~(3)(5)~~ Signs permitted in all districts without a permit. The following signs may not be illuminated in any manner, except as noted, and are subject to the following regulations shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any:

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

1. Shall be set back a minimum of 510 feet from all lot lines.
2. Shall not exceed eight square feet of sign display area in residential districts, nor 32 square feet in all other districts. Installations at commercial properties proposing signage larger than 32 square feet require review and approval by the Architectural ~~Control~~Review Committee.
3. Shall be displayed only on the subject property.
4. Directional signs at entrances to subdivisions may be displayed only during the hours of an open house.

4.(b) Personal expression signs of any sign type, including flags, provided that they do not exceed 4 square feet in area per side, are non-commercial in nature, and not illuminated.

~~(b)(c)~~ Election campaign signs are subject to the following:

1. Shall not be located in a public right-of-way and shall be set back a minimum of 510 feet from all lot lines.
2. Shall not exceed eight square feet of sign display area in residential districts, nor 32 square feet in all other districts.
3. Shall not be erected on any parcel of land without the permission of the property owner, renter or lessee.
4. Shall not be erected prior to the first day of the "election campaign period" as defined by § 12.04 of the Wisconsin Statutes, and shall be removed within seven days following the election.

~~(e) Name and warning signs which identify a property or describe a hazardous condition which may exist on a property, are subject to the following:~~

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

(d) Security and warning signs. Signs intended to identify a hazardous condition or prohibit entrance.

1. Residential districts. Signs not to exceed 2 square feet in area.

2. Non-Residential districts. Signs not to exceed 5 square feet in area.

(d)(e) Professional home office signs are subject to the following:

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

(e)(f) Rummage sale and garage sale signs are subject to the following:

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

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

1. Shall be located on the premises which the sign ~~represents, and represents and~~ shall be set back a minimum of ~~5~~40 feet from all lot lines.
2. Shall not exceed 12 square feet of sign display area.

(g)(h) Employment and "help wanted" signs are allowed in all districts except residential districts, and approved are for installation only in windows and on the interior.

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

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

1. ~~Flags and flagpoles s~~Shall be set back a minimum of ~~5~~40 feet from all lot lines.
2. Shall not exceed the height restriction for the district in which the flagpole is located.
3. Shall not exceed three flagpoles on any parcel of land.
4. Shall be illuminated if intended for nighttime display, with fixture and wattage approved by the Architectural ~~control~~Review Committee.

(k) Directional ~~and informational s~~signs directing on-site traffic to loading docks, service or parts departments, or directions to individual tenant suites are allowed with approval by the Architectural ~~C~~ontrolReview Committee.

1. Such signage shall be:

a. ~~I~~ntended to provide direction to internal traffic within a site. ~~It s~~

b. Shall be directional in character, ~~without identification graphics or tag lines,~~ and shall be architecturally consistent with the building design concept and other signage of the property.

c. Font size shall not exceed ~~8~~five inches.

d. ~~No single directional sign shall exceed 4 square feet in area.~~

- (j)e. Directional signs shall have a maximum height of 5 feet. Total display area shall not exceed eight inches by 30 inches per tenant, unless approved to provide consistency with design features of the development.
- (k)(1) Temporary promotional Window signs which are painted, placed in or affixed to a window are subject to the following restrictions:
1. Shall be placed on the interior of the window surface.
 2. Sign display area shall not exceed 25% of the window area in which the sign is displayed.
 3. May not be illuminated in any way.
 4. Shall be maintained in a neat and orderly conditioned, and removed if faded, worn or damaged.
- 4.5. Architectural Review Committee shall review and approve any window signs proposed to be affixed to the window for greater than 30 days. This does not include incidental window signs such as open signs, hours of operation, building address signage etc. as determined by the Zoning Administrator.
- (m) Illuminated "open" signs may be installed in windows, subject to a maximum area of two square feet.
- (n) Address and name signs identifying the address, number and/or name of the occupants of the premises and do not include any commercial advertising or other identification.
1. Residential districts. Signs not to exceed 3 square feet in area.
 2. Non-Residential districts. Signs not to exceed 5 square feet in area, unless approved by the Architectural Review Committee as a part of an approved permanent sign.
- (o) Interior Oriented Signs. Signs which are located on the interior of a premises and which are primarily oriented to persons within the premises such as menu boards, interpretative signs, interior directional and informational signs, and other similar signs not directed toward traffic or pedestrians in the right-of-way.
- (p) Philosophical Signs. Philosophical, personal, religious, educational, or other non-commercial signs are exempt from the permitting process provided they do not pose a health or safety hazard. Philosophical signs shall not exceed 6 square feet and 4 feet in height and are limited to one per frontage on a public right-of-way.
- (q) Holiday or seasonal decorations. The Architectural Review Committee may restrict any holiday or seasonal decorations/signs that are determined a public nuisance upon considering a formal complaint.
- (r) Signs or emblems of a religious, civil, philanthropic, historical, or educational organization that do not exceed 4 square feet in area.
- (s) Private drive signs.
1. 1 sign per driveway entrance,
 - (t)2. Shall not exceed 2 square feet in area.
- (6) General Standards and Requirements.
- (a) Sign location.

1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
2. No sign shall be located within the vision triangle.
3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communication lines or equipment.
4. No sign shall obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
5. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, stairway, or driveway.

(b) Sign materials & construction. Every sign shall be:

1. Constructed of durable materials, using non-corrosive fastenings.
2. Structurally safe.
3. Maintained in safe condition and good repair at all times so that all sign information is clearly legible.

(c) Sign area.

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
3. Signs may be double-sided and shall comply with the following:
 - a. Only 1 side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
 - b. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
 - c. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

(d) Sign Height.

1. Sign height shall be measured as the vertical distance from the average ground level at the base of the sign to the top of the highest attached sign component.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

(e) Sign Illumination.

1. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
 - a. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, drivers, or adjacent properties.
 - b. Shall conform to the provisions established in § 10.08 of the Code of the Town of Brookfield relating to nuisance light on residential properties.
 - c. Signs which are internally illuminated shall not directly face adjacent lands which are zoned for or used as single-family or duplex use.
 - d. No illuminating element of any kind may be visually exposed, pursuant to the provisions established in § 10.08(4) of the Code of the Town of Brookfield.
 - e. The level of illumination as measured at one foot perpendicular to any face of an illuminated sign may not exceed 100 footcandles of daytime (6:00 a.m. to 7:00 p.m.) candle power, nor 45 footcandles of nighttime (7:00 p.m. to 6:00 a.m.) candle power. No more than .2 foot-candle of light shall be detectable at the boundary of any property line.
 - f. Shall conform to the requirements of the National Electrical Code, specifically addressing the requirement for an external switch or breaker to open underground conductors (NEC 600-2); every electric sign shall be listed and installed in conformance with that listing (NEC 600-4); and all signs shall be visible marked with the manufacturer's name, input amperes at full load and input voltage (NEC 600-7).

(4)(7) Signs permitted with Architectural Review Committee approval and permit. Each individual sign proposed in accordance with the provisions of this ~~chapter~~Section must be applied for and submitted to the Zoning Administrator~~Building Inspector~~ pursuant to § ~~17.10(13)~~08(11) of this ~~chapter~~Section. All applications for permits for such individual signs, except such applications as may be determined by the Architectural ~~Control~~Review Committee from time to time, shall be forwarded by the Zoning Administrator~~Building Inspector~~ to the Committee for review. The Committee is hereby empowered to:

- (a) Withhold the application pending the submittal of any additional information which the committee may require.
- (b) Deny the application based upon nonconformance with the provisions of this ~~chapter,~~ or~~Section or~~ based upon the Committee's determination that the proposed sign will violate the purpose and intent of this ~~chapter~~Section.

(c) Approve the application as ~~presented, or presented or~~ approve with additional conditions or restrictions which the Committee may impose based on the purpose and intent of this ~~chapterSection~~. In the interest of architectural integrity, this ~~chapterSection~~ expressly allows regulation of all signs in the Town to be based upon the finding of the Architectural ~~ControlReview~~ Committee that such signage will not violate the purpose and intent of this ~~chapterSection~~. This ~~chapterSection~~ cannot prevent the Committee from establishing more or less stringent requirements and conditions prior to approval of any sign application. All sign applications will be returned to the ~~Zoning AdministratorBuilding Inspector~~ with the action of the Committee clearly stamped on said application. Applications which have been approved by the Committee shall be reviewed for its completeness and accuracy by the ~~Zoning AdministratorBuilding Inspector~~ pursuant to § 17.1008(131) of this ~~chapterSection~~. All sign permits, unless otherwise specified by the Architectural ~~ControlReview~~ Committee, shall be issued by the ~~Zoning AdministratorBuilding Inspector~~.

[Amended at time of adoption of Code (see Ch. 25, General Provisions, Art. II)]

~~(5)~~(8) Signs permitted in all business, manufacturing, institutional, park and nonresidential PUD districts with ~~Architectural Review Committee~~ ~~architectural~~ approval and permit.

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

1. Height must be maintained within the geometric shape resulting from a line 10 feet high at the property line and extending to the building height; or
 - a. Height must be maintained within the geometric shape resulting from a line 12 feet high at the property line and extending to the building height for existing site development conditions where parking is provided immediately adjacent to the proposed sign location, and where the sign could potentially be obstructed by parking.
 - b. A raised landscaping planting bed surrounded by decorative masonry or other high quality finish material, of at least two feet in height, shall form a base for the monument sign.
2. A five-foot-minimum setback or offset shall be provided.
3. Shall not exceed 70 square feet of sign display area per side, nor 140 square feet sign display area on all sides, for single-occupant buildings, or up to 120 square feet of sign display area per side for multi-tenant developments. Freestanding signs shall identify the name of the development.

[Amended 4-6-2011]

4. Placement of the sign on the parcel shall be designed such that it does not obstruct the visibility of signage on adjacent parcels nor result in the appearance of visual clutter.
5. Shall not exceed one freestanding sign per parcel of land.
6. The background of internally illuminated, cabinet-type sign faces shall be opaque or a color other than white.

7. Address numerals shall be included on the sign, of eight inches minimum height.
 8. May be illuminated in accordance with § 17.08(8).
- (b) Wall-supported signs which require securement to a building or structure for support are subject to the following restrictions:
1. Shall complement the scale, proportion, and architectural style of the building on which it is to be attached.
 2. May be mounted parallel or perpendicular to the building surface.
 - ~~4.3.~~ Shall not extend above the parapet wall or the top of the roof of the building which supports it.
 - ~~2.4.~~ Shall not project more than 182 inches from the wall which supports it.
 - ~~3.5.~~ Area limited to 0.8 square feet of signage for each linear foot of building and/or tenant frontage on a public right-of-way or customer parking area, with a maximum area for any one sign not to exceed 100 square feet.
 - ~~4.6.~~ Maximum of two wall-mounted signs per building, subject to the area limits described above, on buildings principally used as offices.
 - ~~5.7.~~ The background of internally illuminated, cabinet-type sign faces shall be opaque or a color other than white.
 8. May be illuminated in accordance with § 17.08(8).
- (c) Awning or canopy signs that include commercial advertising are subject to the following restrictions:
1. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
 2. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
 3. The lowest edge of the canopy or awning sign shall be at least 8 feet above the finished grade.
 4. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.
 - ~~6.5.~~ The sign area is limited to 50 percent of the awning or canopy area.
- (e) ~~Changeable copy signs which are designed to allow the display message to be manually changed are subject to the following restrictions:~~
- ~~1. Shall require a recommendation for approval from the Architectural Control Committee and Plan Commission, and approval by the Town Board. In granting such approval, the Town Board may impose such conditions as it deems reasonable and necessary so as to carry out the purpose and intent of this chapter.~~
 - ~~2. May be illuminated in accordance with § 17.08(8).[1]~~

(d) ~~[1]Editor's Note: Former Subsection (5)(d), which regarded electronically changeable copy signs, which immediately followed this subsection, was repealed 9-4-2018; see now § 17.08(10)(b).~~Changeable and movable copy signs which are designed to allow the display of messages to be changed, whether manually or electronically, may be allowed in any non-residential district as a conditional use in any B-2 or B-3 Zoning District, subject to the following conditions and limitations: [Added 9-4-2018]

1. Shall require a recommendation for approval from the Architectural Review Committee and Plan Commission, and approval by the Town Board. In granting such approval, the Town Board may impose such conditions as it deems reasonable and necessary so as to carry out the purpose and intent of this Section. The conditional use permit may be granted in accordance with the procedure and requirements of § 17.02(14)(b) of this chapter. In addition to the requirement for issuance of conditional use permit contained in § 17.02(14)(b), when considering the application for approval of a changeable and movable copy sign, the determination to approve, deny or approve with conditions shall take into consideration the requirements and limitations set forth in this section.
2. There shall be only one changeable and movable copy sign on each lot or parcel of land. the changeable and movable copy sign shall not be incorporated into a wall- or building-mounted sign.
3. The changeable and movable copy sign may be ~~double-faced, but~~double-faced but shall not exceed 50% of the total sign face area permitted for any lot or parcel of land, and must occupy a secondary position to the name of the business or tenant occupying the property.
4. Each changeable and movable copy sign shall be permanently installed or located.
5. Each changeable and movable copy sign shall be located so as not to interfere with, confuse or present any hazard to pedestrians or vehicular traffic.
6. Changeable and movable copy signs shall display static images only. Blinking, flashing, moving, scrolling or animated messages shall not be permitted. Motion display or displays which give the viewer the illusion of motion shall not be permitted.
7. Changeable and movable copy signs shall not change messages, images or displays more than once every 12 hours, or at such other and greater interval as determined by the Town Plan Commission and Town Board when reviewing and acting upon ~~the sign~~the conditional use permit application.
8. Changeable and movable copy signs shall only be used for the purpose of advertising the name of any individual business, or the business services or activities conducted by that individual business, which business is located on the site or parcel of land for which the sign is located. The content of any message shall be limited to display of numerical (0-9) characters and/or alphabetical (A-Z) characters, and shall not include any display or information relating to any product or service.

9. Changeable and movable copy signs shall not be used for the purpose of displaying political message(s) or any other activity governed by § 12.04 Wis. Stats.
10. Displays and images must be adjustable to compensate for outdoor lighting levels during the day and evening hours. The sign illumination and nuisance prevention standards set forth in § 17.XX08(8) of the Zoning Code shall be applicable, and the conditions and requirements of that section are incorporated herein by reference.
11. Any changeable and movable copy sign must be maintained in a good state of repair. In the event the ~~Zoning Administrator~~Building Inspector determines that the changeable and movable copy sign is not being maintained in a good state of repair, or in accordance with the terms of any conditional use permit, notice of the deficiency or deficiencies shall be provided to the holder of the conditional use permit, and in the event the deficiency is not corrected within 10 days of the issuance of such notice, use of the changeable and movable copy sign shall be suspended until the deficiency has been corrected.
12. No conditional use permit may be issued for a changeable and movable copy sign unless the parcel on which the sign is located contains at least 20,000 square feet, and unless the location of the sign meets all offset and setback requirements of the applicable zoning district.

(e) Electronic message centers which include all signs or monuments capable of displaying messages by use of words, symbols, numbers, figures, and/or images that are electronically, digitally or mechanically changed by remote or automatic means may be permitted as a conditional use in any mixed-use zoning district. Consistent with the purpose and intent of the Zoning Code, electronic message centers are intended to allow for the advertising or display of business-related activities conducted on the site, or products or services offered, but are not intended to be a substitute for the type of advertising that is typically displayed in weekly sales type publications. Changeable and movable copy signs are not included within the definition of an “electronic message center.” A conditional use permit allowing for the construction and operation of an electronic message center for the purpose of advertising the name of any business conducted on the site, as well as the business services or business activities conducted by the owners, tenants or occupants of the site on which the electronic message center is located may be issued, as provided herein, subject to the following conditions and limitations:

[Added 9-4-2018]

1. The conditional use permit shall be granted in accordance with the procedure and requirements of § 17.XX02(14)(b) of the Zoning Code. In addition to the requirement for issuance of conditional use permit contained in § 17.XX02(14)(b), when considering the application for approval of an electronic message center, the determination to

approve, deny or approve with conditions shall take into consideration the requirements and limitations set forth in this section.

2. There shall be only one electronic message center on each lot or parcel of land. The electronic message center may not be incorporated into a wall or building mounted sign.
3. The electronic message center may be ~~double-faced,~~ but double-faced but may not exceed 50% of the total sign face area permitted for any lot or parcel of land and must occupy a secondary position to the name of the business or tenant occupying the property.
4. Each electronic message center shall be permanently installed or located.
5. Each electronic message center shall be located so that vehicular traffic on any adjoining public right of way can view the electronic message center, but center but shall not be located so as to interfere with, confuse or present any hazard to pedestrians or vehicular traffic.
6. Electronic message centers may display static images only. Blinking, flashing, moving, scrolling or animated messages shall not be permitted. Motion display or displays which give the viewer the illusion of motion shall not be permitted.
7. Electronic message centers may not change messages, images or displays more than once every 15 seconds, or at such other and greater interval as determined by the Town Plan Commission and Town Board when reviewing and acting the upon the conditional use permit application.
8. Electronic message centers may only be used for the purpose of advertising or display related to the business services or business activities of the owner, tenants or occupants of the parcel on which the electronic message center is located. The content of any message shall not include any display or information relating to the pricing of any product or service.
9. Electronic message centers may not be used for the purpose of displaying political message(s) or any other activity governed by § 12.04, Wis. Stats.
10. Displays and images shall not exceed 0.3 footcandle above ambient brightness at a distance of 200 feet from the electronic message center. Light levels must be adjustable to compensate for outdoor lighting levels during the day and evening hours. Any conditional use permit may prohibit the use of white background between the hours of sunset and sunrise.

11. Approval and use of any electronic message center shall be subject to, and contingent upon, compliance with all local, state and federal regulations, as well as all provisions of the Town of Brookfield Zoning Code.
12. The location of the electronic message center must meet all offset and setback requirements applicable to any building or structure located on the site and may not be located on any area of the property on which a building or structure would be prohibited.
13. Any electronic message center must be maintained in a good state of repair. In the event the Building Inspector determines that the electronic message center is not being maintained in a good state of repair, or in accordance with the terms of any conditional use permit, notice of the deficiency or deficiencies shall be provided to the holder of the conditional use permit, and in the event the deficiency is not corrected within 10 days of the issuance of such notice, use of the electronic message center shall be suspended until the deficiency has been corrected.

~~(6)~~(9) Signs permitted in all residential, business, manufacturing, institutional, park, and PUD districts with ~~architectural~~ approval and permit. The following signs are regulated based on the character and nature of the proposed development, as well as the adjacent land uses and context.

(a) Temporary real estate development signs which are used to designate a new subdivision, development or building are subject to the following restrictions:

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

5. Limited to 180 days.

4.6. Approved by the Zoning Administrator. Zoning Administrator may forward to the Architectural Review Committee for final approval.

(b) Permanent real estate development signs which are placed at the entrance to a subdivision or development are subject to the following restrictions:

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

~~(7)~~(10) Temporary signs permitted in all districts with a permit. The Zoning Administrator~~Building Inspector~~ may permit the temporary use of signs, banners, flags,

searchlights, balloons, tents, or any approvable form of portable signage for the purpose of promotional sales, advertisement, or any short-term event ~~which is not defined under § 17.02(9) as a special occupancy use,~~ subject to the following restrictions:

- (a) Shall be set back a minimum of 510 feet from all lot lines.
- (b) Shall not pose a potential hazard to traffic or adjacent properties.
- (c) Shall be permitted for no more than 30 days in any calendar year.
- (d) Shall be regulated in location, design, number of signs, and construction by the Zoning Administrator~~Building Inspector~~.

(e) May not be illuminated.

~~(e)(f)~~ Temporary signs are prohibited in or over the public right-of-way.

~~(f)~~ Parked vehicles with identification graphics shall not be parked or stored on a property so as to present as signage. Commercial sign banner trucks are prohibited.

~~(g)~~ Construction trailers with identification graphics shall be regulated per § 17.08(6)(a) as temporary development signs.

~~(8)~~(11) Sign illumination and nuisance prevention. Illumination of all signs permitted in the Town must conform to the following restrictions:

- (a) Shall conform to the provisions established in § 10.08 of the Code of the Town of Brookfield relating to nuisance light on residential properties.
- (b) Signs which are internally illuminated shall not face adjacent lands which are zoned for or used as single-family or duplex use.
- (c) Shall not resemble, imitate, or approximate traffic or railroad signs, signals, or devices; shall not cause glare, mislead or confuse traffic, or impair driver visibility on public ways, private roadways or adjoining properties; shall not be flashing, revolving, blinking, strobe, or animated, except for the display of the time and temperature as approved by the Town Board.
- (d) No illuminating element of any kind may be visually exposed, pursuant to the provisions established in § 10.08(4) of the Code of the Town of Brookfield.
- (e) The level of illumination as measured at one foot perpendicular to any face of an illuminated sign may not exceed 100 footcandles of daytime (6:00 a.m. to 7:00 p.m.) candle power, nor 45 footcandles of nighttime (7:00 p.m. to 6:00 a.m.) candle power.
- (f) Shall conform to the requirements of the National Electrical Code, specifically addressing the requirement for an external switch or breaker to open underground conductors (NEC 600-2); every electric sign shall be listed and installed in conformance with that listing (NEC 600-4); and all signs shall be visible marked with the manufacturer's name, input amperes at full load and input voltage (NEC 600-7).

~~(9)~~(12) Sign construction and maintenance standardsAppearance, Construction, and Maintenance of Signage.

- (a) All signs shall be constructed, mounted, and maintained so as to comply with the appropriate detailed provisions of the building code as adopted by the Town relating to the design, structural members and connections.

- (a)(b) _____ Wind pressure and dead load requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area. No signs, except flags, shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to minimize any lateral movement that would cause wear on the sign face or supporting members or connections.
- (b)(c) _____ Protection of the public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided the space occupied is roped off, fenced off, or otherwise isolated.
- (d) Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition, and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds and grass. The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this section, and result in no change in the overall appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (e)1. Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Zoning Administrator.
- (d)(e) _____ Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other noncorrosive, fire-resistant material. Every means or device used for attaching any sign shall make use of sound engineering practices.
- (f) No signs or any part thereof or sign anchors, braces, or guy rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and so such sign or any part of any anchor, brace or guy rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Town, as necessity therefore may require.
- (g) All permanent signs and their supporting members shall be constructed of standardized sign materials.
- (h) When a sign is removed or replaced, all brackets, poles and other structural elements (both surface and subsurface) that supported the sign shall also be removed and the site restored. Affected building surfaces shall be restored to match the adjacent portion of the structure and any electrical service is safely removed or protected.
- (i) If the Zoning Administrator or the Building Inspector finds that any sign, awning, banner, billboard, flag or any part of any such sign or derivative thereof is unsafe, insecure, dilapidated, out of repair or abandoned, or is in such poor condition that it is dangerous or

a blighting influence upon the neighboring properties, they shall issue written notice to the owner of the property upon which the sign exists to cause the sign to be repaired or removed in its entirety.

(j) Abandoned and vacant signs. A sign is considered vacant after 90 days of a business being out of operation. After 90 days, the owner of the property shall be responsible for properly removing any commercial sign, or blanking the commercial image associated with the business if the sign and structure is structurally sound, in good condition, and located on private property. If any portion of a vacant freestanding sign falls within the public right-of-way, or the sign is structurally unsound, falling apart, or in poor condition, the Zoning Administrator may require sign removal.

~~(e)-~~

~~(10) Measuring sign display area. In calculating the sign display area to determine whether it meets the requirement of this chapter, the Building Inspector shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the sign display area calculation. Sign display area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all the elements of the sign.~~

~~(a) Electronic message centers which include all signs or monuments capable of displaying messages by use of words, symbols, numbers, figures, and/or images that are electronically, digitally or mechanically changed by remote or automatic means may be permitted as a conditional use in any mixed use zoning district. Consistent with the purpose and intent of the Zoning Code, electronic message centers are intended to allow for the advertising or display of business related activities conducted on the site, or products or services offered, but are not intended to be a substitute for the type of advertising that is typically displayed in weekly sales type publications. Changeable and movable copy signs are not included within the definition of an "electronic message center." A conditional use permit allowing for the construction and operation of an electronic message center for the purpose of advertising the name of any business conducted on the site, as well as the business services or business activities conducted by the owners, tenants or occupants of the site on which the electronic message center is located may be issued, as provided herein, subject to the following conditions and limitations:~~

~~[Added 9-4-2018]~~

- ~~1. The conditional use permit shall be granted in accordance with the procedure and requirements of § 17.02(14)(b) of the Zoning Code. In addition to the requirement for issuance of conditional use permit contained in § 17.02(14)(b), when considering the application for approval of an electronic message center, the determination to approve, deny or approve with conditions shall take into consideration the requirements and limitations set forth in this section.~~

- ~~2.1. There shall be only one electronic message center on each lot or parcel of land. The electronic message center may not be incorporated into a wall or building mounted sign.~~
- ~~3.1. The electronic message center may be double faced, but may not exceed 50% of the total sign face area permitted for any lot or parcel of land and must occupy a secondary position to the name of the business or tenant occupying the property.~~
- ~~4.1. Each electronic message center shall be permanently installed or located.~~
- ~~5.1. Each electronic message center shall be located so that vehicular traffic on any adjoining public right of way can view the electronic message center, but shall not be located so as to interfere with, confuse or present any hazard to pedestrians or vehicular traffic.~~
- ~~6.1. Electronic message centers may display static images only. Blinking, flashing, moving, scrolling or animated messages shall not be permitted. Motion display or displays which give the viewer the illusion of motion shall not be permitted.~~
- ~~7.1. Electronic message centers may not change messages, images or displays more than once every 15 seconds, or at such other and greater interval as determined by the Town Plan Commission and Town Board when reviewing and acting upon the conditional use permit application.~~
- ~~8.1. Electronic message centers may only be used for the purpose of advertising or display related to the business services or business activities of the owner, tenants or occupants of the parcel on which the electronic message center is located. The content of any message shall not include any display or information relating to the pricing of any product or service.~~
- ~~9.1. Electronic message centers may not be used for the purpose of displaying political message(s) or any other activity governed by § 12.04, Wis. Stats.~~
- ~~10.1. Displays and images shall not exceed 0.3 footcandle above ambient brightness at a distance of 200 feet from the electronic message center. Light levels must be adjustable to compensate for outdoor lighting levels during the day and evening hours. Any conditional use permit may prohibit the use of white background between the hours of sunset and sunrise.~~
- ~~11.1. Approval and use of any electronic message center shall be subject to, and contingent upon, compliance with all local, state and federal~~

~~regulations, as well as all provisions of the Town of Brookfield Zoning Code.~~

~~12.1. The location of the electronic message center must meet all offset and setback requirements applicable to any building or structure located on the site and may not be located on any area of the property on which a building or structure would be prohibited.~~

~~13.1. Any electronic message center must be maintained in a good state of repair. In the event the Building Inspector determines that the electronic message center is not being maintained in a good state of repair, or in accordance with the terms of any conditional use permit, notice of the deficiency or deficiencies shall be provided to the holder of the conditional use permit, and in the event the deficiency is not corrected within 10 days of the issuance of such notice, use of the electronic message center shall be suspended until the deficiency has been corrected.~~

~~(b)(a) Changeable and movable copy signs which are designed to allow the display of messages to be changed, whether manually or electronically, may be allowed as a conditional use in any B-2 or B-3 Zoning District, subject to the following conditions and limitations: [Added 9-4-2018]~~

~~1. The conditional use permit may be granted in accordance with the procedure and requirements of § 17.02(14)(b) of this chapter. In addition to the requirement for issuance of conditional use permit contained in § 17.02(14)(b), when considering the application for approval of a changeable and movable copy sign, the determination to approve, deny or approve with conditions shall take into consideration the requirements and limitations set forth in this section.~~

~~2.1. There shall be only one changeable and movable copy sign on each lot or parcel of land. the changeable and movable copy sign shall not be incorporated into a wall or building-mounted sign.~~

~~3.1. The changeable and movable copy sign may be double faced, but shall not exceed 50% of the total sign face area permitted for any lot or parcel of land, and must occupy a secondary position to the name of the business or tenant occupying the property.~~

~~4.1. Each changeable and movable copy sign shall be permanently installed or located.~~

~~5.1. Each changeable and movable copy sign shall be located so as not to interfere with, confuse or present any hazard to pedestrians or vehicular traffic.~~

~~6.1. Changeable and movable copy signs shall display static images only. Blinking, flashing, moving, scrolling or animated messages shall not be permitted. Motion display or displays which give the viewer the illusion of motion shall not be permitted.~~

~~7.1. Changeable and movable copy signs shall not change messages, images or displays more than once every 12 hours, or at such other and greater interval as determined by the Town Plan Commission and Town Board when reviewing and acting upon the conditional use permit application.~~

~~8.1. Changeable and movable copy signs shall only be used for the purpose of advertising the name of any individual business, or the business services or activities conducted by that individual business, which business is located on the site or parcel of land for which the sign is located. The content of any message shall be limited to display of numerical (0-9) characters and/or alphabetical (A-Z) characters, and shall not include any display or information relating to any product or service.~~

~~9.1. Changeable and movable copy signs shall not be used for the purpose of displaying political message(s) or any other activity governed by § 12.04 Wis. Stats.~~

~~10.1. Displays and images must be adjustable to compensate for outdoor lighting levels during the day and evening hours. The sign illumination and nuisance prevention standards set forth in § 17.08(8) of the Zoning Code shall be applicable, and the conditions and requirements of that section are incorporated herein by reference.~~

~~11.1. Any changeable and movable copy sign must be maintained in a good state of repair. In the event the Building Inspector determines that the changeable and movable copy sign is not being maintained in a good state of repair, or in accordance with the terms of any conditional use permit, notice of the deficiency or deficiencies shall be provided to the holder of the conditional use permit, and in the event the deficiency is not corrected within 10 days of the issuance of such notice, use of the changeable and movable copy sign shall be suspended until the deficiency has been corrected.~~

~~12.1. No conditional use permit may be issued for a changeable and movable copy sign unless the parcel on which the sign is located contains at least 20,000 square feet, and unless the location of the sign meets all offset and setback requirements of the applicable zoning district.~~

~~(11)(13)~~ Sign permit. Application for a permit shall be made on forms provided by the Zoning Administrator~~Building Inspector~~ and made available in the Town Clerk's office, and shall contain or have attached thereto the following information:

- (a) Name, address, ~~and~~ telephone number, and email address of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- (b) Name of person, firm, corporation, or association erecting the sign.
- (c) Written consent of the landowner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
- (d) A scale drawing (and scale sectional drawing) of such a sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment. Include a nighttime rendering if proposed to be illuminated.

- (e) A scale site survey indicating the location, setbacks, and position of such sign in relation to nearby buildings, structures, vehicular and pedestrian accessways, public and private rights-of-way, and existing signs on the parcel or on adjacent parcels within 150 feet.
- (f) Copies of any permit required for said sign, including the written approval by the Electrical Inspector in the case of illuminated signs, who shall examine the plans and specification, reinspecting all wiring and connections to determine if the same complies with the Town Electrical Code.
- (g) Additional Information as may be required by the Zoning Administrator~~Building Inspector~~ or the Architectural Control~~Review~~ Committee.
- (h) Sign permit applications shall be filed with the Zoning Administrator~~Building Inspector~~ who shall review the application for its accuracy and completeness. The Zoning Administrator~~Building Inspector~~ shall submit all applications to the Architectural Control~~Review~~ Committee pursuant to § 17.1008(4) of this chapter~~Section~~. Applicants shall be notified of the Committee's decision within 30 days after receipt of the application. A sign permit shall become null and void if work authorized under the permit has not been completed with six months of the date of issuance.

(12)(14) Nonconforming~~Legally-existing~~ Signs.

- (a) Signs lawfully existing as of MONTH, DATE 20259-2-2008 which do not conform with the provisions of this chapter~~Section~~ may be continued subject to regulations below.as-an existing nonconforming use as defined in § 17.09 of this chapter.

(b) Continuation of a Nonconforming Sign.

1. Such signs shall not be structurally altered, enlarged or refaced, except in cases of a new business name under the existing ownership, or new owners of an existing business. Nonconforming signs may be maintained but shall not be altered or moved to a new location without being brought into compliance with the requirements of this Section.
2. Whenever there is a change in the sign user or entity, sign owner, or owner of the property on which the sign is located, the new sign user or entity, sign owner, or new property owner, no new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered nonconforming.

(c) Alteration and Removal of Nonconforming Signs.

1. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face, or the supporting structure with identical materials, colors, and messages. If a nonconforming sign is modified or changed, but maintains, or reduces the original nonconformity, and does not change the type of sign, such modification may be approved by the Zoning Administrator and would not constitute an alteration. This may include moving the sign to meet the required setback or vision triangle requirements.

2. A multitenant sign may be replaced to accommodate a new tenant sign without triggering the need to bring all of the signs, or any of its parts, into compliance with the provisions of this Section.

(15) Enforcement of Sign Code.

(a) A sign permit may be revoked if the applicant has failed to comply with the provisions of this Section or any conditions that may have accompanied the permit at the time of issuance. Revocation shall be effective upon written notice by the Zoning Administrator for zoning ordinance violations.

(b) In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 180 days from the date of the issuance of such permit, or if work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the Zoning Administrator may revoke the original permit. In such cases, a new permit shall be obtained to complete the work and a new permit fee shall be required.

(c) Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within 60 days of revocation notice.

(d) Any sign on public property or within public right-of-way must be approved the Town Board. Signs placed within these locations without Board approval may be removed by the Town at any time.

(e) Appeals. Any person affected by a decision of the Zoning Administrator and/or Architectural Review Committee may petition for a hearing before the Plan Commission. The filing of such petition automatically stays removal of any non-temporary sign which is the subject of the appeal and which has been legally erected until the Plan Commission decides whether to sustain, modify, or reverse the decision.

(f) Removal of Signs in Violation of this Section.

1. If the Zoning Administrator determines that any sign exists in violation of this Section, the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation must be corrected within 60 days of receipt of said notice on penalty of automatic revocation of any sign permit, and that removal of the sign by the City may occur at the expense of the owner of the property.

2. If notification is sent and the violation is not corrected within 60 days, the Zoning Administrator may revoke the permit for any sign which is in violation of this Section or approve a reasonable extension if the sign permit holder is unable to remove the sign within the required time. If sign is not removed after the extension, it shall be the duty of the Zoning Administrator to cause removal of such sign and may result in issuance of citations per Section **XX-XX**.

3. The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the

Town Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll.

4. Any sign illegally placed in a public right-of-way may be subject to immediate removal and confiscation without notice.
5. Any temporary sign in violation of this Section shall be notified of said violation by the Zoning Administrator. Said notification shall indicate that such violation must be corrected within a given timeframe. If not corrected by the required timeframe, removal of the sign by the Town may occur at the expense of the owner of the property, and failure to comply may result in issuance of citations per Section XX-XX.
- (b)6. In the case of violations of this sign code that constitute an emergency situation as a result of safety or public concerns or violations that will create increased problems or costs if not corrected immediately, may be subject to immediate removal and confiscation without notice by the Zoning Administrator.