

## Draft Middleton Sign Code – Policy Decision Guide

### 1. No More Content-Based Sign Regulations

The existing Sign Code has many provisions that are considered to be content-based. This means that the City must read the sign in order to make a determination as to what type it is and the rules that apply to it (garage sale sign, real estate sign, etc.). The U.S. Supreme Court issued a ruling in 2015 (Reed v. Gilbert) that says governments can no longer regulate signage by content. In response, the proposed new Sign Code includes sign types that are based on the configuration of the sign (monument, wall, stake, arm and post, etc.), rather than the message it displays.

To address the content-based regulations and to avoid future confusion between the existing and new Sign Code, nearly all existing sign types are proposed to change, some in name only, while others are proposed to change in their requirements as well. The following table is a translation guide between the existing sign type and the proposed new sign type, in addition to which zoning districts the sign is permitted within. The proposed new Sign Ordinance also includes summary tables where nearly all regulations live, rather than scattered throughout the text as they are today. See Figures 22.11(1)-22.11(4) on pages 13-17.

Existing Sign Type	Proposed New Sign Type	Permitted Zoning Districts		
		1 and 2 Family Residential	Multi-Family Residential	Non-Residential and Mixed-Use
Ground Mounted/Directory	Monument		X	X
Pylon	Dual Post or Pylon	Prohibited		
Electronic Message	Electronic Message			X
Wall	Wall		X	X
Awning	Awning		X	X
Canopy	Canopy		X	X
	Marquee (new)			X
Projecting	Projecting		X	X
Hanging	Suspended			X
Window or Wall (not visible off-premise)	Menu Board			X
Portable Sign	Sandwich Board			X
Portable Sign	Bulletin Board			X
Menu Board Sign	Order Board			X
Window	Window			X
Real Estate (commercial)	Board			X
Decorative Banners	Banner			X
Business Opening Sign	Board or Banner			X
Corporate Flags	Flag	X	X	X
	Feather (new)	Prohibited		
Construction	Active Building Sign	X	X	X
Real Estate Subdivisions	Active Plat Sign	X	X	X
Address	Address	X	X	X
Directional, Parking Lot	Building Management ID, On-Site Warning, On-Site Directional	X	X	X

Home Occupation	Building Management ID	X	X	X
Memorial Sign	Memorial Sign	X	X	X
Subdivision ID, Permanent Plat	Permanent Plat Sign	X	X	
City Property	Institutional Information		X	X
Athletic Field	Institutional Recreational and Interior-Oriented Sign	X	X	X
Garage Sale, Public Hearing Notice, Events, Non-Commercial Message, Real Estate (residential)	Yard Signs	X	X	X
Other Temporary Signs	Falls Under Temporary Signs in Table 2 and 4	X	X	X
Decorations	See Zoning Code – Minor Accessory Structures	X	X	X

*Work Group Response: Liked the new sign names, permitted signs in each district, and prohibited signs listed.*

*No changes were made.*

## 2. Freestanding Signs (Figure 22.11(1) on page 13)

There are two common examples of freestanding signs: pylon signs and monument signs. For over a decade, the City of Middleton has prohibited pylon signs (one or more metal posts with a sign face above). This requirement is proposed to be continued with the new Sign Code. In terms of monument signs (ground-mounted with sign face above), the City has permitted this sign type as an alternative to pylon signs for businesses and multi-family developments.

In general, freestanding signs are traditionally oriented towards roadways and vehicles for navigational purposes near entryways. However, they are not often found in higher density locations such as downtown because space is limited, and signage is focused more on the pedestrian scale. As the City continues to promote density and walkability, we need to consider whether freestanding signs (mostly vehicle-oriented) still make sense in Middleton or not.

- a. Should the City continue prohibiting pylon signs?

*Work Group Response: Wanted to keep these signs prohibited.*

*No changes were made.*

- b. Should the City continue to allow monument signs?

*Work Group Response: Wanted to keep these signs allowed, but liked the idea of a sign that is legible, but not overwhelming or districting.*

*No changes were made.*

## 3. Monument Signs (Figure 22.11(1.A.) on page 14)

Depending on the discussion above, the proposed new Sign Code mirrors many of the existing requirements for monument signs because they have been working well. In particular, this includes allowing this sign type for multi-family, commercial, institutional, mixed-use, and industrial properties; 1 sign per street frontage; ambient or illuminated; electronic messages allowed; and the size and height are determined by the zoning district and adjacent roadway size/speed.

- a. Should the City continue to regulate monument signs this way or do we need to change one or more of the above provisions?

*Work Group Response: Desired to establish a balance between supporting businesses and signage without them being obtrusive. Directed staff and consultants to reduce the maximum height and size for freestanding monument signs.*

*Reduced maximum height for all freestanding signs on 1-3 lanes of traffic to 6 foot tall and 36 square feet. Reduce maximum height for all non-residential freestanding signs on 4+ lanes of traffic to 8 foot tall and 36 square feet.*

#### **4. Feather Signs (Figure 22.11(2) on page 15)**

Today, the City doesn't have specific requirements for feather signs (flexible, temporary post with cloth flag attached on one side of the post), other than to regulate them as a temporary sign. In the new Sign Code, we need to specify the sign type and provide requirements for it. Communities across the state have taken different approaches to this sign type: some don't see any issues and allow them for businesses on a temporary basis, while others don't want to allow them for aesthetic and potential safety concerns. In practice, the majority of these signs end up in the right-of-way, get weathered or damaged quickly, and remain in place for much longer than intended. The City dealt with issues regarding this sign type in the past.

- a. Should the City allow Feather Signs or prohibit them?
- b. If the City were to allow them, what kinds of requirements should we place on them?

*Work Group Response: Wanted to keep these signs prohibited.*

*No changes were made.*

#### **5. Off-Premise or Off-Site Signage (Page 8 and 17)**

Off-site signage is a sign that advertises something that is not located on the property where the sign is being displayed. The most common example is a billboard or similar type of sign designed to be located at a highly visible location and not the property in which the business/operation is located. In 2022, the Supreme Court issued a ruling (Austin v. Reagan) that further clarified the Reed v. Gilbert decision regarding on- vs. off-premise signage. The ruling said that governments have the ability to distinguish and regulate the difference between these types of signs, even though it requires reading the sign copy itself to determine that.

An issue that presents itself in the face of both court decisions is how to regulate non-business off-premise signage. While the City can distinguish and regulate on- vs. off-premise signs differently, it cannot distinguish the difference between a commercially-oriented off-premise sign vs. a non-commercial off-premise sign. This presents the issue of how to handle a community event, fundraiser, non-profit, or other similar type of sign that is often placed throughout a community and not directly at the location in which the event or entity is located.

*Work Group Response: The work group recommends against making distinctions between commercial vs. non-commercial off-premise signage. Furthermore, they recommend keeping all off-premise signage prohibited and continue to use complaint-based enforcement for yard signage.*

*No changes were made.*

#### **Any other items that the Working Group would like to discuss.**

*Work Group Response: None.*

*No changes were made.*