



*"...meeting community needs...enhancing quality of life."*

## MEMORANDUM

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**TO:** City Plan Commission

**FROM:** Jeff Towne, Principal Planner

**DATE:** December 8, 2014

**COMMON COUNCIL MEETING DATE:** January 7, 2015

**RE:** Text Amendments - Article XIV Signs. of Chapter 23 of the Municipal Code

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Staff responded to Resolution #23-R-14 –Martin/Dalton/Trauger/Konetzke/Meltzer calling for a review of language in the Zoning Ordinance related to painted signs. Staff reviewed the existing code and brought forth examples of potential changes to the ordinance that would allow signs to be painted directly onto building walls. The Common Council approved the resolution on October 1, 2014 and staff is now bringing proposed text amendments forward. Essentially, this amendment will reestablish the ability to paint signs directly onto building walls, which had been allowed in some zoning districts prior to January 22, 2000.

For clarification purposes, staff incorporated the term “murals” into the proposed ordinance amendments and proposes that murals be regulated under the same locational and dimensional standards as any other type of wall sign. This takes away any subjectivity in the review process by clearly defining dimensional standards for all wall signs. Permits will be required for painted wall signs (which include murals) and the applications will be reviewed in the same manner as other types of signage. Off-premise advertising will remain prohibited.

Wall signs are currently permitted in the P-I, C-O, C-1, C-2, CBD, M-1 and M-2 zoning districts, with some exceptions allowing wall signs in other districts. This will not change. January 22, 2000, is the date that the City adopted the ordinance prohibiting painted wall signs. Since painted signs were legally permitted in several zoning districts prior to this date any that were legally in place on this date should regain legal conforming status.

A point that should be clarified as part of this discussion is that graffiti is not a style of sign. Graffiti is the term used for illegally placing markings on property without the property owner’s consent. Graffiti is regulated under Chapter 10, Miscellaneous Offenses of the Municipal Code and is not regulated by Article XIV Signs. The City does not evaluate signs based on the style of, or the font of, the lettering or graphics.

### Proposed Text Amendments

The proposed text to be added within the ordinance will be underlined. Deleted text will be shown in ~~strike through~~. Staff commentary will be identified in *italics* to provide insight regarding that specific amendment/change.

The proposed revisions to Section 23-500, with narrative, are as follows:

*Comment: The following definitions will be added in the appropriate order in this section.*

#### **Sec. 23-504. Definitions and interpretation.**

*Ghost sign* means a hand painted wall sign that existed on a building wall on or before January 22, 2000, and is still present on the wall, indicating a previous use of the building, or advertising a product or activities of the community.

*Mural* means a wall sign that is a work of graphic art painted or applied to building walls.

*Painted wall sign* means a wall sign or mural, hand-painted or drawn directly on the exterior wall surface of a building.

*Party wall* means a wall without openings located on a lot line between adjacent buildings

*Wall area* means the vertical exterior wall surface of a building, not including the area of a party wall, consisting of the solid portion that forms the sides of the building envelope, including walls, doors, and window area, that is not the roof or floor.

~~*Wall area*~~ means that portion of a building that is parallel or nearly parallel to the abutting street.

*Comment: When permitting new uses, definitions must be created. Therefore, a definition is being created for the term "painted wall sign". The definition specifically mentions building walls as this definition does not include rooftops, retaining walls, fences or structures other than building walls as appropriate locations for painted signs. A definition of "ghost sign" has been created to identify signs created on or before January 22, 2000, that are still present on a building, as a way of allowing for the preservation and restoration of such signs. This allows property owners to maintain these historic signs by eliminating conflicts with abandoned sign and off-premise sign provisions of the code. Definitions for "mural" and "party wall" have been created for clarification purposes. "Wall area" is being revised as the current definition does not include building walls not parallel to the street.*

### **DIVISION 3. GENERAL PROVISIONS**

#### **Sec. 23-505. Prohibited signs.**

All signs not expressly permitted or exempt under this article are prohibited in any location in the City. Prohibited signs include, but are not limited to:

- (e) ~~Painted signs directly on building walls.~~

(f) (e) Roof signs.

(g) (f) A sign or advertising device attached to or painted onto a parked vehicle or trailer and being used as an on-premises or off-premises sign.

(h) (g) Signs, handbills, posters, notices or similar attention gathering devices posted or affixed on traffic control boxes, traffic signs, utility poles, traffic control support structures or otherwise in the public right-of-way.

(i) (h) Signs marked, tacked or otherwise affixed to trees or other vegetation.

(j) (i) Signs containing statements, words, or pictures of an obscene or pornographic nature.

(k) (j) Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop", "caution", "warning", or similar words and/or colors normally associated with official signs.

(l) (k) Swinging signs.

(m) (l) Umbrellas with advertising copy.

*Comment: In order to allow painted wall signs, the standard currently prohibiting painted signs directly on building walls, is being eliminated.*

**Sec. 23-523. Sign face calculation.**

(c) **Wall sign calculation.** For purposes of maximum area for wall signs, this calculation shall include awning, marquee, canopy, permanent window and projecting signs.

(1) In the P-I, C-O, C-1, C-2, and CBD zoning districts, the maximum area of wall signage shall be calculated as follows:

a. For each building wall ~~with street frontage~~, thirty-five percent (35%) of the building wall area or three hundred fifty (350) square feet, whichever is less.

b. ~~For each wall without street frontage, fifteen percent (15%) of the building wall or one hundred fifty (150) square feet whichever is less.~~

*Comment: Walls that have street frontage and walls that do not have street frontage will no longer have different standards.*

**Sec. 23-529. Design standard exceptions.**

(h) Ghost Sign. Ghost signs that existed on a building wall prior to January 22, 2000, as on file with the Inspections Division, still present on the wall, are exempt from these requirements and deemed conforming. Ghost signs may be maintained, restored and repainted but no size alterations, new information or images may be added to the existing sign. Prior to a permit being issued for restoration of a ghost sign, documentation of the sign's existence shall be provided to the Inspections Supervisor. This may include photographs or permits originally issued for the sign.

*Comment: For clarification purposes, ghost signs are listed under the design standard exceptions of the section. Ghost signs must have existed prior to January 22, 2000 in order to be considered legally conforming signs. This is the date that the sign code prohibited painted wall signs.*

**Table 23-14A. Area, Height, and Number of Individual Signs by Zoning District.**

Sign Type	AG	R1A, R1B, R-1C & R2	R-3, NC	P-I & C-O	C-1 & C-2	CBD	M-1	M-2
<i>Ground</i>								
Area (sq. ft) <sup>a</sup>	-	-	-	150	150	150	150	150
Height (feet) <sup>b</sup>	-	-	-	28	28	28	28	28
Number Permitted <sup>c, d</sup>	-	-	-	1	1	1	1	1
<i>Building</i>								
Wall sign area street (whichever is less)	-	-	-	350 or 35%	350 or 35%	350 or 35%	10%	10%
Wall area—non-street (whichever is less)	-	-	-	150 or 15% -	150 or 15% -	150 or 15% -	10%	10%
Portable sign <sup>e</sup>	-	-	-	4x8	4x8	4x8	4x8	4x8
Temporary sign <sup>f</sup>	-	-	-	2½ x 3½	2½ x 3½	2½ x 3½	2½ x 3½	2½ x 3½

- a. In residential zones, signs are permitted for specific uses identified in §23-508. The area of a ground sign may increase in size, according to exceptions allowed in §23-529.
- b. In residential zones, signs are permitted for specific uses identified in §23-508. The height of ground signs may increase in size, according to exceptions allowed in §23-529.
- c. In residential zones, signs are permitted for specific uses identified in §23-508.
- d. More than one (1) sign may be allowed per lot, subject to §23-522 and §23-529.
- e. Portable signs are allowed for one hundred twenty (120) days total per year.
- f. Temporary signs are allowed one per street frontage in setback, unlimited on balance.

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*Comment: Walls that have street frontage and walls that do not have street frontage will no longer have different wall signage standards. This table represents the standards set in 23-523.*

**RECOMMENDATION PENDING INFORMAL PUBLIC HEARING TESTIMONY:**

The proposed text amendments to Article XIV Signs of Chapter 23 of the Municipal Code, as identified in this memorandum, **BE APPROVED.**

In response to the discussions at previous Plan Commission meetings regarding the proposed amendments, several businesses were contacted for information regarding existing painted wall signs in order to allow for a review of how they correspond to the proposed amendments. The results are as follows:

The Fire- 230 E. College Ave.

Wall:  $121' \times 28' = 3388$  sq. ft.

Painted sign:  $16' \times 16' = 256$  sq. ft.

.075 % of wall area

35% of wall area is 1186 sq. ft.

Less than 350 sq. ft. and less than 35% of wall area- Permitted

Heid Music- 308 E. College Ave.

Wall:  $159' \times 43' = 6837$  sq. ft. Subtract approximately 3150 sq. ft. of party wall= 3687 sq. ft

Painted sign:  $37' \times 16' = 592$  sq. ft.

.16% of wall area

35% of wall area is 1103 sq. ft.

Less than 35% of wall area, but greater than 350 square feet- Minor variation or variance

Wilmar Chocloates- 1222 W. Wisconsin Ave.

Wall:  $20' \times 10' = 200$  sq. ft. Wall:  $9.33' \times 11.33' = 106$  sq. ft.

Total wall area= 306 sq. ft.

Painted sign:  $17.67' \times 8.67' = 153$  sq. ft. Painted sign:  $10' \times 6' = 60$  sq. ft.

Total painted sign area= 213 sq. ft.

.696 of wall area

35 % of wall area is 107 sq. ft.

Less than 350 sq. ft., but greater than 35% of wall area- Minor variation or variance



PERMIT#	ISSUED ADDRESS	ST	PROP#	EST COST	TYPE	REASON	OWNER LAST NAME	OWNER FIRST NAME	MAILING ADDRESS	MAILING CITY/STATE	MAILING ZIP CODE	DATE APPROVED	INSTALLER LAST NM	RECEIPT AMOUNT	TYPE OF SIGN
D85-0117	9/6/1985 719 W FRANCES		5-2323-00	\$600			LIR PROPERTIES	APPLETON LLC	719 W FRANCES ST	APPLETON WI	54914	12/31/1985	PHYL'S SIGN SHOP	\$40.00	PW
D85-0135	10/11/1985 348 W WISCONSIN	AVE	6-0100-00	\$300			XIONG	PHAN	4401 N CLAYHILL DR	APPLETON WI	54913	12/31/1985	PHYL'S SIGN SHOP	\$20.00	PW
D85-0181	10/29/1985 1328 N MEADE	ST	1-6862-17	\$320			APPVION INC	SHIRLEY	PO BOX 1872	APPLETON WI	54912	6/29/1987	PHYL'S SIGN SHOP	\$20.00	PW
D87-0093	10/1/1990 107 S LINWOOD	AVE	6-3151-00	\$150			SWARTZ		500 E NORTHLAND AVE	APPLETON WI	54911	10/1/1990	APPLETON NEON&SIGN	\$20.00	PW
D90-0133	11/15/1990 1814 W WISCONSIN	AVE	3-1317-02	\$500			UNITED DEVELOPMNT LLP	MARTIN	123 S LINWOOD AVE	APPLETON WI	54914	11/15/1990	APPLETON NEON&SIGN	\$20.00	PW
D93-0056	10/5/1993 733 W COLLEGE	AVE	5-9538-19	\$100			LIEGL		W8594 HUNTERS RD	HORTONVILLE WI	54944	10/5/1993	KROUCHITZ PAINTING	\$20.00	PW
D95-0035	5/8/1995 2145 S MEMORIAL	DR	3-0963-01	\$700			THEADOCIA LLC	INVESTMENTS I	733 W COLLEGE AVE	APPLETON WI	54914	5/8/1995	DOYLE SIGNS INC	\$20.00	PW
D97-0060	7/30/1997 1901 N RICHMOND	ST	8-2005-00	\$5,000			MEMORIAL DRIVE		3315 N BALLARD RD	APPLETON WI	54911	7/30/1997	DOYLE SIGNS INC	\$20.00	PW
			5-3433-00	\$500			PALTZER PROPERTIES LLC		W8283 CELEBRATION DR	HORTONVILLE WI	54944				