

**AN ORDINANCE REPEALING AND RECREATING ARTICLE XIV OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING SIGNS.**

(City Plan Commission – 10-01-2025)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Article XIV of Chapter 23 of the Municipal Code of the City of Appleton, relating to signs, is hereby repealed and recreated to read as follows:

**ARTICLE XIV. SIGNS\***

**DIVISION 1. INTRODUCTORY INFORMATION**

**Sec. 23-500. Purpose.**

Because signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation, there exists a need to uniformly regulate signs in the City of Appleton. The purpose of this Article is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development.

This Article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This Article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. This Article provides comprehensive and balanced sign regulations intended to avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance; ensure that signs are well-constructed and maintained and expressive of the identity of individual activities and the community as a whole; and provide a procedure for fair and consistent enforcement and to implement the applicable policies and objectives as identified in the Appleton Comprehensive Plan.

This Article does not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City of Appleton. Rather, these regulations are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the State of Wisconsin, Outagamie County, Calumet County, Winnebago County, the federal government, or the City of Appleton. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

(Ord 34-18, §1, 4-10-18)

**Sec. 23-501. No discrimination against non-commercial signs or speech.**

The owner of any sign which is otherwise allowed under this Article may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial copy over any other noncommercial copy. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage in terms of size and number on a parcel or within a development or allow the exchange of an off-premises commercial message in place of an on-premises commercial message.

(Ord 34-18, §1, 4-10-18)

**Sec. 23-502. Severability.**

If any portion of this Article or any regulation contained herein is held to be invalid or unconstitutional by a court of competent jurisdiction, it is the City's specific legislative intent that said portion or regulation is to be deemed severed from this Article and should in no way affect or diminish the validity of the remainder of Article or any other sign regulation set forth herein.

(Ord 34-18, §1, 4-10-18)

**Sec. 23-503. Reserved.**

**Editor's Note:** Chapter 14 – Signs was repealed by Ord 9-00, published 1-22-00. New 'Sign Code' was created by Ord 10-00, published 1-22-00

**Editor's Note:** Art. XIV, Signs, was repealed and recreated by Ord 34-18, adopted by the Common Council on April 4, 2018 and becoming effective April 10, 2018.

**DIVISION 2. DEFINITIONS**

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

Words and phrases used in this Article shall have the meanings set forth in this section. The definitions identified in this section shall apply to this Article and shall prevail with respect to signs in the event any inconsistency exists between these definitions and the definitions set forth in any other part of the Appleton Municipal Code. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

**Abandoned sign** means a sign located on a lot that contains any land use discontinued for more than a twelve (12) month period.

**Animated** means the movement of any light used in conjunction with a sign such as motion picture, blinking, flashing, or changing degree of intensity of any light movement other than continuous light emission.

**Area of sign** means the area of the largest single sign face within a perimeter formed by the outside shape, including any frame that forms an integral part of the display. This would not include the necessary supports or uprights of the sign. If the sign consists of more than one (1) section or module, all areas are totaled. Any writing, representation, emblem, logo, symbol or other display that has no background or is irregular in shape shall be computed based on squares or rectangles which enclose the extreme outer limits of the advertising message, announcement or decoration.

**Athletic scoreboard** means a sign accessory to an athletic playing field and/or its associated fences and walls,

**Automobile, RV, truck, cycle, boat sales and dealerships signs** means a ground sign located on a property with a valid/lawful certificate of occupancy for automobile, RV, truck, cycle, boat sales and dealerships as defined in Section 23-22.

**Awning sign** means a sign with a rigid-framed, roof-like structure attached to a wall running parallel to the exterior wall of a building and composed of a covering or non-rigid materials and/or fabric, vinyl or canvas that may be either permanent or retractable.

**Banner** means a temporary sign of lightweight fabric, vinyl, polypropylene, polyester mesh, cloth, plastic, or similar flexible material that can be mounted to a structure with cord, rope, cable, hardware or similar method or that may be supported by stakes or poles in the ground.

**Beacon** means any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

**Billboard.** See off-premises sign definition.

**Building marker sign** means any sign that is engraved into a masonry surface or made of bronze or other permanent material.

**Changeable copy sign** means a permanent sign, whether electronic or manual, where copy changes. See **Electronic message board**.

**Commercial message** means any sign with wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, profession, commodity, event, person, institution, or other commercial activity or otherwise contains commercial speech.

**Commercial speech** means any message proposing a commercial transaction or related to the economic interests of the speaker and its intended audience. Commercial speech does not include false or misleading information, or advertises or promotes an illegal product or activity.

**Construction sign** means a temporary sign on a lot that has a valid building permit issued by the City of Appleton.

**Copy** means the wording or graphic content on a sign surface.

**Directory sign** means a wall or ground sign placed adjacent to the publicly used entrance to the building.

**Display time** means the amount of time words, symbols, figures, or images are displayed on an electronic message board.

**Driveway sign** means a ground sign located adjacent to the driveway as defined in Section 23-22.

**Educational institution sign** means a permanent ground or wall sign located on a property with a valid/lawful certification of occupancy permit for educational institution as defined in Section 23-22.

**Electronic message board** means a permanent wall or ground sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs shall include the modes of operations pursuant to Sec. 23-530 of this Article.

**Electric sign** means any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

**Flag** means a sign made of fabric, bunting, or similar material, attached along one side to a single pole. The pole is either freestanding or attached to a building.

**Flashing sign** means a sign or part thereof, operated so as to create flashing; change in light intensity, color or copy or intermittent light impulses more frequent than one every ten seconds and further provided that electronic message boards as defined herein shall not constitute flashing signs. It is further provided that a sign which creates intermittent light impulses which convey time of day and/or temperature only shall not constitute a flashing sign.

**Frame** means a complete, static display screen on an electronic message board sign.

**Freeway** means Interstate Highway 41 and State Highway 441.

**Freeway-oriented on-premises sign** means any on premises sign whose property abuts a freeway.

**Frontage** means that boundary of a lot that abuts a dedicated public street. The public right-of-way may include frontage roads.

**Ghost sign** means a hand-painted sign that remains from an earlier time that was in existence on or before January 22, 2000, and is still present on the wall.

**Governmental Sign** means any sign that is:

- (a) constructed, placed, or maintained by the federal, state, or local government; or

- (b) constructed, placed, or maintained on a federal, state, or local government building, structure, or property;
- (c) required to be constructed, placed or maintained by the federal, state or local government either directly; or to enforce a property owner's rights.

Governmental signs include: signs erected by, or on behalf of, a governmental unit, including legal notices, traffic signs, or other similar regulatory devices, building address numbers, directional signs, wayfinding signs, warnings at railroad crossings, and other instructional or regulatory signs pertaining to health hazards, parking, swimming, dumping, and such emergency or non-advertising signs as may be approved by the Traffic Engineer for safety purposes or other signs approved by the Common Council.

**Ground sign** means any sign supported by structures or supports placed on or anchored in the ground and independent from any building or other structure.

**Height of sign or sign height** means the vertical distance measured from the normal grade to the highest point of the sign.

**Historic marker signs** means a sign located on or within a historical structure, site, or district pursuant to Article XVII. of this chapter or approved by the Wisconsin Historic Society pursuant to the Wisconsin Historical Markers Program.

**Home occupation sign** means a wall sign located on a property that has a valid/lawful home occupation pursuant to §23-45 of this chapter.

**Hospital sign** means a permanent sign located on a property with a valid/lawful certification of occupancy for hospital use as defined in Section 23-22.

**Inspections Supervisor** means the City of Appleton Inspections Supervisor or designee.

**Interior Signs** means a sign located inside an exterior window, walls, or door of any building, mall, courtyard, stadium (including athletic scoreboards and fences), or enclosed lobby, when such signing is intended for interior viewing only.

**Marquee** means any permanent, roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Menu board** means a structure associated with a drive-through window or walk-up service window.

**Mural** means a picture, illustration, design, representation and/or copy painted or drawn directly onto the surface of an exterior building wall. Definition of Mural does not include Public art and/or murals installed or located, and approved in accordance with the City of Appleton Public Arts Policy.

**Neighborhood and subdivision identification signs** means a wall or ground sign that is located at the entrances of a neighborhood or subdivision that is officially designated as a registered neighborhood by the city or approved pursuant to the City of Appleton Land Division and Subdivision Ordinance.

**Noncommercial message** means any message which is not a commercial message as defined herein.

**Noncommercial speech** mean any speech which is not commercial speech as defined herein.

**Nonconforming sign** means any sign that does not conform to the requirements of this Article.

**Normal grade** shall be construed to be the newly established grade after construction, exclusive of any filling, berming, molding or excavating solely for the purpose of locating the sign.

**Off-premises sign** means a sign that directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered at a location other than where the sign is located. This definition shall include, but is not limited to, billboards, posters, panels, painted bulletins, and similar advertising displays. An off-premises sign meets any one of the following criteria and includes only commercial messages:

- A permanent structure sign which is used for the display of off-premises commercial messages;
- A permanent structure that constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
- An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee, or other consideration.

**On-premises sign** means any sign identifying or advertising persons, entities, activities, business goods, products, facilities or services located on the lot where the sign is installed and maintained.

**Painted wall sign** means a picture, illustration, design, representation and/or copy painted or drawn directly onto the surface of an exterior building wall .

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

**Person** means any individual, association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

**Places of worship, community living arrangements serving 16 or more persons, assisted living and retirement home serving 16 or more person, residential care apartment complex serving 16 or more persons and nursing home sign** means a permanent ground or wall sign located on a property with valid/lawful certificate of occupancy permit for place of worship, community living arrangement serving 16 or more persons, assisted living and retirement home serving 16 or more persons, residential care apartment complex serving 16 or more persons and nursing home as defined in Section 23-22.

**Principal building** means the building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but garages and other clear accessory uses shall not be considered principal buildings.

**Projecting sign** means a sign, normally double-faced, which is attached to a structure or building perpendicular to the wall and extending more than six (6) inches. The area of projecting signs is calculated on one (1) face only.

**Projection sign** means a temporary sign created by projecting light, images, or video onto a building, structure, or surface.

**Public art** means artwork that is installed or located, and approved in accordance with the City of Appleton Public Arts Policy.

**Public institutional identity signs** means a sign located on a lot that has a valid/lawful certificate of occupancy permit to any public institutional use(s) occupying the premises as defined in Section 23-22.

**Real Estate Marketing Sign** means a temporary ground sign with a valid building permit from the City of Appleton on the lot.

**Real Estate Sign** means a temporary wall or ground sign located on a lot where real property is for sale or rent.

**Right-of-way** is all public property used or intended for use as a travelway and the public property that is adjacent to the travelway.

**Roof sign** means a sign erected upon, against or above a roof and extending above the highest point of the roof. If the sign does not extend above the highest point of the roof and is single-faced, it is a wall sign.

**Sandwich board sign** means a temporary sign that is self-supported and moveable, typically A-shaped with two visible sides.

**Setback** means the required distance a sign must be located from a lot line, easement, right-of-way line, adjacent building or other feature as indicated in this Article.

**Sign** means any device, fixture, placard, or structure that uses any writing, image, representation, emblem, logo, symbol or other display illuminated or non-illuminated to advertise, announce the purpose of, or identify the purpose of a person or entity to attract attention, or to communicate information of any kind to the public, visible from any public way or public street. For the purpose of removal, signs shall also include all sign structures as well as the sign itself. Signs located entirely within an enclosed building and not capable of being read from a outside of the building shall not be considered a sign.

1. Athletic scoreboards, flags, holiday decorations, menu boards, streamers, pennants, umbrellas, balloons and inflatable figures and anything else not containing copy, used for advertising purposes or otherwise meeting the definition of a sign are not considered signs.

**Sign structure** means any structure or material that supports, has supported, or is capable of supporting or helping maintain a sign in a stationary position, including decorative covers.

**Street frontage** means the distance for which a lot line of a lot adjoins a street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street. Corner or double frontage lots will have more than one (1) street frontage.

**Suspended sign** means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Swinging sign** means a sign installed on an arm, mast, or spar that is not permanently fastened to an adjacent wall or upright pole.

**Temporary sign** means a sign intended to display either a commercial or non-commercial message for a limited time and is not permanently mounted or does not have footings. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time (rather than permanently attached to the ground or a structure).

**Transition means** visual effect used on an electronic message board to change from one message, symbol, figure, and/or image to another.

**Vehicle Sign** means a sign on a licensed and operable truck, bus, trailer, or other vehicle.

**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 sign** means any sign attached parallel to, and within six (6) inches of, a wall or erected and confined within the limits of an outside wall of any building. The sign is supported by such building.

**Wave banner** means a free-standing temporary sign typically constructed of a lightweight vinyl, polypropylene, polyester mesh, fabric, cloth, plastic, or similar flexible material and mounted on a flexible pole driven in the ground with an attached pennant that is vertically elongated and attached to the pole.

**Wayfinding signage** means signs that are part of a City-sponsored and coordinated program for the purpose of directing pedestrian and vehicular traffic to local destinations.

**Window sign** means a permanent or temporary sign that is placed inside a window and is visible from the exterior. A window sign does not supersede the transparent purpose of the window.

**Yard sign** means a temporary, on-premises sign that is either free-standing or mounted on one (1) or two (2) stakes or posts.

(Ord 2-15, §1, 1-27-15; Ord 34-15, §1, 3-24-15; Ord 34-18, §1, 4-10-18)

### **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:

- (a) Signs that employ intermittent or flashing illumination, animation, motion picture, laser projection, sound emission (except electronic message boards and projection signs as defined in this Article).
  - (b) Beacons.
  - (c) Off-premises signs.
  - (d) Roof signs.
  - (e) Signs marked, tacked, or otherwise affixed to trees or other vegetation.
  - (f) Signs containing statements, words, or pictures of an obscene or pornographic nature.
  - (g) 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.
  - (h) Swinging and alternating signs.
- (Ord 3-15, §1, 1-27-15; Ord 34-18, §1, 4-10-18)

#### **Sec. 23-506. Legal, nonconforming signs.**

##### **(a) *Existing Nonconforming Signs***

- (1) Signs lawfully existing at the time of the adoption or amendment of this chapter or located in an area annexed to the city of Appleton may be continued although the use, size, or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming sign, and the provisions of this chapter shall apply to specific nonconforming rights.
- (2) Any nonconforming sign hereafter relocated, moved, reconstructed, extended, enlarged, changed in shape or use (not including changing the copy), altered, or modified shall be made to comply with the provisions of this chapter.
- (3) Maintenance of nonconforming signs including changing the sign face of existing advertising areas, replacing light bulbs or wiring, and painting is permitted.
- (4) If damaged or destroyed, a nonconforming sign may be replaced within one year after the calamity to the size, location, and use that it had immediately before the damage or destruction occurred, if the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- (5) A conforming sign does not become nonconforming due to City, County or State acquisition of right-of-way according to §23-42(e) of this chapter.

(Ord 34-10, §1, 4-10-18)

#### **Sec. 23-507. Signs not requiring a permit.**

(a) The following signs are allowed in all zoning districts without the need for a sign permit, unless otherwise stated in this Article. Such signs shall not count as part of the maximum permitted sign area, maximum number of signs per lot, or building, but shall comply with sign setbacks, height and vision corner requirements, unless otherwise stated in this Article.

(1) ***Banners and Wave Banners.***

Subject to the following requirement:

- a. Sign area: Single and two-family residences shall not exceed thirty-two (32) square feet.

(2) ***Building marker sign.***

Subject to the following requirement:

- a. Sign area: Shall not exceed four (4) square feet.

(3) ***Construction signs.***

Subject to the following requirements:

- a. Sign number: One (1) construction sign per street frontage is allowed.
- b. Sign location: This sign shall be placed on the lot that the building permit was issued by the City of Appleton.
- c. Sign timeframe: Such signs shall not be erected prior to the beginning of work for which a valid building or demolition permit has been issued, and shall be removed within ten (10) days of completion of the work or the expiration of the permit, whichever is sooner.
- d. Sign area: Single and two-family residences shall not exceed sixteen (16) square feet.
- e. Sign area: Commercial, public institutional, industrial, multi-family, traditional or planned developments shall not exceed ninety-six (96) square feet.

(4) ***Driveway signs.***

Subject to the following requirements:

- a. Sign area: Shall not exceed six (6) square feet.
- b. Sign number and placement: No more than one (1) driveway sign is permitted per each side of driveway. Must be located within the ten (10) feet of the nearest lot line.
- c. Driveway signs are prohibited for single and two-family residences.

(5) ***Directory signs.***

Subject to the following requirements:

- a. Sign area: Shall not exceed thirty-two (32) square feet.
- b. Sign height: If a ground sign, maximum eight (8) feet.
- c. Sign placement: shall be placed adjacent to publicly used entrance to the building.
- d. Sign number: One (1) per building unless the building has more than one entrance or direct frontage on more than one street, in which case two (2) signs are allowed.
- e. Directory signs are prohibited in single and two-family residences.

(6) ***Governmental signs.***



**(7) *Historic marker signs.***

Subject to the following requirements:

- a. Sign placement: A sign may be a ground sign or placed flat against a building, monument stone, or other permanent surface.
- b. Sign size: Shall not exceed twenty-seven (27) square feet in area or shall not exceed the size limitations established by the State Historic Markers Program Administered by the Wisconsin State Historical Society, whichever is greater.

**(8) *Home occupation signs.***

Subject to the following requirements:

- a. Sign number: One (1) wall sign.
- b. Illuminance: The sign associated with an otherwise lawful home occupation may not be an illuminated wall sign.
- c. Sign size: Shall not exceed two (2) square feet.

**(9) *Projection Sign.***

Subject to the following requirements:

- a. Sign Placement: If projecting across right-of-way, the projection must be a minimum of 15' above street grade at all points over the right-of-way. No height restriction if projection is included in an approved special event permit or street occupancy permit and the right-of-way is closed during projection.
- b. If the temporary projection sign is located on a nearby property and projects over a right of way onto another property, the light trespass ordinance will not apply when all the affected property owners consent to the temporary projection sign.

**(10) *Public Institutional identity signs.***

Subject to the following requirements:

- a. Sign number: One (1) sign.
- b. Sign size: Shall not exceed sixty (60) square feet.
- c. Sign setback: This sign must be located a minimum of ten (10) feet from the right-of-way line.

**(11) *Neighborhood and Subdivision identification signs.***

Subject to the following requirements:

- a. Sign location: Sign must be located at entrances of neighborhoods or subdivisions on private property and comply with setbacks set forth.
- b. Sign size and height: Shall not exceed eight (8) feet in height and forty-eight (48) square feet per sign face, and meet all other design standards in Division 4.

**(12) *Real estate signs.***

Subject to the following requirements:

- a. Sign number: One (1) real estate sign per street frontage of a lot.
- b. Sign area: Shall not exceed eight (8) square feet for residential districts, thirty-two (32) square feet for public institutional and commercial districts, or sixty-four (64) square feet for industrial districts.
- c. Sign Illumination: Sign cannot be illuminated.
- d. Sign removal: Real estate signs shall be removed within fifteen (15) days after the sale, rental, or lease has been accomplished.

**(13) *Yard signs.***

Subject to the following requirements:

- a. Sign number: Each lot shall be limited to five (5) yard signs.
- b. Sign Area: Each sign shall not exceed sixteen (16) square feet (16 sq ft).
- c. Sign Height: No yard sign may be higher than four feet (4 ft).
- d. Cumulative Sign Area: The cumulative total yard sign area for any lot is sixty (60) square feet.
- e. Exception: Paragraphs (a – d) do not apply to on-premises signs placed on residential property pursuant to Wis. Stat. § 12.04 (2023-24, and as amended from time to time). To ensure traffic and pedestrian safety, signs:
  - 1. May not be larger than eleven square feet (11 sq ft) in area.
  - 2. May not have any electrical, mechanical, or audio auxiliary.
- f. Subparagraph (e)(i) does not apply to a sign which is affixed to a permanent structure and does not extend beyond the perimeter of the structure, if the sign does not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.

**(14) *Window signs.***

Subject to the following requirements:

- a. Sign ratio: Temporary window signs shall not exceed fifty percent (50%) of the gross window area of any given wall or ten percent (10%) of the glass on any door.
- b. Sign area: The square footage of permanent window signs shall be included in the maximum allowable square footage of wall sign pursuant to Sec. 23-523(c).

**(15) *Vehicle signs.***

(Ord 34-18, §1, 4-10-18)

**Secs. 23-508 – 23-521. Reserved.**

**DIVISION 4. DESIGN STANDARDS**

**Sec. 23-522. Number of signs.**

(a) ***One (1) ground sign.*** One (1) permanent ground sign is permitted for each lot unless specified elsewhere in Section 23-529 and this Article.

(b) ***Two (2) ground signs.*** Two (2) permanent ground signs may be permitted if a parcel has a second street frontage subject to the following regulations:

- (1) For corner lots, each street frontage must be at least two hundred (200) feet before two (2) signs are allowed;
- (2) Double frontage lots must have at least three hundred (300) feet of lot depth.
- (3) Maximum size of the two (2) signs are one hundred eighteen (118) square feet for the primary sign and thirty-two (32) square feet for the secondary sign.
- (4) In no case will two (2) ground signs be allowed on the same street frontage for the same business or parcel.

(c) **Temporary signs.** One (1) temporary sign per street frontage is allowed within the minimum principal building front yard setback requirement, unless otherwise specified and provided the setback and clearance requirements of this Article are complied with.

(1) There is no limit to the number of temporary signs on the remainder of the property.  
(Ord 34-18, §1, 4-10-18)

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

(a) **Ground signs.** The maximum area of a permanent ground sign shall not exceed one hundred fifty (150) square feet per sign face unless specified elsewhere in Section 23-529 and this Article.

(b) **Multiple-faced signage.** The surface area of a sign shall be calculated only on the basis of adding together the area of the sign face(s) that can be read by one (1) viewer at a time. Where two (2) identical sign faces are both faces cannot be read by any one (1) viewer simultaneously, only one (1) of the faces shall be calculated for purposes of determining sign surface area.

(c) **Wall sign calculation.** For purposes of maximum area for wall signs, this calculation shall include awning, marquee, 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, thirty-five percent (35%) of the building wall area or three hundred fifty (350) square feet whichever is less.

(2) In the M-1 and M-2 zoning districts, the maximum area of wall signage shall be calculated as ten percent (10%) of each building wall.

(d) **Changeable copy signs (manual and electronic message boards).** The maximum area cannot exceed forty-eight (48) square feet, and shall counts towards the total allowable ground or wall area.

(e) **Sandwich board signs.** The maximum height is three and one-half (3½) feet, maximum width is two and one-half (2½) feet, and maximum leg support height is six (6) inches.  
(Ord 4-15, §1, 1-27-15; Ord 34-10, §1, 4-10-18)

#### **Sec. 23-524. Ground sign height.**

(a) **Total height.** The height of a ground sign shall not exceed twenty-eight (28) feet in height unless specified elsewhere in Section 23-529 and this Article.

(b) **Computation of height.** Sign height shall be computed as the distance from the base of the sign or sign structure at normal grade to the top of the highest attached component of the sign. Where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a street or the grade of the land at the principal entrance to the principal building, whichever is lower.

#### **Sec. 23-525. Setback and clearance.**

(a) **Signs located in the right-of-way.** The closest point of a sign shall not encroach into the public right-of-way, including public sidewalks and terraces unless a street occupancy permit is obtained. Approval of this permit must be obtained from the Public Works Department. Signs in the right-of-way may have different dimensional standards.

(b) **Side lot line.** A sign shall be located no closer than five (5) feet from the side lot line.

(c) **Within fifteen (15) feet of right-of-way and driveway.** A ground or temporary sign, any part of which is closer than fifteen (15) feet to the right-of-way and driveway, shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three (3) feet in height above the grade at the right-of-way line unless specified elsewhere in Section 23-529 and this Article.

(d) **Intersections.** Any ground or temporary sign within twenty-five (25) feet of an intersection shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of ten (10) feet or shall be not more than three (3) feet in height above grade.

(e) **Projecting signs.** Projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the normal grade of eight (8) feet. The maximum height between the top of the sign and the normal grade shall not exceed sixteen (16) feet.

(f) **Parking area/driveway clearance.** Any sign located over a parking area or driveway shall have a minimum vertical clearance of fourteen (14) feet.

(g) **Electrical lines.** All signs shall be so located so as to avoid any contact with above or underground electrical and communication lines.

(Ord 34-18, §1, 4-10-18)

#### **Sec. 23-527. Awning and marquee signs.**

For this section, awning includes marquees unless otherwise specified.

(a) The sign copy area shall not be larger than the maximum wall sign area restrictions in Sec. 23-523(c). The copy area shall count as part of the maximum wall sign area calculation.

(b) An awning sign shall meet the following conditions:

(1) An awning shall not extend more than five (5) feet from the face of a building.

(2) The support structure shall not extend into the right-of-way without obtaining a street occupancy permit.

(3) Minimum clearance for an awning sign shall be eight feet (8') from the lowest edge of the awning material to the normal grade.

(4) The valance shall not exceed nine (9) inches, and letters on the valance shall not exceed six (6) inches in height.

(5) If illuminated, a light source shall meet all national and local electrical codes.

(Ord 34-18, §1, 4-10-18)

#### **Sec. 23-528. Sign lighting.**

Signage may be internally lighted or may have external illumination mounted on the sign, building, or ground. However, no external light source shall be positioned as to interfere or be seen by vehicular traffic or adjacent residential uses.

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

(a) **Hospital sign** The following design standard exceptions are permitted for AG, R-1A, R-1B, R-1C, R-2, R-3, and NC zoned lots:

- (1) Ground sign: One (1) ground sign for every five hundred (500) feet of frontage subject to size, height and setback restrictions in accordance with Division 4 of this Article.
- (2) Driveway sign: One (1) driveway sign shall be permitted per side of driveway at each driveway entrance and not exceed seventy (70) square feet in area. All height and setback restrictions in accordance with Division 4 of this Article shall be complied with.
- (3) Directory signs: One (1) directory sign shall be permitted at each entrance door to the hospital or clinic, a ground and wall signs shall not exceed forty (40) square feet in area.
- (4) Sign illuminance: All hospital related signs may be lighted for nighttime identification.

(b) **41 and 441 freeway exceptions.** The following ground sign design standard exceptions for P-I, C-O, C-1, C-2, M-1, and M-2 zoned lots apply to freeway-oriented on-premises signs:

- (1) A ground sign may exceed twenty-eight (28) feet in height by two (2) feet for each additional foot the sign is set back from a minimum of ten (10) feet from the freeway right-of-way. No ground sign shall exceed sixty (60) feet in height above the abutting freeway's centerline grade.
- (2) A ground sign may exceed one hundred fifty (150) square feet in area by ten (10) square feet for each additional foot the sign is set back from a minimum of ten (10) feet from the freeway right-of-way. No ground sign shall exceed two hundred (200) square feet in area per sign face.
- (3) If a single parcel exceeds nine (9) acres, a second ground sign not exceeding twenty-eight (28) feet in height and one hundred fifty (150) square feet in size shall be allowed within the front yard opposite the freeway provided the setback and clearance requirements of this Article are complied with.

(c) **Places of worship, community living arrangement serving 16 or more persons, assisted living and retirement home serving 16 or more persons, residential care apartment complex serving 16 or more persons and nursing home signs.** The following design standard exceptions are permitted for AG, R-1A, R-1B, R-1C, R-2, R-3, and NC zoned lots:

- (1) Ground sign: One (1) ground sign not to exceed sixteen (16) feet in height and forty-eight (48) square feet per sign face for each street frontage as calculated for multiple-faced signage pursuant to Sec. 23-523(b).
- (2) Wall Sign: One (1) wall sign will also be allowed per street frontage subject to design standards pursuant to Division 4.

(d) **Educational institution signs.** The following design standard exceptions are permitted for AG, R-1A, R-1B, R-1C, R-2, R-3, and NC zoned lot:

- (1) Number of wall signs: One (1) wall sign will also be allowed per street frontage subject to design standards pursuant to Division 4
- (2) A substitute for the one (1) wall sign may be a changeable copy sign, attached to the exterior wall of the school building, not to exceed forty-eight (48) square feet in area.
- (3) Number of ground signs: One (1) ground sign or one (1) changeable copy sign affixed to the ground as calculated for multiple-faced signage pursuant to Sec. 23-523(b), provided a changeable copy sign does not exist as a wall sign.
- (4) Ground sign placement: A twenty (20) feet minimum setback from the public right-of-way.
- (5) Ground sign height: Maximum: Fifteen (15) feet in height.
- (6) Ground sign area: Maximum: Forty-eight (48) square feet per sign face.

(e) **Automobile, RV, truck, cycle, boat sales and dealerships signs.** The following design standard exceptions are permitted:

- (1) Ground sign number and area: Dealerships selling new and/or used vehicles shall be allowed one (1) ground sign for each fifty thousand (50,000) square feet of hard-surfaced designated for the outdoor display of vehicles for sale.

(f) **Real estate marketing sign.** The following design standard exceptions are permitted for real estate marketing sign:

- (1) Number of ground signs: One (1) ground sign per street frontage.
- (2) Ground sign area: Maximum eighty (80) square feet in area.
- (3) Such permit will be issued for one (1) calendar year and may be renewed for one (1) additional calendar year.

(g) **Ghost Sign.** The following design standard exceptions are permitted:

- (1) 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.

(Ord 34-18, §1, 4-10-18)

#### **Sec. 23-530. Electronic message boards.**

- (a) Minimum display (static) time: Eight (8) seconds.
- (b) Transition time between messages and/or message frames: Three (3) seconds or less.
- (c) The following modes of operation shall be allowed:
  - (1) Static: Signs which include no animation or effects simulating animation.
  - (2) Fade: Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
  - (3) Dissolve: Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.
  - (4) Travel: Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.
  - (5) Scrolling: Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

(d) All electronic message boards must be equipped with automatic light sensors to adjust sign brightness and shall comply with light trespass requirements of Sec. 23-53(g) of this chapter.

(Ord 34-18, §1, 4-10-18)

#### **Sec. 23-531. Murals.**

(a) Murals are permitted in the following zoning districts:

- (1) C-1, C-2, C-O, CBD, P-I, M-1 and M-2.

(b) **Permit requirements.** A permit must be applied for and received pursuant to Sec. 23-540 of this Article. In addition, all provisions of Division 5 of the Article shall apply to murals.  
(Ord 34-18, §1, 4-10-18)

**Secs. 23-532 – 23-539. Reserved.**

## **DIVISION 5. ADMINISTRATIVE PROCEDURES**

### **Sec. 23-540. Sign permit.**

(a) **Permit required.** A permit from the Inspections Supervisor shall be required for any person to erect, place, replace, move, establish, paint, construct, install, convert, substantially alter, rebuild, enlarge, remodel, relocate, or illuminate any sign, unless exempted under Sec. 23-507. Repainting, routinely maintaining, or changing the message on a sign will not be considered a substantial alteration and will not require a permit.

(b) **Permit fee.** The fee for sign permits shall be established by the Common Council and on file in the Office of the City Clerk. Permit fees shall increase to three (3) times the amount if a permit is applied for after the work is started.

(c) **Permit application.** Before construction of any sign requiring a permit, an application must be filed with the Inspections Supervisor. Applications for a sign permit shall include a set of mandatory submittals as listed in this section. In addition, optional submittals may be required by the Inspections Supervisor if deemed necessary due to the character of the particular proposal under consideration. Applications will not be processed until all required submittals have been provided to the Inspections Supervisor. All applications shall be submitted upon a fully completed application form and shall be accompanied by payment of the applicable fee to defray the cost of reviewing and processing the application.

(d) **Mandatory submittals for a sign permit.**

- (1) Every applicant for a sign permit shall submit an application form as prescribed by the Inspections Supervisor
- (2) The application form shall be fully completed and contain the name and/or signature of the applicant.
- (3) Electrical signs are required to be listed. On the sign permit, state if the sign is to be electrical and listed.
- (4) The depiction showing the elevation of the proposed sign(s) needs to contain the following information:
  - a. Maximum dimensions of the sign(s) including dimensions of the supports, total height, and normal grade to bottom of sign.
  - b. The materials of which the sign's structural supports and all other elements are constructed.
  - c. Structural supports or visible methods of attaching the sign with dimensions to include the total height of the sign.
  - d. Calculations showing the structure meets the requirements of this section for wind pressure load.
  - e. If required, the Inspections Supervisor may require plans, specifications and calculations be signed and sealed by a Wisconsin registered architect or engineer.

- (5) A scaled drawing, showing the location and dimensions of the sign being applied for, along with the sign's relation to lot lines, streets (with identified names), any existing signs, and structures on the premises.

(Ord 86-06, §1, 7-11-06; Ord 34-18, §1, 4-10-18)

### **Sec. 23-541. Denial of sign permit.**

If a sign permit is denied, the applicant can, within ten (10) days, request in writing the reasons for denial. The Inspections Supervisor shall then prepare a brief written statement of the reasons for denial.

(Ord 34-18, §1, 4-10-18)

**Sec. 23-542. Variances and appeals.**

(a) **Appeals.** Any aggrieved person adversely affected by the denial of a permit by the Inspections Supervisor may appeal such denial to the Board of Appeals pursuant to Sec. 23-67 of this Chapter provided the appeal is submitted in writing to the Inspections Supervisor in ten (10) calendar days after the receipt of their decision.

(b) **Variances.** Variances to any provisions within this Article shall follow Sec. 23-67 of this chapter.  
(Ord 121-05, §1, 10-25-05; Ord 87-06, §1, 7-11-06; Ord 34-18, §1, 4-10-18)

**Sec. 23-543. Reserved.**

This section deleted with Ord 34-18, §1, 4-10-18.

**Sec. 23-544. Indemnification of the city for sign installation and maintenance.**

All persons engaged in the business of installing or maintaining signs involving the erection, alteration, relocation, or maintenance of a sign within or near public right-of-way or public property shall agree to indemnify, defend, and hold harmless the City or its officers, agents, and employees from any and all claims.

**Sec. 23-545. Reserved.**

This section deleted with Ord 34-18, §1, 4-10-18.

**Sec. 23-546. Construction specifications.**

(a) All signs shall comply with the provisions of Chapter 4 of this Municipal Code, the provisions of the National Electrical Code as amended, and the additional construction standards set forth in this section where applicable.

(b) All ground structures shall be self-supporting and permanently attached to sufficient foundations based on the height and size of sign.

(c) Electric service to ground signs shall be concealed.

(d) All signs, except those attached flat against the wall of the building, shall be constructed to withstand wind loads of thirty (30) pounds per square foot on the largest face of the sign and structure.

(e) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.  
(Ord 34-18, §1, 4-10-18)

**Sec. 23-547. Maintenance required; abandoned signs.**

(a) **Maintenance and repair.** All signs and murals shall be maintained in a safe, legible and good condition.

- (1) **Safety.** All signs shall be maintained to the same structural standards by which they were approved or, in the case of nonconforming signs and murals, the standard by which they would have otherwise been approved. All metal parts which are subject to rust or corrosion shall be painted at all times, all anchors and other fastenings shall be maintained in a secure and functioning condition capable of sustaining the loads for which they were designed.
- (2) **Legibility.** All signs shall be maintained in a legible condition (except when a weathered or natural surface is intended). Painted signs and murals shall be repainted at such times as the deterioration of the paint results in illegibility or disfiguration.
- (3) **Condition.** All materials that comprise the sign face shall be replaced if broken. All electrical components, switches, lamps, relays, fuses and similar devices shall be maintained in good working order. Faded, torn, frayed, ripped, dirty, stained, or discolored materials shall be replaced.



(b) ***Discontinued or abandoned signs.***

- (1) If any sign is discontinued or abandoned for a period of at least six (6) consecutive months in a twelve (12) month period, such sign shall be considered a public nuisance affecting or endangering surrounding property values and will be considered to be detrimental to the public health, safety and general welfare of the community.
- (2) All discontinued or abandoned signs and sign messages shall be removed by the owner or lessee of the premises when the business is no longer conducted there, except if any period of involuntary discontinuance occurs during the temporary closing of a street for road repair. If the owner or lessee fails to remove the sign, the Inspections Supervisor shall give the owner sixty (60) days written notice to remove the sign.
- (3) The Inspections Supervisor, may take any appropriate legal action necessary to obtain compliance, including issuing citations. Removal of the sign in question includes the removal of the sign structure and sign cabinet.

(Ord 34-18, §1, 4-10-18)

**Sec. 23-548. Payment for sign removal.**

When it becomes necessary for the Inspections Supervisor to remove or cause to be removed or taken down, a defective, unsafe, or dangerous sign, the cost thereof shall be placed on the tax roll as a special charge and become a lien against the benefited property, unless paid sooner.

**Sec. 23-549. Penalty.**

Any person who shall violate or cause to be violated any provisions of this section shall, upon conviction thereof, forfeit not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), together with the costs of prosecution. Each day a violation exists, or continues, shall constitute a separate offense.

**Secs. 23-550 – 23-559. Reserved.**

**DIVISION 6. SIGNS ALLOWED BY ZONING DISTRICTS**

**Sec. 23-560. Reserved.**

(Ord 89-06, §1, 7-11-06; Ord 34-18, §1, 4-10-18)

**Sec. 23- 561. Table 3. Allowed and Prohibited Signs by Type and Zoning District.**

Include, but are not limited to, the following:

<b>Sign Type</b>	<b>AG</b>	<b>R-1A, R-1B, R-1C &amp; R-2</b>	<b>R-3, NC</b>	<b>P-I &amp; C-O</b>	<b>C-1 &amp; C-2</b>	<b>CBD</b>	<b>M-1</b>	<b>M-2</b>
<b><i>Ground</i></b>	A <sup>a</sup>	A <sup>a</sup>	A <sup>a</sup>	P	P	P	P	P
Awning	X	X	X	P	P	P	P	P
Building Marker	A	A	A	A	A	A	A	A
Ghost	P	P	P	P	P	P	P	P
Marquee	X	X	X	P	P	P	P	P
Projecting	X	X	X	P	P	P	P	P
Roof	X	X	X	X	X	X	X	X
Suspended	X	X	X	P	P	P	P	P
Swinging	X	X	X	X	X	X	X	X
Wall	A <sup>a</sup>	A <sup>a</sup>	A <sup>a</sup>	P	P	P	P	P
Window	A	A	A	A	A	A	A	A

Animated, flashing illumination, motion picture, laser projection, or sound emission	X	X	X	X	X	X	X	X
Banners and Wave Banners	A	A	A	A	A	A	A	A
Beacons	X	X	X	X	X	X	X	X
Changeable Copy (manual and electronic message board)	X	X	X	P	P	P	P	P
Construction	A	A	A	A	A	A	A	A
Driveway	A	X	A	A	A	A	A	A
Directory	A	X	A	A	A	A	A	A
Governmental	A	A	A	A	A	A	A	A
Historic Marker	A	A	A	A	A	A	A	A
Home Occupation	A	A	A	A	A	A	A	A
Interior	A	A	A	A	A	A	A	A
Neighborhood and Subdivision Identity	A	A	A	A	A	A	A	A
Off-Premises	X	X	X	X	X	X	X	X
Yard	A	A	A	A	A	A	A	A
Real Estate Marketing	P	P	P	P	P	P	P	P
Mural	X	X	X	P	P	P	P	P
Painted	X	X	X	P	P	P	P	P
<b>Sign Type</b>	<b>AG</b>	<b>R-1A, R-1B, R-1C &amp; R-2</b>	<b>R-3, NC</b>	<b>P-I &amp; C-O</b>	<b>C-1 &amp; C-2</b>	<b>CBD</b>	<b>M-1</b>	<b>M-2</b>
Public Institutional Identity	A	A	A	A	A	A	A	A
Real Estate	A	A	A	A	A	A	A	A
Sandwich Board	X	X	X	P	P	P	P	P
Vehicle	A	A	A	A	A	A	A	A

A – Allowed without a permit (§23-507).

P – Permit required.

X – Prohibited sign (§23-505).

A – Ground and wall signs are allowed only as identified in §23-507 and §23-529.

**Secs. 23-562 – 23-569. Reserved.**

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

115-25

AN ORDINANCE AMENDING SECTION 23-54 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TEMPORARY USES AND STRUCTURES.

(City Plan Commission – 10-01-2025)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 23-54 of Chapter 23 of the Municipal Code of the City of Appleton, relating to temporary uses and structures, is hereby amended to read as follows:

**Sec. 23-54. Temporary uses and structures.**

(a) ***Purpose.*** This section is intended to provide the regulation and control of temporary uses and temporary structures that occur on private property on an intermittent basis or for a specific period of time, not intended to become a permanent use or structure. This section will ensure that standards are addressed and that the temporary use or temporary structure will not have a negative impact on adjacent properties and neighborhoods.

(b) ***General standards.*** All temporary uses and structures shall meet the following requirements:

(1) ***Lot and setback requirements.***

- a. A temporary use and/or temporary structure shall not occur or be placed on a vacant lot, unless otherwise stated in this section.
- b. A temporary use and/or temporary structure shall comply with the minimum front, rear and side yard setback requirements for the principal structure (development standards) of the zoning district in which the temporary use or temporary structure is located, unless otherwise stated in this section.
- c. A temporary use and/or temporary structure shall not be placed in an area intended for emergency service vehicles.
- d. A temporary use and/or temporary structure that is located in a parking lot shall not occupy more than forty percent (40%) of the available parking spaces for the principal use(s).
- e. A temporary use and/or temporary structure shall not impede the vehicular traffic circulation or the movement of emergency vehicles on the lot.
- f. A temporary use and/or temporary structure shall not be placed in the required interior or perimeter parking lot landscaping areas.

(2) ***Outdoor lighting.*** The minimum regulations of §23-53, Outdoor lighting shall be complied with.

(3) ***Parking spaces.*** All required parking spaces shall be provided on the same lot with the temporary use, unless otherwise stated in this section. The number of parking spaces required for the temporary use is based on parking requirements for the most similar use type listed under §23-172 of this chapter, unless otherwise stated in this section. However, due to the primary pedestrian orientation of the Central Business District (CBD), the off-street parking requirements are not required for temporary uses located in the CBD. In addition, the number of off-street parking and loading spaces required are reduced by fifty percent (50%) for uses in the C-1 district.

(4) ***Food sales.*** Food sales shall be licensed and operated under valid City of Appleton Health Department permits pursuant to the Municipal Code and state laws.

(5) ***Sanitary facilities.*** Sanitary facilities, either portable or permanent, shall be made available to all employees, attendants and participants of the temporary use or temporary structure during its operation hours, as determined and required by the Inspections Supervisor.

(6) ***Other code requirements.*** The applicant shall apply for and receive all applicable permits and licenses pursuant to the Municipal Code prior to establishing a temporary use and/or temporary structure on a lot.

- (7) **Cleanup.** The site shall be completely cleaned of unsold merchandise, debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and accessories or equipment connected therewith, after the termination of the temporary use or temporary structure.

(c) **Temporary uses.** The following temporary uses may be permitted as specified:

(1) ***Outdoor sale of seasonal agricultural products.***

- a. Permitted zoning districts: AG, P-I, C-1, C-2 or CBD.
- b. Outdoor sales of seasonal agricultural products may be allowed on a lot for no more than one hundred twenty (120) total days per calendar year.
- c. The provision for parking spaces shall be provided on the same lot with the temporary use and/or on-street, pursuant to the requirements of §23-54(b)(3).
- d. Outdoor sale of seasonal agricultural products are exempt from the setback requirements of §23-54(b)(1)b, except that no outdoor sale of seasonal agricultural products, shall be located within the vision corner, pursuant to §23-50, of this chapter.
- e. Temporary structures associated with the temporary use shall comply with the standards of this section.

(2) ***Outdoor Christmas tree sales lot (including incidental sale of Christmas related items).***

- a. Permitted zoning districts: AG, R-1A, R-1B, R-1C, R-2, R-3, P-I, C-1, C-2, or CBD.
- b. Outdoor Christmas tree sales lot (including incidental sale of Christmas related items) may be allowed on a lot for no more than forty-five (45) total days per calendar year.
- c. The provision for parking spaces shall be provided on the same lot with the temporary use and/or on-street, pursuant to the requirements of §23-54(b)(3).
- d. Hours of operation for an outdoor Christmas tree sales lot (including incidental sale of Christmas related items) shall be limited to 8:00 a.m. to 8:00 p.m. when placed on a residential zoned lot or associated with a residence.
- e. Outdoor Christmas tree sales lot (including incidental sale of Christmas related items) are exempt from the setback requirements of §23-54(b)(1)b, except that no outdoor Christmas tree sales lot (including incidental sale of Christmas related items) shall be located within the vision corner, pursuant to §23-50, of this chapter.
- f. Temporary structures associated with the temporary use shall comply with the standards of this section.

(3) ***Outdoor fireworks sales.***

- a. Permitted zoning districts: C-1, C-2 or CBD.
- b. Outdoor fireworks sales may be allowed on a lot pursuant to the timeframe listed on the fireworks vendor license issued by the City Clerk's Office.
- c. The provision for parking spaces shall be provided on the same lot with the temporary use and/or on-street, pursuant to the requirements of §23-54(b)(3).
- d. Outdoor fireworks sales are exempt from the setback requirements of §23-54(b)(1)b, except that no outdoor fireworks sales shall be located within the vision corner, pursuant to §23-50, of this chapter.
- e. Temporary structures associated with the temporary use shall comply with the specific regulations of this section.

(4) ***Rummage sales.***

- a. Permitted zoning districts: Any district when incidental to a residential dwelling.
- b. Provision for parking spaces is not required for rummage sales.
- c. Rummage sales may be allowed on a lot for no more than three (3) consecutive days and no lot shall be used for more than three (3) such sales in one (1) calendar year.
- d. The display of rummage sale items are exempt from the setback requirements of §23-54(b)(1)b, except that no rummage sale items shall be displayed and/or sold within the vision corner, pursuant to §23-50, of this chapter.
- e. Temporary structures associated with the temporary use shall comply with the standards of this section.

(5) ***Outdoor temporary merchandise sales other than outdoor seasonal agricultural products, outdoor Christmas tree sales, outdoor firework sales/stands, rummage sales and outdoor farmers markets.***

- a. Permitted zoning districts: C-1, C-2 or CBD.
- b. Outdoor temporary merchandise sales may be allowed on a lot for no more than five (5) consecutive days and no lot shall be used for more than four (4) such sales in one (1) calendar year.
- c. The provision for parking spaces shall be provided on the same lot with the temporary use, pursuant to the requirements of §23-54(b)(3).
- d. Outdoor temporary merchandise sales are exempt from the setback requirements of §23-54(b)(1)b, except that no outdoor temporary merchandise sales shall be displayed and/or sold within the vision corner, pursuant to §23-50, of this chapter.
- e. Temporary structures associated with the temporary use shall comply with the standards of this section.

(6) ***Outdoor farmers market.***

- a. Permitted zoning districts: AG, P-I, C-1, C-2 or CBD.
- b. Outdoor farmers market may be allowed on a lot pursuant to the dates listed on the farmers market license issued by the City Clerk's Office.
- c. The provision for parking spaces shall be provided on the same lot with the temporary use, pursuant to the requirements of §23-54(b)(3).
- d. Outdoor farmers markets are exempt from the setback requirements of §23-54(b)(1)b, except that no outdoor farmers market shall be located within the vision corner, pursuant to §23-50, of this chapter.
- e. Temporary structures associated with the temporary use shall comply with the specific regulations of this section.

(7) ***Temporary model home sales office.***

- a. Permitted zoning districts: R-1A, R-1B, R-1C, R-2 or R-3.
- b. Temporary model home sales offices may be allowed on a lot for the purpose of promoting the sale, or rental of dwellings and/or lots, which are located only within the same residential development or subdivision for a period of three (3) years.
- c. The provision for parking spaces shall be provided on the same lot with the temporary use and/or on-street, pursuant to the requirements of §23-54(b)(3).

- d. There is no more than one (1) temporary model home sales office in the residential development or subdivision.
- e. The temporary model home sales office shall be designed as a permanent dwelling that meets all relevant requirements of the Municipal Code.
- f. The temporary model home sales office will be converted to residential use after it is used as a temporary model home sales office.

**(8) *Mobile food vendor***

- a. Permitted zoning districts: P-I, C-O, C-1, C-2, CBD, M-1, or M-2.
- b. Outdoor food vendor sales may be allowed on a lot for no more than one hundred twenty (120) total days per calendar year.
- c. The provision for parking spaces shall be provided on the same lot with the temporary use, pursuant to the requirements of §23-54(b)(3).
- d. Outdoor food vendor sales are exempt from the setback requirements of §23-54(b)(1)b, except that no outdoor food vendor sales shall be located within the vision corner, pursuant to §23-50, of this chapter.
- e. Temporary structures associated with the temporary use shall comply with the specific regulations of this section.

**(d) *Temporary structures.*** The following temporary structures may be permitted as specified:

**(1) *Temporary contractor's offices.***

- a. Permitted zoning districts: Any district when associated with a construction project.
- b. Provision for parking spaces is not required for temporary contractor's offices.
- c. Temporary contractor's offices may be located on a lot or vacant lot where there is a valid building permit issued for a permanent structure.
- d. Temporary contractor's offices shall be removed from the site upon issuance of a certificate of occupancy permit or upon occupancy of the permanent structure.
- e. Temporary contractor's offices shall be setback at least ten (10) feet from any property line.
- f. Temporary contractor's offices shall not be located within the vision corner, pursuant to §23-50, of this chapter.

**(2) *Tents or canopies.***

- a. Permitted zoning districts: Any district when associated with any permitted temporary use not including temporary model home sales office.
  - 1. The maximum time limit shall be equal to the allowable time period for the temporary use, where such tent is incidental to the temporary use.
  - 2. Tents or canopies shall not be located within the vision corner, pursuant to §23-50, of this chapter.
- b. Permitted zoning districts: C-1, C-2, CBD, M-1, or M-2 district when associated with an outdoor display.
  - 1. The maximum time limit shall be equal to the allowable time period for the outdoor display, where such tent is

incidental to the outdoor display.

2. Tents or canopies shall not be located within the vision corner, pursuant to §23-50, of this chapter.

**(3) Portable storage units.**

- a. Permitted zoning districts: Any district when incidental to a residential dwelling.
  1. A maximum of four (4) portable storage units not exceeding a cumulative gross floor area of two hundred (200) square feet shall be permitted on a lot for no more than sixty (60) total days per calendar year.
  2. The portable storage unit shall be placed on an impervious surface.
  3. The portable storage unit shall not be located within the vision corner, pursuant to §23-50, of this chapter.
  4. Portable storage units shall not be used for the purposes of a garage or shed.
- b. Permitted zoning districts: P-I, C-O, C-1, C-2, CBD, M-1 or M-2.
  1. Two (2) portable storage units shall be the maximum allowed per lot.
  2. Portable storage units may be allowed on a lot for no more than thirty (30) consecutive days and no lot shall be used for more than three (3) times per one (1) calendar year.
  3. Portable storage units shall be placed on an impervious surface.
  4. Portable storage units may be placed on a lot within a designated loading space or shall be placed on a lot pursuant to §23-54(b), of this chapter.

**(4) Temporary structures other than tents, canopies, temporary contractor's offices, or portable storage units.**

- a. Permitted zoning districts: Any district.
- b. Temporary structures may be located on a lot provided the use occupying a temporary structure is listed as a principal permitted use or special use in the underlying zoning district.
- c. The maximum time limit of the temporary structure other than a tent, canopy, temporary contractor's office, or portable storage unit shall be equal to the allowable time period for the temporary use, where such temporary structure is associated with a temporary use.
- d. Except as set forth in §23-54(d)(4)c, the maximum time limit of a temporary structure may not exceed six (6) months per calendar year.
- e. Temporary structures shall not be placed or located on pervious surfaces.
- f. Temporary structures shall not be located within the vision corner, pursuant to §23-50 of this chapter.

(e) **Other temporary uses or temporary structures.** The Community Development Director may determine that an unlisted temporary use or temporary structure may be allowed if it is similar in character to other temporary uses or temporary structures listed in this section and meets the intent of this ordinance.

**Table 3. Permitted Temporary Uses and Structures by Type and Zoning District.**

Temporary Use Type	AG	R-1A R-1B R-1C	NC	P-I	C-O	C-1	C-2	CBD	M-1	M-2	P
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		R-2 R-3									
Outdoor sales of Seasonal Agricultural Products	A	*	*	A	*	A	A	A	*	*	*
Outdoor Farmers Market	A	*	*	A	*	A	A	A	*	*	*
Outdoor Food Vendor Sales	*	*	*	A	A	A	A	A	A	A	*
Outdoor Temporary Merchandise Sales	*	*	*	*	*	A	A	A	*	*	*
Rummage sales, when incidental to a residential dwelling	A	A	A	A	A	A	A	A	A	A	A
Outdoor Christmas tree sales lot	A	A	*	A	*	A	A	A	*	*	*
Outdoor Fireworks sales	*	*	*	*	*	A	A	A	*	*	*
Temporary Model Home sales office	*	A	*	*	*	*	*	*	*	*	*
Temporary structures	A	A	A	A	A	A	A	A	A	A	A
Temporary Contractor's Offices	A	A	A	A	A	A	A	A	A	A	A
Portable storage unit when incidental to a residential dwelling	A	A	A	A	A	A	A	A	A	A	A
Portable storage unit	*	*	*	A	A	A	A	A	A	A	*
Tents/canopies when associated with temporary use	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>
Tents/canopies when associated with outdoor display	*	*	*	*	*	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	*

\* = Temporary use type not allowed

A = Allowed

A<sup>1</sup> = Allowed *However, Tents greater than 200 square feet and Canopies greater than 400 square feet require a permit from the Appleton Fire Department.*

(Ord 145-08, §1, 10-7-08 (repealed and recreated entire §23-54))

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

## **116-25**

### **AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 09-17-2025)



The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

***Ord. 50-1-90:*** “Parking be limited to two hours from 7:00 a.m. to 5:00 p.m. excluding Saturdays, Sundays and Holidays on the east side of Viola Street from Randall Avenue to Kay Street.”

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.