



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 12, 2015

Common Council Meeting Date: January 21, 2015

Item: Resolution #32-R-14 - Lobner

Case Manager: Don Harp

RESOLUTION

"WHEREAS light pollution can have a significant impact on property values and quality of life for residents of portions of the City of Appleton,

AND WHEREAS some lights on the outside of canopies over gas pumps can be seen at great distances and impact many residential properties,

AND WHEREAS the City of Appleton's Zoning Code states that lights shall not be mounted on the sides of a canopy and the side of the canopy shall not be illuminated,

AND WHEREAS the City of Appleton's Board of Zoning Appeals recently ruled that some canopies over gas pumps are not covered by this section of the code,

THEREFORE BE IT RESOLVED that the City of Appleton's City Plan Commission shall conduct a review of the relevant sections of the Zoning Code, clarify the definition of "canopy" to include or not include structures covering gas pumps and recommend any other related changes it deems necessary."

BACKGROUND

At the November 24, 2014 Plan Commission meeting, the Commission approved Resolution #32-R-14/Lobner that directed staff conduct a review of the relevant sections of the Zoning Code, clarify the definition of "canopy" to include or not include structures covering gas pumps, and recommend any other related changes it deems necessary. The Common Council also approved this Resolution at their December 3, 2014 meeting.

STAFF ANALYSIS

The first step in determining if there is any confusion in the Zoning Ordinance regarding the definition of canopy is to identify the applicable definitions.

With this in mind, pursuant to Section 23-22 and 23-504 of the Zoning Ordinance, the following definition terms are the key applicable definitions to review:

- **Canopy** means a temporary structure constructed of fabric or pliable material supported by any manner except by air or the contents that it protects. *Source: Zoning Ordinance Section 23-22. ARTICLE 2. Definitions.*
- **Canopy.** A rigid frame structure that extends outward from an entrance to a building. *Source Zoning Ordinance Section Sec. 23-504. ARTICLE 14. Signs*
- **Temporary structure** means a structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected or placed has ceased. For the purposes of this ordinance, mobile homes, travel trailers and any other structure that can be moved on wheels is considered as a temporary structure. *Source: Zoning Ordinance Section 23-22. ARTICLE 2. Definitions.*
- **Structure** means anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground or anything assembled with a combination of materials to give support to something having a fixed location on the ground, including but not limited to, off-street parking lots and loading areas, buildings, walls, fences, towers, outdoor lighting fixtures, signs and billboards. *Source: Zoning Ordinance Section 23-22. ARTICLE 2. Definitions.*
- **Temporary use** means a use that is established for a limited duration with the intent to discontinue such use upon the expiration of the time period. A temporary use is not a special event, which is regulated under the Municipal Code and the Special Event Policy. *Source: Zoning Ordinance Section 23-22. ARTICLE 2. Definitions.*
- **Awning.** A rigid-framed, roof-like structure attached to a wall running parallel to the building face that includes a surface of fire-resistant material such as vinyl or canvas. *Source: Zoning Ordinance Section Sec. 23-504. ARTICLE 14. Signs*

Conclusion: Given Chapter 23 Zoning Ordinance contains two definitions of canopy, it is staff's conclusion the Zoning Ordinance should be amended to merge both definitions of canopy into one definition term to improve the Zoning Ordinance's overall usability, clarity and internal consistency.

Proposed new definition term for "Canopy":

Canopy means a structure constructed of fabric or pliable material, metal, wood, brick or other material, consisting of a roof and supported by columns or stanchions, not enclosed, attached or unattached to a building. Examples of canopies include, but are not limited to, gas pump canopies at gasoline stations, canopies associated with a temporary use, drive-through canopies at banks, pharmacies and restaurants.

Illustration examples of the proposed definition term for “Canopy”



The second step in determining if there are any other related changes deemed necessary in the Zoning Ordinance regarding other regulations that affect the construction and use of canopies is to review sections of the Zoning Ordinance where the term canopy is identified.

Conclusion: The creation of a new definition for canopy will not necessitate any other updates or amendments to the Zoning Ordinance.

RECOMMENDATION

Resolution #32-R-14 **BE APPROVED** along with the proposed definition language for “canopy” to be brought back for an Informal Public Hearing at the February 9, 2015 Plan Commission Meeting.

Proposed definition term for “Canopy”:

Canopy means a structure constructed of fabric or pliable material, metal, wood, brick or other material, consisting of a roof and supported by columns or stanchions, not enclosed, attached or unattached to a building. Examples of canopies include but are not limited to gas pump canopies at gasoline stations, canopies associated with a temporary use, drive-through canopies at banks, pharmacies and restaurants.