

REPORT TO CITY PLAN COMMISSION



Plan Commission Informal Public Hearing Date: March 13, 2018

Common Council Public Hearing Date: April 4, 2018

Original Ordinance No. and Effective Date: Ordinance No.10-00, effective January 23, 2000

Item: Repeal and Recreate Chapter 23 Zoning Ordinance of the Municipal Code Relating to Article XIV Signs

Case Manager: Don Harp

GENERAL INFORMATION

The Community and Economic Development Department, City Attorney's Office, and Inspections Division staff have been working together drafting recommended changes to the current sign regulations. The Sign Ordinance amendments are in response to Supreme Court Ruling Reed v. Town of Gilbert Arizona, 135 S. Ct. 2218 (2015), the adoption and implementation of the Appleton Comprehensive Plan 2010-2030, and the array of sign types and technology available today. The changes to the current Sign Ordinance regulations are summarized below.

On February 27, 2018, the Plan Commission reviewed and discussed the initial draft amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article XIV Signs. The Plan Commission questioned whether or not sponsorship signs are allowed for murals. As a result, staff added provisions to allow a sponsorship sign that is associated with a mural (See Definition below and Section 23-531 attached). The mural sponsorship sign would not be considered an off-premises sign.

Proposed Definition: Mural sponsorship signs means a sign located on or attached to an exterior building wall that identifies a person's name, business name, association, logo, and/or corporate slogan displayed at the site of a mural that identifies a sponsor in recognition of the sponsor's financial support of the mural.

The Plan Commission directed staff to prepare the necessary public hearing notices to begin the process of repealing and recreating Article XIV Signs.

SUMMARY OF PROPOSED AMENDMENTS

- Update sign regulations to protect the City's Sign Ordinance from constitutional challenges to the non-commercial sign regulations resulting from the U.S. Supreme Court Ruling Reed v. Town of Gilbert Arizona, 135 S. Ct. 2218 (2015).

SUMMARY OF PROPOSED AMENDMENTS (continued)

- Make certain policy changes driven by implementing the objectives and policies of the Appleton Comprehensive Plan 2010-2030 (Chapter 3, “A Community Vision” – Page 24: #12, Chapter 8, “Agriculture, Natural, Historic and Cultural Resources” – Objectives and Policies: 8.6, 8.6.1, 8.6.2 and 8.6.3, Chapter 14, “Downtown Plan” – Section 5: Initiatives: 2.1 and 2.8 C.) by exempting murals painted on public property from all regulations of the Sign Ordinance. A future adopted Public Arts Policy would govern murals painted on public property.
- Allow electronic message boards to display scenes and pictures with transition timeframes consistent with the model on-premise sign code drafted by the United States Sign Council.
- Implement administrative updates (reflect current administrative practices, structural and reformatting changes into an outline format).
- Clarify, expand, and add definition terms.
- Remove any duplication of standards found elsewhere in the Municipal Code or current policies (but do not change policy regulations).
- Correct inconsistent, vague or confusing language and remove unnecessary “wordy” language to enhance “user friendliness” and “consistent administration/enforcement” of the sign regulations (but do not change current size, setbacks, and height requirements).
- Align the sign regulations consistent with Wisconsin State Statutes (all variances and appeals will be heard by the Zoning Board of Appeals and damaged or destroyed legal nonconforming signs may be replaced per Wisconsin State Statutes).
- The proposed amendments exempt murals painted on private property from the size limitations applicable to painted building wall or building wall signs, provided they do not contain commercial messages or commercial speech. Provisions were added to allow a mural sponsorship sign in connection with a mural. The mural sponsorship sign would not be considered an off-premises sign.

ATTACHMENTS

- **Underlined/Strike-Out Text and Commentary Version (attached)**

The text recommended for deletion will be identified by ~~strikethrough~~. Proposed text to be added within the ordinance will be underlined. Staff commentary will be identified in *italics* to provide insight regarding that specific amendment/change.

ATTACHMENTS (continued)

- **Clean Version (attached)**

The entire proposed Article XIV Signs without any underline or strikethrough language is attached for ease of reading.

RECOMMENDATION

Pending public comments, staff recommends Chapter 23 Zoning Ordinance of the Municipal Code relating to Article XIV Signs be repealed and recreated as attached to this report **BE APPROVED**.