



# MEMORANDUM

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“... meeting community needs... enhancing quality of life.”

**Plan Commission Meeting Date:** September 22, 2014

**Common Council Meeting Date:** October 1, 2014

**Item:** Resolution #23-R-14 –Martin/Dalton/Trauger/Konetzke/Meltzer

**Case Manager:** Jeff Towne

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## Background

At the July 21, 2014 Plan Commission meeting, staff was asked to “review its policy on painted signs and murals” in response to a resolution. Staff brought forward some suggestions at the August 25, 2014 Plan Commission meeting highlighting potential changes to the sign ordinance that could be implemented as a way of allowing painted wall signs. The original resolution is as follows:

*Resolution #23-R-14 - Martin/Dalton/Trauger/Konetzke/Meltzer*

*“WHEREAS, Signs and murals painted on the sides of buildings have long been a part of Appleton’s landscape and historical examples can still be seen on the sides of Harmony Café, the former Wichman Furniture building and many others throughout the city.*

*WHEREAS, Hand painted signs and murals are considered works of art, adding beauty and interest to the exteriors of buildings.*

*WHEREAS, The City of Appleton encourages owners to take pride in their businesses by maintaining and making improvements to their property.*

*AND WHEREAS, The City of Appleton encourages its citizens to enjoy all forms of art.*

*THEREFORE, BE IT RESOLVED, that City of Appleton staff review its policy on painted signs and murals. Any murals and signs that currently exist are not in violation until further review.”*

Staff presented a report that focused on the existing regulations in the Zoning Ordinance regarding painted signs on building walls to the Plan Commission at the August 25, 2014 meeting. The Plan Commission directed staff to bring back potential revisions to the definition of sign and draft language to the ordinance to allow for painted wall signs. This memo outlines potential changes.

## Analysis

In response to Resolution #23-R-14, staff has crafted language that allows painted wall signs. Staff reviewed the definition of “sign” and found that the current definition sufficiently defines what a sign is for the purposes of regulation under Article XIV. Signs, and is not recommending any changes to the current definition at this time. Definitions have been created as necessary, and painted wall signs will be regulated under the same standards as wall signs as a matter of consistency. After researching the implications of free speech and the subjective nature of attempting to classify what the message of a mural may be, it was determined that the appropriate way to allow for murals is to regulate them under the same locational and dimensional standards as wall signs. This puts murals on equal ground with any other type of permitted wall signage.

## Proposed Text Amendments

Staff has created a draft of potential language revisions to address the issue of painted wall signs. The parts of this Section proposed for change are identified in Bold Italics and are also underlined. The entire Section 23-500 has not been attached due to the volume of the section. Only those portions proposed for change have been incorporated in this document and no other changes have been made. The intent is to allow/permit painted wall signage in specific districts, and to create standards that specifically apply to this type of signage.

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

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

*The following definitions will be added.*

***Ghost Sign. A hand-painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community.***

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

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

*Comment: When permitting new uses, definitions must be created. Thus, a definition is being created for the term “painted wall sign”. The definition mentions building walls specifically 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 in the past that may be present on a building, as a way of allowing for the preservation or 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. A definition of “mural” has been created for clarification purposes.*

**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.~~

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

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

**(h)Ghost Sign. Existing ghost signs are exempt from these requirements and deemed conforming. Ghost signs may be maintained, restored and repainted but no new information or images may be added to the existing sign.**

*Comment: For clarification purposes, ghost signs are listed under the design standard exceptions of the section. This is the only change to this section.*

**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 <sub>c, d</sub>	-	-	-	1	1	1	1	1
<i>Building</i>								
Wall 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%
<i>Portable sign</i> <sup>e</sup>	-	-	-	4x8	4x8	4x8	4x8	4x8
<i>Temporary sign</i> <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.

On the tables in this ordinance, which are organized by zoning district, the headings have the following meanings:

AG	Agricultural District
R-1A, R-1B, R-1C, R-2	Residential, Single and Two-Family District
R-3	Residential, Multi-Family District
P-I	Public Institutional District
NC	Nature Conservancy
C-O	Commercial Office District
C-1	Neighborhood Commercial District
C-2	General Commercial District
CBD	Central Business District
M-1	Industrial Park District
M-2	General Industrial District

**Table 23-14B. Permitted Signs by Type and Zoning District.**

<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>
<i>Ground</i>	A <sup>a</sup>	A <sup>a</sup>	A <sup>a</sup>	P	P	P	P	P
<i>Building</i>								
Awning	X	X	X	P	P	P	P	P
Building Marker	A	A	A	A	A	A	A	A
Canopy	X	X	X	P	P	P	P	P
<b><u>Painted wall sign</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
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
<i>Miscellaneous</i>								
Animated	X	X	X	X	X	X	X	X
Banner	A	A	A	A	A	A	A	A
Billboard	X	X	X	X	X	X	X	X
Changeable Copy	X	X	X	P	P	P	P	P
Construction	A	A	A	A	A	A	A	A
Directional	A	A	A	A	A	A	A	A
Flag	A	A	A	A	A	A	A	A
Home Occupation	A	A	A	A	A	A	A	A
Off-Premises	X	X	X	X	X	X	X	X
Portable	X	X	X	P	P	P	P	P
Real Estate	A	A	A	A	A	A	A	A
Residential	A	A	A	A	A	A	A	A
Temporary/Sandwich	X	X	X	P	P	P	P	P

A – Allowed without a permit (§23-508).

P – Permit required.

X – Prohibited sign (§23-505).

- a. Ground and wall signs are allowed only as identified in §23-508 and §23-529.

**RECOMMENDATION PENDING PUBLIC HEARING TESTIMONY:**

Staff recommends that the proposed changes to Chapter 23 be set for public hearing and be brought forward at a future Plan Commission meeting.