



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to
the Community and Economic Development Department,
920-832-6468.*

Tuesday, March 13, 2018

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[18-0358](#) City Plan Minutes from 2-27-18

Attachments: [City Plan Minutes 2-27-18.pdf](#)

4. Public Hearings/Appealances

[18-0359](#) Text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District, as identified in the attached staff report (Associated with Action Item #18-0360)

Attachments: [InformalPublicHearingNotice_ZOTextAmendments_Sec23-114.pdf](#)

[18-0361](#) Repeal and recreate Article XIV. Signs of Chapter 23 Zoning Ordinance of the Municipal Code, as identified in the attached documents (Associated with Action Item #18-0362)

Attachments: [InformalPublicHearingNotice_ZOTextAmendments_SignCode.pdf](#)

5. Action Items

[18-0360](#) Request to approve text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District, as identified in the attached staff report

Attachments: [StaffReport_TextAmendment_GroundFloorResInCBD_For03-13-18.pdf](#)

[18-0362](#)

Request to repeal and recreate Article XIV. Signs of Chapter 23 Zoning Ordinance of the Municipal Code, as identified in the attached documents

Attachments: [StaffReport_DraftTextAmendments_SignCode_3-13-18.pdf](#)
[Chapter 23-500_Sign Amendments_Marked Version_3-13-18_DRAFT.pdf](#)
[Chapter 23-500_Sign Amendments_Clean Version_3-13-18_DRAFT.pdf](#)

[18-0363](#)

Request to approve the Fourth Addition to Emerald Valley Final Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_FinalPlat_4thAddEmeraldValley_3-13-18.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed
to the Community and Economic Development Department,
920-832-6468.*

Tuesday, February 27, 2018

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:04 p.m.

2. Roll call of membership

Palm arrived at 4:05 p.m.

Present: 5 - Mayor Hanna, Buetow, Uslabar, Martin and Palm

Excused: 1 - Rabec

Others present:

Jill Hendricks, Emerald Valley Estates LLC

3. Approval of minutes from previous meeting

[18-0240](#)

City Plan Minutes from 2-13-18

Attachments: [City Plan Minutes 2-13-18.pdf](#)

Uslabar moved, seconded by Martin, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Uslabar and Martin

Excused: 2 - Rabec and Palm

4. Public Hearings/Apearances

[18-0241](#)

Rezoning #1-18 for the Fifth Addition to Emerald Valley, as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District (Associated with Action Item #18-0242)

Attachments: [Informal Public Hearing Notice Rezoning #1-18.pdf](#)

This public hearing was held, and no one spoke on the item.

5. Action Items**6. Information Items**[18-0242](#)

Request to approve Rezoning #1-18 for the Fifth Addition to Emerald Valley, as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_Rezoning #1-18_5thAddEmeraldValley_2-27-18.pdf](#)

Proceeds to Council on March 21, 2018.

Buetow moved, seconded by Martin, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Mayor Hanna, Buetow, Uslabar, Martin and Palm

Excused: 1 - Rabec

[18-0243](#)

Request to approve the Fifth Addition to Emerald Valley Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_PreliminaryPlat_5thAddEmeraldValley_2-27-18.pdf](#)

Proceeds to Council on March 21, 2018.

Martin moved, seconded by Palm, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Mayor Hanna, Buetow, Uslabar, Martin and Palm

Excused: 1 - Rabec

[18-0277](#)

Draft Zoning Ordinance Text Amendments, Chapter 23 of the Municipal Code, Article VI. Commercial Districts, Section 23-114 CBD Central Business District

Attachments: [StaffReport_DraftTextAmendment_GroundFloorResInCBD_For02-27-18.pdf](#)

This Presentation was presented and discussed.

[18-0274](#)

Draft Zoning Ordinance Text Amendments, Chapter 23 of the Municipal Code, Article XIV. Signs

Attachments: [StaffReport_DraftTextAmendments_SignCode_2-27-18.pdf](#)
[Chapter 23-500 Sign Amendments Marked Version 2-27-18 DRAFT.pdf](#)
[Chapter 23-500 Sign Amendments Clean Version 2-27-18 DRAFT.pdf](#)

This Presentation was presented and discussed.

7. Adjournment

Uslabar moved, seconded by Martin, that the meeting be adjourned at 4:24 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Mayor Hanna, Buetow, Uslabar, Martin and Palm

Excused: 1 - Rabec

NOTICE OF INFORMAL PUBLIC HEARING

OF THE

APPLETON CITY PLAN COMMISSION

NOTICE IS HEREBY GIVEN pursuant to Section 23-65(b)(1) and Section 23-65(c)(3) of the City of Appleton Municipal Code, the City Plan Commission will conduct an Informal Public Hearing on Tuesday, March 13, 2018, at 4:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following text amendments to the Zoning Ordinance, Chapter 23 of the Municipal Code:

The City of Appleton is considering amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District.

A copy of the proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District is available in the Appleton Community and Economic Development Department and the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. You may also address the Plan Commission by letter at the address below. Pursuant to Section 23-65(c)(4) of the Municipal Code, the Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding the proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District should be directed to David Kress, Principal Planner, Community and Economic Development Department at 832-6428.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

PROPOSED TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~striketrough~~. Staff commentary is identified in *italics* to provide insight regarding that specific amendment/change. The proposed revisions to Article VI. Commercial Districts, with narrative, are as follows:

Sec. 23-114. CBD central business district.

(a) **Purpose.** This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, ~~and governmental~~ and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

(b) **Principal permitted uses.** The following principal uses are permitted as of right in the CBD:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Assisted living or retirement homes.• Nursing or convalescent homes.• <u>Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse; however, residential uses are prohibited on the ground floor for any lot with frontage on College Avenue or within 120 feet of College Avenue frontage.</u>	<ul style="list-style-type: none">• Clubs.• Day care, group.• Educational institutions; college or university.• Governmental facilities.• Museums.• Places of worship.• Public park or playgrounds.• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.	<ul style="list-style-type: none">• Automobile maintenance shops.• Commercial entertainment; excluding sexually-oriented establishments.• Drive through facilities pursuant to §23-49.• Hotel or motels.• Multi-tenant building.• Offices.• Personal services.• Printing.• Professional services.• Restaurants (without alcohol).• Restaurant, fast foods.• Retail businesses.• Shopping centers.• Urban farms pursuant to §23-66(h)(17)• Veterinarian clinics.

(c) **Accessory uses.** Accessory uses in the CBD district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the CBD district.
- (2) Residential dwellings at least ten (10) feet above the street grade of the building.
- (3) Home occupations pursuant to §23-45.
- (4) Fences and walls pursuant to §23-44.

Comments: Adding multi-family dwellings to the list of principal permitted uses would allow for standalone residential development to occur in some areas within the CBD Zoning District. However, by including a specific area limitation, ground floor residential uses will not be allowed along College Avenue. For lots fronting on or located near College Avenue, residential dwellings would only be allowed as an accessory use at least 10 feet above street grade, which is consistent with current regulations.

NOTICE OF INFORMAL PUBLIC HEARING

OF THE

APPLETON CITY PLAN COMMISSION

NOTICE IS HEREBY GIVEN pursuant to Section 23-65(b)(1) and Section 23-65(c)(3) of the City of Appleton Municipal Code, the City Plan Commission will conduct an Informal Public Hearing on Tuesday, March 13, 2018, at 4:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following text amendments to the Zoning Ordinance, Chapter 23 of the Municipal Code:

The City of Appleton is considering repealing and recreating Chapter 23 Zoning Ordinance of the Municipal Code relating to Article XIV Signs.

A copy of the proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article XIV Signs is available in the Appleton Community and Economic Development Department and the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. You may also address the Plan Commission by letter at the address below. Pursuant to Section 23-65(c)(4) of the Municipal Code, the Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding the proposed text amendments to Chapter 23 of the Zoning Ordinance relating to Article XIV Signs should be directed to Don Harp, Principal Planner, Community and Economic Development Department at 832-6466.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Marked Version - Proposed Amendments to Article XIV. Signs

Date: March 13, 2018

ARTICLE XIV. SIGNS*

DIVISION 1. INTRODUCTORY INFORMATION

Comments: Update the purpose statement to articulate the purpose behind the sign regulations.

Sec. 23-500. Purpose.

The purpose of these sign regulations is to provide comprehensive and balanced sign regulations that will preserve the right of free speech and expression; 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 encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment of the City, to attract sources of economic development and growth, to promote pedestrian and vehicular safety, to protect property values by minimizing the adverse effects of signs upon public and private property, to provide a procedure for fair and consistent enforcement and to implement the spirit of urban design goals applicable policies and objectives as identified in the Appleton ~~VISION 20/20~~ Comprehensive Plan.

Comments: The applicability section refers the pertinent regulations that signs in the City must comply with, unless exempted specifically by the Zoning Ordinance. Section 23-501 is a duplication of Section 23-32. Therefore, this section is being deleted to avoid duplication of standards.

~~Sec. 23-501. Applicability and Effect.~~

~~A sign may be erected, placed, established, created, or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of this ordinance. More specifically, the sign ordinance shall:~~

- ~~(a) Establish a permit system that regulates the number, size, and type of signs in all zoning districts;~~
- ~~(b) Allow certain signs that are small, unobtrusive, and incidental to the principal use of each lot;~~
- ~~(c) Provide for temporary signs without commercial messages in limited circumstances in the public right of way;~~
- ~~(d) Prohibit all signs not expressly permitted by this ordinance;~~
- ~~(e) Identify enforcement provisions;~~
- ~~(f) Establish guidelines for design, construction, installation, and maintenance of signs; and~~
- ~~(g) Regulate the sign structure.~~

***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

ZONING

Comments:

The following added language is the inclusion of a substitution clause. The proposed amendments are necessary additions to the Sign Article in light of the Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015) decision of the U.S. Supreme Court. As background, the Reed case involved non-commercial sign regulations which incorporated different rules and sign regulations based upon the type of non-commercial message being conveyed (religious vs ideological vs political). The U.S. Supreme Court declared that this differentiation rendered the non-commercial sign restrictions to be content-based speech regulations subject to strict scrutiny. Strict scrutiny is the most stringent standard of judicial review used by U.S. courts.

The City's portion of the Sign Article relating to signs not requiring a permit possesses some similarities to the Town of Gilbert's regulations. Provisions such as these had previously been held constitutionally valid noncommercial speech regulations prior to Reed, but with the Reed decision, the U.S. Supreme Court has found these types of regulations to be content-based speech regulations. The U.S. Supreme Court has historically held that non-commercial speech gets greater First Amendment protection than commercial speech.

The City's portion of the Sign Article relating to Division 4. Design Standards is viewed as a time, place and manner regulation (rules about size and location) and is thus content neutral. The U.S. Supreme Court has previously ruled that time, place and manner restrictions are not content based and subject to intermediate scrutiny, which is less rigorous than strict scrutiny.

In order to protect the City's Sign Article from constitutional challenges to the non-commercial sign regulations, staff is recommending the inclusion of a substitution clause and a severability clause as noted below in the following two sections.

The following provision would permit non-commercial copy to be exchanged in place of any commercial copy. This provision provides that for every commercial sign that is allowed, any non-commercial message could be legally substituted. This ensures that non-commercial speech is never discriminated against based on content because it will always allow a non-commercial message. This provision, as noted below, does not favor commercial speech over non-commercial speech or favor any particular non-commercial message over any other non-commercial message. This provision has the legal effect of regulating all varieties of noncommercial speech in the same manner.

This provision will allow a non-commercial message to be displayed on any sign. While Reed did not discuss the commercial/non-commercial distinction, prior U.S. Supreme Court cases established that commercial speech should not be favored over non-commercial speech. This provision thus can safeguard the City against liability that could result from mistakenly doing just that by prohibiting the display of a non-commercial message or citing it as a code violation. For example: "Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs."

Sec. 23-501. No Discrimination Against Non-Commercial Signs Or Speech.

The owner of any sign which is otherwise allowed under this Article XIV 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-site commercial message in place of an on-site commercial message.

Comments: A severability provision provides that if any specific language or provision in the code is found to be unconstitutional, it is the intent of the Common Council that the rest of the code remain valid. For example: "If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the ordinance."

Sec. 23-502. Severability.

If any portion of this Article XIV 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 XIV and should in no way affect or diminish the validity of the remainder of Article XIV or any other sign regulation set forth herein.

~~Sees. 23-502—~~ 23-503. Reserved.

Comments: Added and deleted language clarifies definition terms used in this Article. Also, definition terms that are duplicates of terms listed in Article II of this Chapter are being deleted.

DIVISION 2. DEFINITIONS

Sec. 23-504. Definitions and interpretation.

Words and phrases used in this ~~ordinance~~ 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 Article II of this Chapter. In addition, the definition section of the zoning ordinance may supplement the sign 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. ~~except as provided in §23-506(e).~~

Animated sign ~~means any sign that utilizes flashing, scintillating, blinking or traveling lights, or change of lighting to show action or to create a special effect or scene. This does not include changeable copy signs.~~ ***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 burning continuously.

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, used to report scores and often to promote businesses to viewers of the events.

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. ~~face that includes a surface of fire resistant material such as vinyl or canvas.~~

Banner ~~Any~~ means a temporary sign of lightweight fabric, vinyl, polypropylene, polyester mesh, cloth, plastic, or similar flexible material that can be mounted by the edges to a pole or building to a structure with cord, rope, cable, hardware or similar method or that may be supported by stakes or poles in the ground. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

ZONING

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 means an off premise sign, any wall mounted or ground sign whose primary purpose is advertising a product or service located off the premises. Billboard includes poster panels and painted bulletins.

Building marker sign means any sign indicating a building's name, date, or any incidental information about its construction 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. This does not include special effects, scenes or pictures. 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 audience.

Construction sign means a temporary sign on private property describing a construction or improvement project that includes the names of the contractors, architects, engineers, investors and/or future tenant(s).

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

Department in this Article means the City of Appleton Inspections Division.

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

Directional sign ~~An on-premises~~ means a sign providing general information and has a purpose secondary to the use of the lot on which it is located, such as "no parking", "parking areas", "entrance", "exit", "truck and passenger loading/unloading areas" zone, "telephone", and other similar directives "identification names", "numbers or names of occupants", "signs posted on private property relating to private parking or warning the public against trespass or danger of animals", "neighborhood crime watch signs" or other messages or symbols necessary to direct vehicles or pedestrians to, through or within a site. Company names and logos may be displayed on directional signs.

Directory sign means a sign listing the names, use or location of business, tenants, owners, renters and/or activities with a building or group of buildings or multi-tenant building or development.

Director ~~means the City of Appleton Inspections Supervisor or designee.~~

Electronic message board means a 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 Section 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.

Electric sign contractor ~~means a person who, in the normal course of business, frequently installs and maintains electric signs.~~

Event sign means a temporary sign that directs attention to an occurrence generally regarded and acceptable as important, newsworthy and of public service that can reasonably be expected to cause a public gathering that is not part of the normal course of business at the location or otherwise an event issued a City Special Event License.

Flag means a piece of fabric having distinctive colors and patterns used as a symbol of a government, political subdivision or other entity.

APPLETON CODE

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 U.S. Interstate Highway 41 and State Highway 441.

Freeway-oriented on-premises sign means any on premises sign whose property abuts a freeway and primarily identifies a business or company to freeway users.

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 or advertises the use of 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.

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 means the vertical distance measured from the normal grade to the highest point of the sign.

Historic markers signs means a signs identifying a historical structure, site or district pursuant to §23-670 Article XVII. of this code Chapter or approved by the Wisconsin Historic Society pursuant to the Wisconsin Historical Markers Program.

Home occupation sign means a sign advertising a legally permitted home occupation pursuant to §23-45 of this Chapter.

Interpretive signs mean a sign providing information that interprets a natural, historical or cultural resource, event or site. Such signs shall be located only on sites directly related to the information contained in the sign.

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

Lot means a tract of land, designated by metes and bounds, registered land survey or plat, and separated from other tracts of land by legal description approved by the City and recorded in the office of the county Register of Deeds.

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 providing menu items and prices associated with a drive-through window or walk-up service window.

Monument signs means a ground sign with the bottom of the sign a maximum of twelve (12) inches from normal grade.

Multi-tenant means a building with more than one (1) tenant that utilizes wall, projecting, canopy or ground signage.

Mural ~~means a wall sign that is a work of graphic art painted or applied to building walls.~~ means a picture, illustration, design, representation and/or copy painted or drawn directly onto the surface of an exterior building wall that does not contain commercial messages or commercial speech. Definition of Mural does not include:

1. Public art and/or murals installed or located, and approved in accordance with the City of Appleton Public Arts Policy.

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.

ZONING

Neighborhood and park identification signs means a sign that identifies a neighborhood or park that is officially designated by the city or approved pursuant to the City of Appleton Land Division and Subdivision Ordinance.

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

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

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

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.***~~ A sign identifying or advertising persons, entities, activities, business goods, products, facilities or services not located on the lot where the sign is located or directing persons to a different location from where the sign is located.

Off-Site or 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-site 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-site 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-Site or 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 wall sign or mural, hand painted or drawn directly on the exterior wall surface of a building. means a picture, illustration, design, representation and/or copy painted or drawn directly onto the surface of an exterior building wall that contains commercial messages or commercial speech. Definition of Painted wall sign does not include:

1. Public art and/or murals installed or located, and approved in accordance with the City of Appleton Public Arts Policy.

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.

Personal expression signs means an on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Plot plan means a scaled (~~engineer's~~) drawing of a parcel that depicts all elements on and surrounding the parcel.

Portable sign means a temporary sign lit or unlit designed to be transported, including, but not limited to, signs designed to be transported by means of wheels.

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 storage buildings, garages and other clear accessory uses shall not be considered principal buildings.

APPLETON CODE

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.

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 used to identify the name, address of and/or services provided by any public institutional use(s) occupying the premises.

~~**Residential sign** means a sign located in a district zoned for residential uses with no commercial message except advertising for goods or services legally offered on the premises where the sign is located, provided the service at the location conforms with all requirements of the zoning ordinance.~~

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. ~~hinged or unhinged A-frame sign that is generally temporary in nature.~~

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 ~~section~~ 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 place or public street. For the purpose of removal, signs shall also include all sign structures as well as the sign itself.

1. Athletic scoreboards, flags, holiday decorations, menu boards, streamers, pennants, 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. In addition, signs located entirely within an enclosed building and not legible from a street shall not be considered a sign. For the purpose of removal, signs shall also include all sign structures as well as the sign itself.

Sign contractor means any person engaged in whole or in part in the erection or maintenance of signs, excluding the business that the sign advertises.

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** means a dedicated right of way affording access by pedestrians or vehicles to abutting property. Egress and ingress easements shall not be considered streets or roads.~~

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, in addition, is not permanently fastened to an adjacent wall or upright pole.

Temporary sign means ~~a sandwich board and other similar freestanding~~ a sign intended to display either a commercial or non-commercial message used for a limited time and not permanently mounted.

ZONING

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

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 with maps or other graphics that do not contain commercial messages or commercial speech, 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.

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

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:

Comments: Added language clarifies standards for regulating prohibited signs consistent with proposed and current regulations of this Article.

(a) ~~Animated signs.~~ Signs that employ flashing illumination, animation, motion picture, laser projection, sound emission (except electronic message boards as defined in this Article).

(b) Beacons.

(c) Billboards.

(d) Off-premises signs.

(e) Roof signs.

(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.

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article. However, see Section 23-525(a) for the permit procedure to obtain permission to install signs, banners, awnings, and signs installed on skywalks within the public right-of-way.

~~(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.~~

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

Supp. #86

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

(i) 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.

(j) ~~Swinging and alternating~~ signs.

Comments: Umbrellas are generally used temporally. Staff did not find any justification from the original adoption of this sign ordinance why a business cannot utilize an umbrella on their patio or premise which may display a product they sell or contain commercial content. For ease of enforcement purposes this language can be deleted.

~~(l) Umbrellas with advertising copy.~~

(Ord 3-15, §1, 1-27-15)

Comments: Deleted and added language establishes standards for regulating non-conforming signs consistent with Wisconsin State Statutes.

Sec. 23-506. Legal, nonconforming signs.

~~(a) Legal, nonconforming signs shall be regulated under §23-42 of the zoning ordinance unless otherwise stipulated in this article. A sign will become a legal, nonconforming sign in the following instances:~~

~~(1) Any sign lawfully established prior to the effective date of this section;~~

~~(2) Any sign which as a result of subsequent amendments hereto becomes nonconforming; and~~

~~(3) Any sign that was lawfully established prior to the annexation of the property on which the sign is located.~~

~~(b) Legal, nonconforming signs may continue to exist provided there is no alteration or reconstruction. Alteration or reconstruction that is in compliance with the provisions of this code shall bring the sign into conformity. For the purpose of this section only, the term “altered or reconstructed” shall not include the following:~~

~~(1) Normal maintenance.~~

~~(2) Changing of advertising message.~~

~~(3) Changing of ornamental features.~~

~~(4) Changing of landscaping at the sign’s base.~~

~~(5) Standard electrical maintenance.~~

~~(c) In order to lawfully maintain and continue use of a legal, nonconforming sign, the following criteria and conditions apply:~~

~~(1) The sign must have been actually in existence at the time this section became effective, except where a permit for the construction of a sign was granted prior to the effective date of this ordinance and the sign owner acted in good faith and expended sums in reliance thereon.~~

~~(2) The sign may be sold, leased or otherwise transferred without affecting its status, but its location may not be changed.~~

ZONING

- ~~(3) A legal, nonconforming sign removed as a result of a right of way taking or for any other reason may be relocated only if the sign is made to conform to this section.~~
- ~~(4) A conforming sign does not become nonconforming due to City acquisition of right of way according to §23-42(f).~~
- ~~(5) If the owner of a sign desires to repair, alter or reconstruct a sign that exceeds fifty percent (50%) of the replacement value of the sign, the sign must be brought into conformance with the requirements of this section. The exception to this provision is a billboard sign, where elimination is the only option.~~
- ~~(d) The exception to this section is nonconforming billboards, which shall meet the following conditions:~~
 - ~~(1) Compliance with §23-547, Maintenance required; abandoned signs, must be achieved. If the total repair of a billboard exceeds fifty percent (50%) of its assessed value during its remaining life, it must be removed.~~
 - ~~(2) Billboards shall be promptly removed if they become deteriorated or dilapidated.~~
 - ~~(3) No billboard shall be enlarged, extended, reconstructed, or structurally altered.~~
 - ~~(4) Any billboard not in use for a period of ninety (90) days shall be removed according to §23-547 of this Code. This includes, but is not limited to, advertising a discontinued product, advertising a discontinued use, and/or a billboard that is vacant except for owner information.~~
- ~~(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.~~

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article. See Section 23-525(a) for the permit procedure to obtain permission to install signs, banners, awnings, and signs installed on skywalks within the public right-of-way.

~~Sec. 23-507. Signs in the right-of-way.~~

- ~~(a) No signs shall be placed upon any street right of way except for the following:~~
 - ~~(1) Permanent signs including public signs erected by, or on behalf of, a governmental unit to post legal notices, identify public property, and direct or regulate pedestrian or vehicular traffic.~~
 - ~~(2) Temporary construction or street repair signs.~~

- ~~(3) Bus stop signs erected by a public transit company.~~
- ~~(4) Informational signs of a public utility regarding its poles, lines, pipes or facilities.~~
- ~~(5) Banners, signs, or decorations as permitted by the Common Council.~~

Comments: Added and deleted language clarifies the content within this Article for ease of use and consistent administration of the regulations. Paragraphs are changed to an outline format for ease of use. No changes to the current area, size and location requirements for signs are proposed.

Sec. 23-508. Signs not requiring a permit.

~~(a) Signs that do not require a sign permit shall be excluded for the purposes of calculating the total number and total size of signs allowed on a lot. 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.~~

~~(b) Signs that do not require a sign permit shall be subject to other applicable provisions of this article including, but not limited to, size, setback and clearance unless otherwise stated.~~

~~(c) The following are signs that do not require a sign permit:~~

~~(1) **Banners.** Time limit of one hundred twenty (120) consecutive days per banner applies. See §23-562 for banners in the public right of way. **Banners and Wave Banners.** Subject to the following requirement:~~

~~a. Maximum display time limit: Each banner and/or wave banner shall be allowed on a lot for no more than a total of hundred twenty (120) consecutive days per calendar year.~~

~~(2) **Building marker sign.** Subject to the following requirement:~~

~~a. Sign area: Maximum size for a building marker is four (4) square feet.~~

~~(3) **Building number.** Building numbers must meet the requirements in §4-3 of the Municipal Code and Building Addressing Policy of the City of Appleton. All building numbers shall be mounted flush to the structure. Building numbers may or may not be illuminated, subject to departmental policies. If part of the design elements of a subdivision, illuminated house numbers may be integrated into a mailbox structure in the public right of way. Maximum size for officially assigned address information is two (2) square feet.~~

~~(4) (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 where work is under construction and shall identify persons or companies involved in the design, construction, demolition, financing or project development.~~

~~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: Construction signs for single and two-family residences shall not exceed sixteen (16) square feet.~~

~~e. Sign area: Construction signs for commercial, public institutional, industrial, multi-family, traditional or planned developments uses on parcels of less than one hundred thousand (100,000) square feet; construction signs shall not exceed ninety-six (96) square feet on parcels greater than one hundred thousand (100,000) square feet.~~

~~(5) (4) **Directional signs.** Subject to the following requirements:~~

~~a. Sign area: Directional signs may shall not exceed six (6) square feet.~~

~~b. Sign number and placement: No more than one (1) directional sign is permitted per side of driveway.~~

~~c. Sign limitations: Directional signs shall not be composed solely of company names and/ or logos. Company names and/ or logos, shall not exceed two (2) square feet per sign face. All setbacks and clearances must be followed.~~

ZONING

~~(6) **Events signs.** For one (1) day events and special events which require a City Special Event License.~~

~~(5) **Directory signs.** Subject to the following requirements:~~

- ~~a. Sign area: Maximum 32 square feet.~~
- ~~b. Sign height: If a ground sign, maximum 8 feet.~~
- ~~c. Sign placement: Wall or ground mounted sign. In addition, 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.~~

~~(7) **Flags.**~~

~~(8) (6) **Governmental signs.** Subject to the following requirements:~~

- ~~a. Signs erected by, or on behalf of, a governmental unit, including legal notices, traffic signs, or other similar regulatory devices, directional 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.~~

~~(9) (7) **Historical-markers signs.** Subject to the following requirements:~~

- ~~a. Sign placement: Commemorative plaques, memorial tablets, or emblems of official historical bodies not exceeding four (4) square feet. Signs may be a ground sign or placed flat against a building, monument stone or other permanent surface.~~
- ~~b. Sign size: This sign shall not exceed twenty (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 less.~~

~~(10) **Holiday decorations.** Temporary displays of a primarily decorative nature, clearly incidental to and customarily associated with traditionally accepted civic, patriotic or religious holidays.~~

~~(11) (8) **Home occupation signs.** Subject to the following requirements:~~

- ~~a. Sign number and illuminance: One (1) sign associated with a home occupation complying with the provisions of this chapter, as defined in the zoning ordinance, provided such signs are non-illuminated wall signs.~~
- ~~b. Sign size and placement: not exceeding Maximum two (2) square feet in area and mounted parallel to the wall.~~

~~(12) (9) **Public Institutional identity signs.** Subject to the following requirements:~~

- ~~a. Public Institutional uses Institutions such as a university campus may install and maintain an identity sign designating only the name and address of the institution or campus, Sign number and size: One (1) sign not exceeding sixty (60) square feet.~~
- ~~b. Sign setback: This sign must be located greater than a minimum of ten (10) feet from the right-of-way line.~~

~~(13) (10) **Interior signs.** Signs that are located on the interior of any building. Subject to the following requirement:~~

- ~~a. Sign placement: Signs located inside exterior windows, walls or doors of any building, mall, court yard, stadium or enclosed lobby, when such signing is intended for interior viewing only.~~

~~(14) (11) **Model home signs.** Subject to the following requirement:~~

- ~~a. Sign size: Signs not exceeding six (6) square feet identifying a non-occupied dwelling unit used as a demonstrator for selling or renting other dwelling units in the same complex.~~

~~(15) (12) **Neighborhood and park identification signs.** In any zone, a Subject to the following requirements:~~

- ~~a. Sign location: A sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or tract identification at all entrances. , provided the legend of such sign or display shall consist only of the neighborhood or tract name.~~

APPLETON CODE

- b. Sign type and size: Neighborhood and park identification signs shall be limited to ground signs not exceeding eight (8) feet in height ~~or~~ and forty-eight (48) square feet per sign face, and meet all other design standards in Division 4.
- (16) ~~(13)~~ **Political campaign signs.** ~~Signs promoting candidates for public office or issues on election ballots, not exceeding sixteen (16) square feet per lot, posted on private property.~~ **Political Election Campaign signs.** As provided in Section 12.04 of the Wisconsin Statutes, election campaign signs are permitted subject to the following requirements:
- a. Sign timeframe: The sign shall not be erected prior to the first day of the “election campaign period” as defined in the Wisconsin Statutes, and shall be removed within 10 days following the election.
 - b. Sign area: Election signs shall not exceed 16 square feet in area per lot unless the sign is affixed to a permanent structure; does not extend beyond the perimeter of the structure, and does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by the City building or fire code to remain unobstructed.
 - c. Sign location: No election campaign sign shall be placed within a public right-of-way.
 - d. Sign removal: The ~~Director~~ Inspections Supervisor and/or the Police Chief, or their designee, are authorized to remove any signs in violation of this subsection.
- (17) ~~(14)~~ **Real estate signs.** Subject to the following requirements:
- a. Sign number: One (1) real estate sign per street frontage of a lot, advertising the sale or lease of that lot or premises.
 - b. Sign location and area: Such signs shall not be located in the public right-of-way, nor be directly illuminated, nor 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 removal: Real estate signs shall be removed within fifteen (15) days after the sale, rental, or lease has been accomplished.
- (18) ~~(15)~~ **Residential Personal expression signs.** Subject to the following requirements: Signs customarily associated with residential use, related to a permitted use of the premises, and not exceeding two (2) square feet. Such signs can include property identification names, numbers or names of occupants, signs posted on private property relating to private parking or warning the public against trespass or danger of animals, neighborhood crime watch signs, or signs advocating any political, religious, or ideological cause.
- a. Sign number and area: One (1) sign is allowed per lot and shall not exceed two (2) square feet.
- (19) ~~(16)~~ **Temporary public Events signs.** Subject to the following requirements:
- a. Temporary Sign area: Signs shall not exceeding thirty-two (32) square feet. ~~pertaining to campaigns or events of civic, philanthropic, educational, or religious organizations, provided such~~
 - b. Initial installation time period: Signs shall not be erected earlier ~~are posted not more~~ than thirty (30) days before an event.
 - c. Sign removal: Signs shall be ~~and~~ removed within two (2) days after the event.
- (20) ~~(17)~~ **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 §23-523(c). ~~Signs shall not be placed on doors or windows needed to be clear for public safety~~
- (21) ~~(18)~~ **Vehicle signs used in normal course of business.** Subject to the following requirements:
- a. Truck, bus, trailer, or other vehicle signs, while the vehicle is operating in the normal course of business, but is not parked in such a way that it acts as an advertising sign on a parking lot, driveway or street according to §23-505.

Secs. 23-509 – 23-521. Reserved.

ZONING

Comments: Added and deleted language clarifies content for ease of use and consistent administration of the regulations. No changes to the current area, size and location requirements for signs are proposed.

DIVISION 4. DESIGN STANDARDS

Sec. 23-522. Number of signs.

Comments: Deleted language removes unnecessary language.

~~Sign limitations shall be based on street frontage and wall area. The total number and area of signs shall not exceed the maximum parameters contained herein and as shown on Table 14A:~~

- (a) **One (1) ground sign.** One (1) ground sign is permitted for each lot unless specified elsewhere in this ~~Article code~~.
- (b) **Two (2) ground signs.** Two (2) 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. ~~with a driveway at the rear of the property.~~
 - (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.

Sec. 23-523. Sign face calculation.

- (a) **Ground signs.** The maximum area of a ground sign shall not exceed one hundred fifty (150) square feet per sign face.
- (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, 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, 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 ~~of changeable copy~~ cannot exceed forty-eight (48) square feet.

(e) ***Sandwich board signs and similar temporary signs.*** Sandwich board sign standards include a maximum three and one-half (3½) foot height, two and one-half (2½) foot width, and six (6) inch high maximum leg supports.

(f) ***Portable signs.*** The maximum size is four (4) feet by eight (8) feet.
(Ord 4-15, §1, 1-27-15)

Sec. 23-524. Ground sign height.

(a) ***Total height.*** The height of a ground sign shall not exceed twenty-eight (28) feet in height.

(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. Application for this permit must be obtained from the Public Works Department. ~~reviewed by the Municipal Services Committee and approved by Common Council.~~

(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 street right-of-way.*** A ground sign, any part of which is closer than fifteen (15) feet to the right-of-way, 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.

(d) ***Intersections/driveways.*** Any ground or portable, sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway 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.

Sec. 23-526. Portable sign display limits.

A portable sign may be displayed for a total of one hundred twenty (120) days per calendar year with a minimum of thirty (30) consecutive day blocks. The entire thirty (30) consecutive day block will count towards the one hundred twenty (120) day total even if all thirty (30) days are not used.

Comments: Added and deleted language clarifies content for ease of use and consistent administration of the regulations. No additional sign restrictions are proposed.

Sec. 23-527. Awning, canopy and marquee signs.

For this section, awning includes canopies and marquees unless otherwise specified.

ZONING

- (a) The sign ~~message copy area can be no~~ shall not be larger than the maximum wall sign area restrictions in §23-524 23-523(c). The copy area shall count as part of the maximum wall sign area calculation, but shall only include those areas with text or company logos. The total awning sign area shall be the sum of all sides of the awning with such text or company logos.

~~(b) The sign message displayed on the principal face and/or valance (fringe) of the awning shall not exceed forty percent (40%) of the awning surface.~~

- (e) (b) An awning ~~with a sign message~~ shall meet the following conditions:

- (1) An awning shall not extend more than five (5) feet from the face of a building.
- (2) ~~A canopy~~ The support structure shall not be closer than two (2) feet from the street curb line.
- (3) Minimum clearance for an awning ~~having a sign~~ shall be seven feet six (7'6") inches from the lowest edge of the awning material to the closest point of a sidewalk.
- (4) The valance shall not exceed nine (9) inches, and letters on the valance shall not exceed six (6) inches in height.
- (5) Any awning sign that extends into public right-of-way (including a public sidewalk) shall be required to obtain a street occupancy permit. Application for this permit must be obtained from the Public Works Department.
- (6) If illuminated, a light source shall meet all national and local electrical codes.

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.

Comments: Added and deleted language breaks out paragraphs into an outline format and clarifies the intent of the ordinance for ease of use. No changes to the current area, size and location requirements for signs are proposed.

Sec. 23-529. Design standard and exceptions.

(a) **Hospital sign exceptions.** ~~In a C-2 commercial district, the following design standard exceptions for PD-planned development zoning for hospitals will apply:~~ The following design standard exceptions are permitted:

- (1) ~~A ground, medical campus identification~~ Ground sign number and location: One (1) ground sign shall be allowed for every five hundred (500) feet of frontage subject to size, height and setback restrictions in accordance with Division 4 of this Article. ~~If located by an entrance, an identification sign can be combined with a sign.~~
- (2) ~~Emergency entrance signage may be included in the medical campus identification or site information signage to give clear direction to the emergency room.~~
- (3) ~~(2) Directional sign number, area and location: One (1) directional sign shall be permitted at each driveway entrance and not exceed - to the hospital campus shall be allowed a ground, site information sign to identify parking, emergency, hospital, and clinic entrances. Site information signs shall be limited to seventy (70) square feet in area. and shall meet~~ All height and setback restrictions in accordance with Division 4 of this Article shall be complied with.
- (4) ~~(3) Directory sign number and area: One (1) directory sign shall be permitted at each entrance door to the hospital or clinic, a ground and wall signs will be allowed not to shall not exceed forty (40) square feet in area, to identify the function beyond the door.~~

- ~~(5)~~ (4) Sign illuminance: All hospital related signs may be lighted for nighttime identification.

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article. See Section 23-525(a) for the permit procedure to obtain permission to install signs, banners, awnings, and signs installed on skywalks within the public right-of-way.

- ~~(6) A hospital may request off premises signage attached to City street signs for directional purposes. These signs are subject to City approval and installed by the City.~~

- (b) ~~**Central business district (CBD) exceptions**~~ **Skywalks within the right-of-way.** Permitted signs in the CBD central business district are the same as in the C 2 District, with the following conditions and exceptions: The following design standard exceptions are permitted:

- (1) The maximum sign area shall be twenty percent 20% percent of the wall area of the pedestrian skywalk, unless an increase in sign area is requested and approved pursuant to the street occupancy permit procedure. Applications for this permit must be obtained from the Public Works Department. Signs on pedestrian skywalks are limited to businesses that have long term leases to maintain the skywalks. The area of all skywalk signs per side may be a maximum of twenty percent (20%) of the skywalk face.

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article. See Section 23-525(a) for the permit procedure to obtain permission to install signs, banners, awnings, and signs installed on skywalks within the public right-of-way.

- ~~(2) Parking ramps, library, children's museum, post office, YMCA, hotels, City Center Plaza, and other major landmarks may have off premises signage attached to existing street signage and light poles subject to review and approval by the City.~~

- (c) **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 ~~and lots~~ will 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 at the parking lot entrance on the access street within the front yard opposite the freeway provided the setback and clearance requirements of this Article are complied with.

- (d) **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 exceptions.** The following design standard exceptions are permitted:

- (1) ~~Places of worship and nursing homes will be allowed~~ Ground sign number and area: 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 §23-524(b)-23-523(b).

- (2) Wall Sign: One (1) wall sign will also be allowed per street frontage subject to design standards ~~in accordance with~~ pursuant to Division 4.

ZONING

(e) ***Educational institution signs.*** The following design standard exceptions are permitted:

(1) ~~An educational institution shall be allowed~~ 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-reader board~~, attached to the exterior wall of the school ~~face of an educational institution building~~, not to exceed forty-eight (48) square feet ~~in area.~~, ~~for the purpose of conveying information related to public events held on the premises.~~

(3) ~~Educational institution sites shall also be allowed~~ Number of ground signs: One (1) ground sign ~~as calculated for multiple faced signage §23-523(b) or reader board~~ one (1) changeable copy sign affixed to the ground as calculated for multiple-faced signage pursuant to §23-523(b), ~~if none exists~~ provided a changeable copy sign does not exist as a wall sign.

(4) Ground sign placement: ~~setback at least~~ A twenty (20) feet ~~minimum setback~~ from the public right-of-way.

(5) Ground sign height: ~~The ground sign shall not exceed~~ Maximum: Fifteen (15) feet in height.

(6) Ground sign area: ~~and shall not exceed~~ Maximum: Forty-eight (48) square feet per sign face.

(f) ***Automobile RV, truck, cycle, boat sales and dealerships.*** 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.

(g) ***Real estate marketing sign.*** The following design standard exceptions are permitted ~~is allowed~~ for the purpose of marketing a new subdivision, apartment, condominium, mixed use, business/industrial park, or planned development:

(1) Number of ground signs: One (1) ground sign per street frontage.

(2) Ground sign area: Maximum eighty (80) square feet in area. ~~maximum,~~

(3) Such permit will be issued for one (1) calendar year and may be renewed for one (1) additional calendar year.

(h) ***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 5-15, §1, 1-27-15)

Comments: Allows electronic message boards to be consistently regulated and permits display and transition time frame for messages/message frames consistent with the model on-premise sign code drafted by the United States Sign Council.

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 Section 23-53(g) of this Chapter.

Comments: To ensure consistent administration of the Sign Article, the Inspections Division will continue to review and approve murals located on private property pursuant to the permit requirements of this proposed section. Murals that do not contain commercial messages or commercial speech are not subject to size limitation applicable to wall and painted wall signs because they are considered signs. Murals containing commercial messages or commercial speech are defined as signs and are subject to the size limitation applicable to wall and painted wall signs.

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 Section 23-540 of this Article. In addition, all provisions of Division 5 of the Article shall apply to murals.
- (c) Exemptions: Murals are not subject to size limitations applicable to wall or painted wall signs and shall not count as part of the maximum permitted sign area.
- (d) Compliance: Issuance of a permit does not exempt the permittee and/or property owner from complying with any other applicable requirements of the City of Appleton Municipal Code.
- (e) Mural Sponsorship Sign requirements:
 - (1) Sign number: One (1) for each mural.

ZONING

- (2) Sign area: Maximum nine (9) square feet.
- (3) Sign placement: Wall mounted.

Secs. 23-530~~2~~ – 23-539. Reserved.

DIVISION 5. ADMINISTRATIVE PROCEDURES

Added and deleted language clarifies the intent of the ordinance for ease of use. No new regulations are introduced.

Sec. 23-540. Sign permit.

(a) **Permit required.** A permit from the ~~Director~~ 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 ~~on premises or off premises sign upon private property~~, unless exempted under §23-508. Repainting, routinely maintaining, or changing the message on a sign will not be considered a substantial alteration and will not require a permit.

Comments: Section 23-540 (b) is a duplication of Section 23-540(a) above. Therefore, this section is being deleted to avoid duplication of standards.

~~(b) **Permits for portable and temporary signs.** A permit for portable and temporary signs may include all of the subject signs on one (1) permit. This permit must be obtained each calendar year, and is available by U.S. Mail.~~

~~(e)~~ **(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 ~~may~~ shall increase to three (3) times the amount if a permit is applied for after the work is started.

Comments: Per Inspections Division, in 2017, early 40% of the sign permit applications have been submitted online. In order to accept applications in this way, a signature or a hard copy plot plan or rendering is not required. It is anticipated the online applications will increase in the future. Sign companies like the online application process because some are out of town, and it is quicker and easier for them. The required signature and 8-1/2" x 11" paper plot plan has been deleted and replaced with "name of application provided" and take out requirement for "paper plan".

~~(d)~~ **(c) Permit application.** Before construction of any sign requiring a permit, an application must be filed with the Inspections Supervisor ~~Director~~. 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 ~~Director~~ 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 ~~Director~~. 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.

~~(e)~~ **(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 ~~Director~~ ~~with supplementary attachments on 8-1/2" x 11" paper, a depiction of the proposed sign, and a plot plan.~~
- (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.

ZONING

- c. Structural supports or visible methods of attaching the sign with dimensions to include the total height of the sign.
- d. ~~If required by the Director, Calculations showing the structure and design meets the requirements of this section for wind pressure load. and other information as the Director may require to show full compliance with this and all other applicable ordinances or regulations of the City.~~
- e. ~~If required, the Inspections Supervisor Director~~ 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)

Comments: In order to achieve the goal of consolidating like standards in one place in the Zoning Ordinance and to align the City Ordinances with Wisconsin States Statutes, variances and appeals will be processed pursuant to Section 23-67 of the Zoning Ordinance.

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 Director shall then prepare a brief written statement of the reasons for denial.

Sec. 23-542. ~~Variation procedures.~~ Variances and appeals.

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

(b) **Variances.** ~~Sign code~~ Variances to any provisions within this Article shall follow §23-67 of this Chapter. ~~the zoning ordinance with the addition of the following review criteria:~~

- ~~(1) The variance will not be contrary to the spirit and purpose of this article;~~
- ~~(2) Where owing to special conditions, a literal enforcement of this would result in undue hardship; and~~
- ~~(3) Issuance of a variance will assure substantial justice due to circumstances uniquely related to the individual property.~~

(c) **Minor variation.** A minor variation to the sign code is a request:

- ~~(1) To increase the allowable area and height requirements for signage and/or decrease the setback requirements for signage by a maximum of twenty percent (20%);~~
- ~~(2) To divide the maximum square footage of signage;~~
- ~~(3) To vary the size and/or location of a monument sign by more than twenty percent (20%). Minor variations will be approved, approved with conditions, or denied by the Community and Economic Development Director. A Variation Application must be submitted. A complete submittal will be processed in fourteen (14) calendar days.~~
- ~~(4) No minor variation will be granted by the Community and Economic Development Director unless the Community and Economic Development Director finds that:~~
 - ~~a. The signage as shown is compatible with the neighborhood and the neighboring signage;~~
 - ~~b. The situation is unique or presents unique and beneficial solutions to signage for the parcel and/or the neighborhood;~~

- ~~e. The variation will provide a demonstrable benefit to the community;~~
- ~~d. There is a public benefit in enhancing the tax base by improvements on the parcel, and/or any beneficial actions, plans, or intent of the master signage plan which are clearly beyond the minimum requirements of this chapter shall be specifically listed as evidence of justified variations;~~
- ~~e. The signage will not impair public health, safety, comfort, morals, appearance or welfare of the inhabitants of the City.~~

~~(d) **PD zoning.** The exception to (a) and (b) above occurs when a property has a PD, planned development, overlay zoning. Planned development parcels must apply for a Planned Development Amendment according to §23-151 of this ordinance.~~

~~(e) **Procedure.** Any application for a variance taken pursuant to this section shall be in conformity with the procedures established by §23-67 of the zoning ordinance and shall provide the following information:~~

- ~~(1) An application signed by the owner and a fee as established by the Common Council and on file in the Office of the City Clerk;~~
- ~~(2) Information as required for a sign permit, see §23-540;~~
- ~~(3) Location of building(s), parking lots, driveways and landscaped areas in the project;~~
- ~~(4) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of ground signs allowed on the parcels included in the plan under this article;~~
- ~~(5) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, including directional signs.~~

(Ord 121-05, §1, 10-25-05; Ord 87-06, §1, 7-11-06)

Comments: The sign contractor should be utilizing their industry's best practices regarding the appropriate equipment used for sign installation and maintenance. This requirement is not a land use issue. Therefore, the Zoning Ordinance should not regulate equipment used by contractors. As a result, this section has been deleted.

~~Sec. 23-543. Required equipment.~~

~~All signs shall be installed and maintained in a professional manner, using equipment that is adequate and safe for the task. This section recognizes there is great peril to the public safety by improper performance of sign contractors through use of inadequate equipment. Therefore, the Director may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Director may also cite the sign contractor for a violation of this section if the contractor fails to use proper equipment in the installation and/or maintenance of signs.~~

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 hold harmless and indemnify the City or its officers, agents, and employees from any and all claims.

ZONING

Comments: This requirement is not a land use issue. Electrical issues are regulated under the Chapter 4 Buildings of the Municipal Code. As a result, this section has been deleted.

~~Sec. 23-545. Installation and maintenance of electric signs.~~

~~This section recognizes electric signs are controlled under the special equipment provisions of Article 600 of the National Electrical Code and Chapter 4 of this Municipal Code. In addition, electric sign contractors have developed a specialized trade of high voltage discharge electric sign installation and maintenance to properly install and service high voltage electric signs. Electric sign contractors and their employees are authorized to perform the following specific tasks:~~

- ~~(a) To install exterior electric signs, ballasts, or high voltage transformers to sockets or outline lighting tubes, but not to connect the signs to primary branch circuits;~~
- ~~(b) To install interior electric signs, but not to connect the signs to the primary branch circuit; and~~
- ~~(c) To maintain and replace any electric component within the sign, on its surface or between the sign and building for exterior signs only. This section prohibits the electric sign contractor or its employees from performing work on electric signs in contradiction to the National Electrical Code or Chapter 4 of this Municipal Code.~~

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.

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

- (a) ***Maintenance and repair.*** ~~Every sign shall be maintained in a safe, and aesthetically beneficial good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning, and other acts required for the maintenance of the sign. 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.

(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 they advertised is no longer conducted there or the sign message contains obsolete advertising matter, 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 ~~Director~~ shall give the owner sixty (60) days written notice to remove the sign.
- (3) The Inspections Supervisor ~~Director~~ may take any appropriate legal action necessary to obtain compliance. Removal of the sign in question includes the removal of the sign structure and sign cabinet.

Sec. 23-548. Payment for sign removal.

When it becomes necessary for the Inspections Supervisor ~~Director~~ 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 (\$50) dollars nor more than five hundred (\$500) dollars, together with the costs of prosecution. Each day a violation exists, or continues, shall constitute a separate offense.

Secs. 23-550 – 23-559. Reserved.

ZONING

DIVISION 6. SIGNS ALLOWED BY ZONING DISTRICTS

~~Sec. 23-560. Reserved.~~

(Ord 121-05, §1, 10-25-05; Ord 88-06, §1, 7-11-06)

Comments: In the matter of public interest and consistent enforcement of this Article, this section clarifies items that are exempt for the provisions of this Article. Other language added is for ease of use and consistent administration of this Article. No changes to the current area, size and location requirements for signs are proposed.

Sec. 23-~~561~~ 560. Zoning district restrictions and exemptions.

(a) ***Residential districts.*** Signs not requiring a permit listed in §23-508 are signs permitted in the AG, R-1C, R-1A, R-1B, R-2, R-3 residential zoning districts. For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.

(b) ***Commercial and industrial districts.*** Signs permitted in the C-O commercial office, C-1 neighborhood commercial, C-2 general commercial, M-1 industrial park and M-2 general industrial zoning districts are signs not requiring a permit listed in §23-508, ground, temporary, electronic message board, changeable copy, sandwich board, portable, projecting, wall, window, marquee, awning and canopy signs. For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23- 561.

(c) ***Central business district.*** Signs permitted in the CBD central business district are the same as in paragraph (b). For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23- 561.

(d) ***Planned development districts.*** Signs in a PD overlay district will be based on the permitted signage within the underlying zoning district. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23- 561.

(e) ***Public Institutional district.*** Signs permitted in the P-I Public Institutional district are the same as in paragraph (b). For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.

(f) ***Nature conservancy district.*** Signs not requiring a permit listed in §23-508 are signs permitted in the NC Nature conservancy district. For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23- 561.

(g) Exemptions:

(1) The following shall be exempt from the provisions of this Article:

- a. Athletic score boards.
- b. Building address numbers.
- c. Flags.
- d. Interpretative signs or wayfinding signs.
- e. Menu boards.
- f. Official legal notices.
- g. Public Art.
- h. Umbrellas with commercial or non-commercial messages or speech.

(Ord 89-06, §1, 7-11-06)

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article.

~~Sec. 23-562. Regulations for banners in the right-of-way.~~

- ~~(a) Requests for installation of banners must be made either by a recognized agency representing the area or from a two thirds (2/3) majority of the properties along the proposed route.~~
- ~~(b) All banners and necessary brackets (including replacement parts) shall be supplied by the requesting agency.~~
- ~~(c) Storage of banners shall be the responsibility of the requesting party.~~
- ~~(d) Requesting parties must designate an individual to serve as the contact person with the City.~~
- ~~(e) Banners shall be installed only in areas that are predominantly commercial zoning.~~
- ~~(f) Banner installation shall be consistent with planning and development policies, represent an appropriate theme and not detract from the aesthetics of an area. Plans for banner installation, including color scheme, theme and spacing shall be approved by the Community and Economic Development Department and Plan Commission before being forwarded to the Municipal Services Committee for issuance of a permit.~~
- ~~(g) Banner materials (including the brackets) shall be approved by the Department of Public Works.~~
- ~~(h) Banner installation shall be done by the Department of Public Works or by private contractor. If a private contractor is used, installation plans showing bracket locations and elevations must be provided and approved by the Department of Public Works.~~
- ~~(i) If performed by the Department of Public Works, the cost of initial banner and bracket installation will be divided equally between the applicant and the City (exclusive of materials).~~
- ~~(j) All costs of repair or replacement of banners done by the Department of Public Works will be charged to the requesting agency or designated individual as they are incurred.~~
- ~~(k) The cost of changeover of banners done by the Department of Public Works will be divided equally between the applicant and the City, up to a maximum of twice per year, after which all costs will be borne by the applicant.~~
- ~~(l) Banners will remain the property of the requesting agency.~~
- ~~(m) The requesting agency will be given thirty (30) days notice of deteriorated banners (in the judgment of the City) after which they will be removed and the cost of removal will be billed to the requesting agency or designated individual.~~
- ~~(n) Installation of items budgeted by the City for installation are exempt from this policy (angels, flags, etc.).~~

ZONING

Comments: In order to achieve the goal of consolidating like standards in one place in the Zoning Ordinance, this table is being deleted because these Sign Ordinance regulations are listed in previous sections.

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.) ^a	-	-	-	150	150	150	150	150
Height (feet) ^b	-	-	-	28	28	28	28	28
Number Permitted ^{c, d}	-	-	-	1	1	1	1	1
<i>Building</i>								
Wall sign area (whichever is less)	-	-	-	350 or 35%	350 or 35%	350 or 35%	10%	10%
Portable sign ^e	-	-	-	4x8	4x8	4x8	4x8	4x8
Temporary sign ^f	-	-	-	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	C-1 Neighborhood Commercial District
R-1A, R-1B, R-1C R-2 Residential, Single and Two Family District	C-2 General Commercial District
R-3 Residential, Multifamily District	CBD Central Business District
P-I Public and Institutional District	M-1 Industrial Park District
NC Nature Conservancy	M-2 General Industrial District
C-O Commercial Office District	

(Ord 1-15, §1, 1-27-15)

APPLETON CODE

Table 23-14B. Sec. 23- 561.-Permitted Table 3. Allowed and Prohibited Signs by Type and Zoning District, include but are not limited to the following:

Sign Type	AG	R-1A, R-1B, R-1C & R-2	R-3, NC	P-I & C-O	C-1 & C-2	CBD	M-1	M-2
Ground	A ^a	A ^a	A ^a	P	P	P	P	P
Building								
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
<u>Ghost</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Marquee</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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 ^a	A ^a	A ^a	P	P	P	P	P
Window	A	A	A	A	A	A	A	A
Miscellaneous								
Animated, <u>flashing illumination, motion picture, laser projection, or sound emission</u>	X	X	X	X	X	X	X	X
<u>Banners and Wave Banners</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Beacons</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Billboard	X	X	X	X	X	X	X	X
Changeable Copy (manual and electronic message board)	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Construction	A	A	A	A	A	A	A	A
Directional	A	A	A	A	A	A	A	A
<u>Directory</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Event</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Flag	A	A	A	A	A	A	A	A
<u>Governmental</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Historical</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Home Occupation	A	A	A	A	A	A	A	A
<u>Interior</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Model home</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Neighborhood and Park Identity</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Off-Premises	X	X	X	X	X	X	X	X
<u>Personal Expression</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

ZONING

Sign Type	AG	R-1A, R-1B, R-1C & R-2	R-3, NC	P-I & C-O	C-1 & C-2	CBD	M-1	M-2
<i>Miscellaneous</i>								
<u>Political Election Campaign</u>	A	A	A	A	A	A	A	A
Portable	X	X	X	P	P	P	P	P
<u>Public Institutional Identity</u>	A	A	A	A	A	A	A	A
Real Estate	A	A	A	A	A	A	A	A
Residential	A	A	A	A	A	A	A	A
Temporary /Sandwich Board	X	X	X	P	P	P	P	P
<u>Vehicle</u>	A	A	A	A	A	A	A	A

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.

Secs. 23-563 ~~2~~– 23-569. Reserved.

Remainder of page intentionally left blank



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: March 13, 2018

Common Council Public Hearing Date: April 4, 2018

Item: Zoning Text Amendments – Chapter 23 of the Municipal Code, Article VI. Commercial Districts, Section 23-114 CBD Central Business District

Case Manager: David Kress

BACKGROUND

On March 15, 2017, the Common Council adopted a 5-year update to the City of Appleton *Comprehensive Plan 2010-2030*. The *Comprehensive Plan* includes several recommendations on potential changes to the City's Zoning Ordinance and encourages additional residential development within the downtown area. Listed below are related excerpts from the *Comprehensive Plan 2010-2030*. In order to align with these recommendations, Community and Economic Development Department staff prepared amendments to Section 23-114 CBD Central Business District.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 3 – Housing Quality, Variety, and Affordability

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

OBJECTIVE 5.5 Housing and Neighborhoods:

Promote downtown housing as a means to grow the tax base, support local businesses, and increase the overall vitality and image of the area.

Policy 5.5.3 Amend the Central Business District zoning regulations to allow for ground floor residential development in some areas of downtown.

OBJECTIVE 10.3 Land Use:

Support future changes to zoning and other regulatory tools which are necessary to achieve the type of urban form and development reflective of smart growth principles, including support for “complete”

neighborhoods (neighborhoods where residents can meet the majority of their daily needs on foot and by bicycle) throughout the City and in growth areas.

Policy 10.3.4 Amend the Central Business District zoning classification to allow for ground floor residential uses, except for properties fronting College Avenue.

Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:

Strategy 3.1 – Encourage mixed-use and mid-density residential redevelopment on underutilized or marginal sites on the edge of downtown.

Strategy 3.4 – Evaluate the need to amend the Zoning Code and other tools to facilitate redevelopment in mixed use areas bordering the downtown Central Business District.

3.4.B Revise CBD zoning classification to permit first floor dwellings on parcels within the district which do not front College Avenue.

Strategy 3.8 – Promote a broad spectrum of residential housing types within the downtown study area.

On February 27, 2018, the Plan Commission reviewed and discussed initial draft amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District. The Plan Commission directed staff to prepare the necessary public hearing notices for these Zoning Ordinance text amendments.

PROPOSED TEXT AMENDMENTS

Staff offers the following text amendments. The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight regarding that specific amendment/change.

Sec. 23-114. CBD central business district.

(a) **Purpose.** This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, ~~and governmental~~ and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

(b) **Principal permitted uses.** The following principal uses are permitted as of right in the CBD:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Assisted living or retirement homes.• Nursing or convalescent homes.• <u>Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse; however, residential uses are prohibited on the ground floor for any lot with frontage on College Avenue or within 120 feet of College Avenue frontage.</u>	<ul style="list-style-type: none">• Clubs.• Day care, group.• Educational institutions; college or university.• Governmental facilities.• Museums.• Places of worship.• Public park or playgrounds.• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.	<ul style="list-style-type: none">• Automobile maintenance shops.• Commercial entertainment; excluding sexually-oriented establishments.• Drive through facilities pursuant to §23-49.• Hotel or motels.• Multi-tenant building.• Offices.• Personal services.• Printing.• Professional services.• Restaurants (without alcohol).

		<ul style="list-style-type: none"> • Restaurant, fast foods. • Retail businesses. • Shopping centers. • Urban farms pursuant to §23-66(h)(17) • Veterinarian clinics.
--	--	--

(c) **Accessory uses.** Accessory uses in the CBD district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the CBD district.
- (2) Residential dwellings at least ten (10) feet above the street grade of the building.
- (3) Home occupations pursuant to §23-45.
- (4) Fences and walls pursuant to §23-44.

Comments: Adding multi-family dwellings to the list of principal permitted uses would allow for standalone residential development to occur in some areas within the CBD Zoning District. However, by including a specific area limitation, ground floor residential uses will not be allowed along College Avenue. For lots fronting on or located near College Avenue, residential dwellings would only be allowed as an accessory use at least 10 feet above street grade, which is consistent with current regulations.

RECOMMENDATION

Pending public comments, staff recommends the text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District, as identified in this report, **BE APPROVED**.



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**.

Marked Version - Proposed Amendments to Article XIV. Signs

Date: March 13, 2018

ARTICLE XIV. SIGNS*

DIVISION 1. INTRODUCTORY INFORMATION

Comments: Update the purpose statement to articulate the purpose behind the sign regulations.

Sec. 23-500. Purpose.

The purpose of these sign regulations is to provide comprehensive and balanced sign regulations that will preserve the right of free speech and expression; 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 encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment of the City, to attract sources of economic development and growth, to promote pedestrian and vehicular safety, to protect property values by minimizing the adverse effects of signs upon public and private property, to provide a procedure for fair and consistent enforcement and to implement the spirit of urban design goals applicable policies and objectives as identified in the Appleton ~~VISION 20/20~~ Comprehensive Plan.

Comments: The applicability section refers the pertinent regulations that signs in the City must comply with, unless exempted specifically by the Zoning Ordinance. Section 23-501 is a duplication of Section 23-32. Therefore, this section is being deleted to avoid duplication of standards.

~~Sec. 23-501. Applicability and Effect.~~

~~A sign may be erected, placed, established, created, or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of this ordinance. More specifically, the sign ordinance shall:~~

- ~~(a) Establish a permit system that regulates the number, size, and type of signs in all zoning districts;~~
- ~~(b) Allow certain signs that are small, unobtrusive, and incidental to the principal use of each lot;~~
- ~~(c) Provide for temporary signs without commercial messages in limited circumstances in the public right of way;~~
- ~~(d) Prohibit all signs not expressly permitted by this ordinance;~~
- ~~(e) Identify enforcement provisions;~~
- ~~(f) Establish guidelines for design, construction, installation, and maintenance of signs; and~~
- ~~(g) Regulate the sign structure.~~

***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

ZONING

Comments:

The following added language is the inclusion of a substitution clause. The proposed amendments are necessary additions to the Sign Article in light of the Reed v. Town of Gilbert, 135 S. Ct. 2218 (2015) decision of the U.S. Supreme Court. As background, the Reed case involved non-commercial sign regulations which incorporated different rules and sign regulations based upon the type of non-commercial message being conveyed (religious vs ideological vs political). The U.S. Supreme Court declared that this differentiation rendered the non-commercial sign restrictions to be content-based speech regulations subject to strict scrutiny. Strict scrutiny is the most stringent standard of judicial review used by U.S. courts.

The City's portion of the Sign Article relating to signs not requiring a permit possesses some similarities to the Town of Gilbert's regulations. Provisions such as these had previously been held constitutionally valid noncommercial speech regulations prior to Reed, but with the Reed decision, the U.S. Supreme Court has found these types of regulations to be content-based speech regulations. The U.S. Supreme Court has historically held that non-commercial speech gets greater First Amendment protection than commercial speech.

The City's portion of the Sign Article relating to Division 4. Design Standards is viewed as a time, place and manner regulation (rules about size and location) and is thus content neutral. The U.S. Supreme Court has previously ruled that time, place and manner restrictions are not content based and subject to intermediate scrutiny, which is less rigorous than strict scrutiny.

In order to protect the City's Sign Article from constitutional challenges to the non-commercial sign regulations, staff is recommending the inclusion of a substitution clause and a severability clause as noted below in the following two sections.

The following provision would permit non-commercial copy to be exchanged in place of any commercial copy. This provision provides that for every commercial sign that is allowed, any non-commercial message could be legally substituted. This ensures that non-commercial speech is never discriminated against based on content because it will always allow a non-commercial message. This provision, as noted below, does not favor commercial speech over non-commercial speech or favor any particular non-commercial message over any other non-commercial message. This provision has the legal effect of regulating all varieties of noncommercial speech in the same manner.

This provision will allow a non-commercial message to be displayed on any sign. While Reed did not discuss the commercial/non-commercial distinction, prior U.S. Supreme Court cases established that commercial speech should not be favored over non-commercial speech. This provision thus can safeguard the City against liability that could result from mistakenly doing just that by prohibiting the display of a non-commercial message or citing it as a code violation. For example: "Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs."

Sec. 23-501. No Discrimination Against Non-Commercial Signs Or Speech.

The owner of any sign which is otherwise allowed under this Article XIV 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-site commercial message in place of an on-site commercial message.

Comments: A severability provision provides that if any specific language or provision in the code is found to be unconstitutional, it is the intent of the Common Council that the rest of the code remain valid. For example: "If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the ordinance."

Sec. 23-502. Severability.

If any portion of this Article XIV 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 XIV and should in no way affect or diminish the validity of the remainder of Article XIV or any other sign regulation set forth herein.

~~Sees. 23-502— 23-503. Reserved.~~

Comments: Added and deleted language clarifies definition terms used in this Article. Also, definition terms that are duplicates of terms listed in Article II of this Chapter are being deleted.

DIVISION 2. DEFINITIONS

Sec. 23-504. Definitions and interpretation.

Words and phrases used in this ~~ordinance~~ 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 Article II of this Chapter. In addition, the definition section of the zoning ordinance may supplement the sign 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. ~~except as provided in §23-506(e).~~

Animated sign ~~means any sign that utilizes flashing, scintillating, blinking or traveling lights, or change of lighting to show action or to create a special effect or scene. This does not include changeable copy signs.~~ ***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 burning continuously.

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, used to report scores and often to promote businesses to viewers of the events.

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. ~~face that includes a surface of fire resistant material such as vinyl or canvas.~~

Banner ~~Any~~ means a temporary sign of lightweight fabric, vinyl, polypropylene, polyester mesh, cloth, plastic, or similar flexible material that can be mounted by the edges to a pole or building to a structure with cord, rope, cable, hardware or similar method or that may be supported by stakes or poles in the ground. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

ZONING

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 means an off premise sign, any wall mounted or ground sign whose primary purpose is advertising a product or service located off the premises. Billboard includes poster panels and painted bulletins.

Building marker sign means any sign indicating a building's name, date, or any incidental information about its construction 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. This does not include special effects, scenes or pictures. 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 audience.

Construction sign means a temporary sign on private property describing a construction or improvement project that includes the names of the contractors, architects, engineers, investors and/or future tenant(s).

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

Department in this Article means the City of Appleton Inspections Division.

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

Directional sign An on-premises means a sign providing general information and has a purpose secondary to the use of the lot on which it is located, such as "no parking", "parking areas", "entrance", "exit", "truck and passenger loading/unloading areas" zone, "telephone", and other similar directives "identification names", "numbers or names of occupants", "signs posted on private property relating to private parking or warning the public against trespass or danger of animals", "neighborhood crime watch signs" or other messages or symbols necessary to direct vehicles or pedestrians to, through or within a site. Company names and logos may be displayed on directional signs.

Directory sign means a sign listing the names, use or location of business, tenants, owners, renters and/or activities with a building or group of buildings or multi-tenant building or development.

Director means the City of Appleton Inspections Supervisor or designee.

Electronic message board means a 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 Section 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.

Electric sign contractor means a person who, in the normal course of business, frequently installs and maintains electric signs.

Event sign means a temporary sign that directs attention to an occurrence generally regarded and acceptable as important, newsworthy and of public service that can reasonably be expected to cause a public gathering that is not part of the normal course of business at the location or otherwise an event issued a City Special Event License.

Flag means a piece of fabric having distinctive colors and patterns used as a symbol of a government, political subdivision or other entity.

APPLETON CODE

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 U.S. Interstate Highway 41 and State Highway 441.

Freeway-oriented on-premises sign means any on premises sign whose property abuts a freeway and primarily identifies a business or company to freeway users.

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 or advertises the use of 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.

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 means the vertical distance measured from the normal grade to the highest point of the sign.

Historic markers signs means a signs identifying a historical structure, site or district pursuant to §23-670 Article XVII. of this code Chapter or approved by the Wisconsin Historic Society pursuant to the Wisconsin Historical Markers Program.

Home occupation sign means a sign advertising a legally permitted home occupation pursuant to §23-45 of this Chapter.

Interpretive signs mean a sign providing information that interprets a natural, historical or cultural resource, event or site. Such signs shall be located only on sites directly related to the information contained in the sign.

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

Lot means a tract of land, designated by metes and bounds, registered land survey or plat, and separated from other tracts of land by legal description approved by the City and recorded in the office of the county Register of Deeds.

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 providing menu items and prices associated with a drive-through window or walk-up service window.

Monument signs means a ground sign with the bottom of the sign a maximum of twelve (12) inches from normal grade.

Multi-tenant means a building with more than one (1) tenant that utilizes wall, projecting, canopy or ground signage.

Mural ~~means a wall sign that is a work of graphic art painted or applied to building walls.~~ means a picture, illustration, design, representation and/or copy painted or drawn directly onto the surface of an exterior building wall that does not contain commercial messages or commercial speech. Definition of Mural does not include:

1. Public art and/or murals installed or located, and approved in accordance with the City of Appleton Public Arts Policy.

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.

ZONING

Neighborhood and park identification signs means a sign that identifies a neighborhood or park that is officially designated by the city or approved pursuant to the City of Appleton Land Division and Subdivision Ordinance.

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

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

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

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.***~~ A sign identifying or advertising persons, entities, activities, business goods, products, facilities or services not located on the lot where the sign is located or directing persons to a different location from where the sign is located.

Off-Site or 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-site 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-site 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-Site or 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 wall sign or mural, hand painted or drawn directly on the exterior wall surface of a building. means a picture, illustration, design, representation and/or copy painted or drawn directly onto the surface of an exterior building wall that contains commercial messages or commercial speech. Definition of Painted wall sign does not include:

1. Public art and/or murals installed or located, and approved in accordance with the City of Appleton Public Arts Policy.

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.

Personal expression signs means an on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Plot plan means a scaled (~~engineer's~~) drawing of a parcel that depicts all elements on and surrounding the parcel.

Portable sign means a temporary sign lit or unlit designed to be transported, including, but not limited to, signs designed to be transported by means of wheels.

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 storage buildings, garages and other clear accessory uses shall not be considered principal buildings.

APPLETON CODE

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.

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 used to identify the name, address of and/or services provided by any public institutional use(s) occupying the premises.

~~**Residential sign** means a sign located in a district zoned for residential uses with no commercial message except advertising for goods or services legally offered on the premises where the sign is located, provided the service at the location conforms with all requirements of the zoning ordinance.~~

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. ~~hinged or unhinged A frame sign that is generally temporary in nature.~~

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 ~~section~~ 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 place or public street. For the purpose of removal, signs shall also include all sign structures as well as the sign itself.

1. Athletic scoreboards, flags, holiday decorations, menu boards, streamers, pennants, 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. In addition, signs located entirely within an enclosed building and not legible from a street shall not be considered a sign. For the purpose of removal, signs shall also include all sign structures as well as the sign itself.

Sign contractor means any person engaged in whole or in part in the erection or maintenance of signs, excluding the business that the sign advertises.

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** means a dedicated right of way affording access by pedestrians or vehicles to abutting property. Egress and ingress easements shall not be considered streets or roads.~~

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, in addition, is not permanently fastened to an adjacent wall or upright pole.

Temporary sign means ~~a sandwich board and other similar freestanding~~ a sign intended to display either a commercial or non-commercial message used for a limited time and not permanently mounted.

ZONING

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

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 with maps or other graphics that do not contain commercial messages or commercial speech, 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.

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

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:

Comments: Added language clarifies standards for regulating prohibited signs consistent with proposed and current regulations of this Article.

(a) ~~Animated signs.~~ Signs that employ flashing illumination, animation, motion picture, laser projection, sound emission (except electronic message boards as defined in this Article).

(b) Beacons.

(c) Billboards.

(d) Off-premises signs.

(e) Roof signs.

(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.

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article. However, see Section 23-525(a) for the permit procedure to obtain permission to install signs, banners, awnings, and signs installed on skywalks within the public right-of-way.

~~(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.~~

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

Supp. #86

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

(i) 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.

(j) ~~Swinging and alternating~~ signs.

Comments: Umbrellas are generally used temporally. Staff did not find any justification from the original adoption of this sign ordinance why a business cannot utilize an umbrella on their patio or premise which may display a product they sell or contain commercial content. For ease of enforcement purposes this language can be deleted.

~~(l) Umbrellas with advertising copy.~~

(Ord 3-15, §1, 1-27-15)

Comments: Deleted and added language establishes standards for regulating non-conforming signs consistent with Wisconsin State Statutes.

Sec. 23-506. Legal, nonconforming signs.

~~(a) Legal, nonconforming signs shall be regulated under §23-42 of the zoning ordinance unless otherwise stipulated in this article. A sign will become a legal, nonconforming sign in the following instances:~~

~~(1) Any sign lawfully established prior to the effective date of this section;~~

~~(2) Any sign which as a result of subsequent amendments hereto becomes nonconforming; and~~

~~(3) Any sign that was lawfully established prior to the annexation of the property on which the sign is located.~~

~~(b) Legal, nonconforming signs may continue to exist provided there is no alteration or reconstruction. Alteration or reconstruction that is in compliance with the provisions of this code shall bring the sign into conformity. For the purpose of this section only, the term “altered or reconstructed” shall not include the following:~~

~~(1) Normal maintenance.~~

~~(2) Changing of advertising message.~~

~~(3) Changing of ornamental features.~~

~~(4) Changing of landscaping at the sign’s base.~~

~~(5) Standard electrical maintenance.~~

~~(c) In order to lawfully maintain and continue use of a legal, nonconforming sign, the following criteria and conditions apply:~~

~~(1) The sign must have been actually in existence at the time this section became effective, except where a permit for the construction of a sign was granted prior to the effective date of this ordinance and the sign owner acted in good faith and expended sums in reliance thereon.~~

~~(2) The sign may be sold, leased or otherwise transferred without affecting its status, but its location may not be changed.~~

ZONING

- ~~(3) A legal, nonconforming sign removed as a result of a right of way taking or for any other reason may be relocated only if the sign is made to conform to this section.~~
- ~~(4) A conforming sign does not become nonconforming due to City acquisition of right of way according to §23-42(f).~~
- ~~(5) If the owner of a sign desires to repair, alter or reconstruct a sign that exceeds fifty percent (50%) of the replacement value of the sign, the sign must be brought into conformance with the requirements of this section. The exception to this provision is a billboard sign, where elimination is the only option.~~
- ~~(d) The exception to this section is nonconforming billboards, which shall meet the following conditions:~~
 - ~~(1) Compliance with §23-547, Maintenance required; abandoned signs, must be achieved. If the total repair of a billboard exceeds fifty percent (50%) of its assessed value during its remaining life, it must be removed.~~
 - ~~(2) Billboards shall be promptly removed if they become deteriorated or dilapidated.~~
 - ~~(3) No billboard shall be enlarged, extended, reconstructed, or structurally altered.~~
 - ~~(4) Any billboard not in use for a period of ninety (90) days shall be removed according to §23-547 of this Code. This includes, but is not limited to, advertising a discontinued product, advertising a discontinued use, and/or a billboard that is vacant except for owner information.~~
- ~~(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.~~

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article. See Section 23-525(a) for the permit procedure to obtain permission to install signs, banners, awnings, and signs installed on skywalks within the public right-of-way.

~~Sec. 23-507. Signs in the right-of-way.~~

- ~~(a) No signs shall be placed upon any street right of way except for the following:~~
 - ~~(1) Permanent signs including public signs erected by, or on behalf of, a governmental unit to post legal notices, identify public property, and direct or regulate pedestrian or vehicular traffic.~~
 - ~~(2) Temporary construction or street repair signs.~~

- ~~(3) Bus stop signs erected by a public transit company.~~
- ~~(4) Informational signs of a public utility regarding its poles, lines, pipes or facilities.~~
- ~~(5) Banners, signs, or decorations as permitted by the Common Council.~~

Comments: Added and deleted language clarifies the content within this Article for ease of use and consistent administration of the regulations. Paragraphs are changed to an outline format for ease of use. No changes to the current area, size and location requirements for signs are proposed.

Sec. 23-508. Signs not requiring a permit.

~~(a) Signs that do not require a sign permit shall be excluded for the purposes of calculating the total number and total size of signs allowed on a lot. 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.~~

~~(b) Signs that do not require a sign permit shall be subject to other applicable provisions of this article including, but not limited to, size, setback and clearance unless otherwise stated.~~

~~(c) The following are signs that do not require a sign permit:~~

~~(1) **Banners.** Time limit of one hundred twenty (120) consecutive days per banner applies. See §23-562 for banners in the public right of way. **Banners and Wave Banners.** Subject to the following requirement:~~

~~a. Maximum display time limit: Each banner and/or wave banner shall be allowed on a lot for no more than a total of hundred twenty (120) consecutive days per calendar year.~~

~~(2) **Building marker sign.** Subject to the following requirement:~~

~~a. Sign area: Maximum size for a building marker is four (4) square feet.~~

~~(3) **Building number.** Building numbers must meet the requirements in §4-3 of the Municipal Code and Building Addressing Policy of the City of Appleton. All building numbers shall be mounted flush to the structure. Building numbers may or may not be illuminated, subject to departmental policies. If part of the design elements of a subdivision, illuminated house numbers may be integrated into a mailbox structure in the public right of way. Maximum size for officially assigned address information is two (2) square feet.~~

~~(4) (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 where work is under construction and shall identify persons or companies involved in the design, construction, demolition, financing or project development.~~

~~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: Construction signs for single and two-family residences shall not exceed sixteen (16) square feet.~~

~~e. Sign area: Construction signs for commercial, public institutional, industrial, multi-family, traditional or planned developments uses on parcels of less than one hundred thousand (100,000) square feet; construction signs shall not exceed ninety-six (96) square feet on parcels greater than one hundred thousand (100,000) square feet.~~

~~(5) (4) **Directional signs.** Subject to the following requirements:~~

~~a. Sign area: Directional signs may shall not exceed six (6) square feet.~~

~~b. Sign number and placement: No more than one (1) directional sign is permitted per side of driveway.~~

~~c. Sign limitations: Directional signs shall not be composed solely of company names and/ or logos. Company names and/ or logos, shall not exceed two (2) square feet per sign face. All setbacks and clearances must be followed.~~

ZONING

~~(6) **Events signs.** For one (1) day events and special events which require a City Special Event License.~~

(5) **Directory signs.** Subject to the following requirements:

- a. Sign area: Maximum 32 square feet.
- b. Sign height: If a ground sign, maximum 8 feet.
- c. Sign placement: Wall or ground mounted sign. In addition, 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.

~~(7) **Flags.**~~

~~(8) (6) **Governmental signs.** Subject to the following requirements:~~

- a. Signs erected by, or on behalf of, a governmental unit, including legal notices, traffic signs, or other similar regulatory devices, directional 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.

~~(9) (7) **Historical markers signs.** Subject to the following requirements:~~

- a. Sign placement: Commemorative plaques, memorial tablets, or emblems of official historical bodies not exceeding four (4) square feet. Signs may be a ground sign or placed flat against a building, monument stone or other permanent surface.
- b. Sign size: This sign shall not exceed twenty (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 less.

~~(10) **Holiday decorations.** Temporary displays of a primarily decorative nature, clearly incidental to and customarily associated with traditionally accepted civic, patriotic or religious holidays.~~

~~(11) (8) **Home occupation signs.** Subject to the following requirements:~~

- a. Sign number and illuminance: One (1) sign associated with a home occupation complying with the provisions of this chapter, as defined in the zoning ordinance, provided such signs are non-illuminated wall signs.
- b. Sign size and placement: not exceeding Maximum two (2) square feet in area and mounted parallel to the wall.

~~(12) (9) **Public Institutional identity signs.** Subject to the following requirements:~~

- a. Public Institutional uses Institutions such as a university campus may install and maintain an identity sign designating only the name and address of the institution or campus, Sign number and size: One (1) sign not exceeding sixty (60) square feet.
- b. Sign setback: This sign must be located greater than a minimum of ten (10) feet from the right-of-way line.

~~(13) (10) **Interior signs.** Signs that are located on the interior of any building. Subject to the following requirement:~~

- a. Sign placement: Signs located inside exterior windows, walls or doors of any building, mall, court yard, stadium or enclosed lobby, when such signing is intended for interior viewing only.

~~(14) (11) **Model home signs.** Subject to the following requirement:~~

- a. Sign size: Signs not exceeding six (6) square feet identifying a non-occupied dwelling unit used as a demonstrator for selling or renting other dwelling units in the same complex.

~~(15) (12) **Neighborhood and park identification signs.** In any zone, a Subject to the following requirements:~~

- a. Sign location: A sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or tract identification at all entrances. , provided the legend of such sign or display shall consist only of the neighborhood or tract name.

APPLETON CODE

- b. Sign type and size: Neighborhood and park identification signs shall be limited to ground signs not exceeding eight (8) feet in height ~~or~~ and forty-eight (48) square feet per sign face, and meet all other design standards in Division 4.
- (16) ~~(13)~~ **Political campaign signs.** ~~Signs promoting candidates for public office or issues on election ballots, not exceeding sixteen (16) square feet per lot, posted on private property.~~ **Political Election Campaign signs.** As provided in Section 12.04 of the Wisconsin Statutes, election campaign signs are permitted subject to the following requirements:
- a. Sign timeframe: The sign shall not be erected prior to the first day of the “election campaign period” as defined in the Wisconsin Statutes, and shall be removed within 10 days following the election.
 - b. Sign area: Election signs shall not exceed 16 square feet in area per lot unless the sign is affixed to a permanent structure; does not extend beyond the perimeter of the structure, and does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by the City building or fire code to remain unobstructed.
 - c. Sign location: No election campaign sign shall be placed within a public right-of-way.
 - d. Sign removal: The ~~Director~~ Inspections Supervisor and/or the Police Chief, or their designee, are authorized to remove any signs in violation of this subsection.
- (17) ~~(14)~~ **Real estate signs.** Subject to the following requirements:
- a. Sign number: One (1) real estate sign per street frontage of a lot, advertising the sale or lease of that lot or premises.
 - b. Sign location and area: Such signs shall not be located in the public right-of-way, nor be directly illuminated, nor 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 removal: Real estate signs shall be removed within fifteen (15) days after the sale, rental, or lease has been accomplished.
- (18) ~~(15)~~ **Residential Personal expression signs.** Subject to the following requirements: Signs customarily associated with residential use, related to a permitted use of the premises, and not exceeding two (2) square feet. Such signs can include property identification names, numbers or names of occupants, signs posted on private property relating to private parking or warning the public against trespass or danger of animals, neighborhood crime watch signs, or signs advocating any political, religious, or ideological cause.
- a. Sign number and area: One (1) sign is allowed per lot and shall not exceed two (2) square feet.
- (19) ~~(16)~~ **Temporary public Events signs.** Subject to the following requirements:
- a. Temporary Sign area: Signs shall not exceeding thirty-two (32) square feet. ~~pertaining to campaigns or events of civic, philanthropic, educational, or religious organizations, provided such~~
 - b. Initial installation time period: Signs shall not be erected earlier ~~are posted not more~~ than thirty (30) days before an event.
 - c. Sign removal: Signs shall be ~~and~~ removed within two (2) days after the event.
- (20) ~~(17)~~ **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 §23-523(c). ~~Signs shall not be placed on doors or windows needed to be clear for public safety~~
- (21) ~~(18)~~ **Vehicle signs used in normal course of business.** Subject to the following requirements:
- a. Truck, bus, trailer, or other vehicle signs, while the vehicle is operating in the normal course of business, but is not parked in such a way that it acts as an advertising sign on a parking lot, driveway or street according to §23-505.

Secs. 23-509 – 23-521. Reserved.

ZONING

Comments: Added and deleted language clarifies content for ease of use and consistent administration of the regulations. No changes to the current area, size and location requirements for signs are proposed.

DIVISION 4. DESIGN STANDARDS

Sec. 23-522. Number of signs.

Comments: Deleted language removes unnecessary language.

~~Sign limitations shall be based on street frontage and wall area. The total number and area of signs shall not exceed the maximum parameters contained herein and as shown on Table 14A:~~

- (a) **One (1) ground sign.** One (1) ground sign is permitted for each lot unless specified elsewhere in this ~~Article code~~.
- (b) **Two (2) ground signs.** Two (2) 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. ~~with a driveway at the rear of the property.~~
 - (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.

Sec. 23-523. Sign face calculation.

- (a) **Ground signs.** The maximum area of a ground sign shall not exceed one hundred fifty (150) square feet per sign face.
- (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, 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, 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 ~~of changeable copy~~ cannot exceed forty-eight (48) square feet.

(e) ***Sandwich board signs and similar temporary signs.*** Sandwich board sign standards include a maximum three and one-half (3½) foot height, two and one-half (2½) foot width, and six (6) inch high maximum leg supports.

(f) ***Portable signs.*** The maximum size is four (4) feet by eight (8) feet.
(Ord 4-15, §1, 1-27-15)

Sec. 23-524. Ground sign height.

(a) ***Total height.*** The height of a ground sign shall not exceed twenty-eight (28) feet in height.

(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. Application for this permit must be obtained from the Public Works Department. ~~reviewed by the Municipal Services Committee and approved by Common Council.~~

(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 street right-of-way.*** A ground sign, any part of which is closer than fifteen (15) feet to the right-of-way, 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.

(d) ***Intersections/driveways.*** Any ground or portable, sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway 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.

Sec. 23-526. Portable sign display limits.

A portable sign may be displayed for a total of one hundred twenty (120) days per calendar year with a minimum of thirty (30) consecutive day blocks. The entire thirty (30) consecutive day block will count towards the one hundred twenty (120) day total even if all thirty (30) days are not used.

Comments: Added and deleted language clarifies content for ease of use and consistent administration of the regulations. No additional sign restrictions are proposed.

Sec. 23-527. Awning, canopy and marquee signs.

For this section, awning includes canopies and marquees unless otherwise specified.

ZONING

- (a) The sign ~~message copy area can be no~~ shall not be larger than the maximum wall sign area restrictions in §23-524 23-523(c). The copy area shall count as part of the maximum wall sign area calculation, but shall only include those areas with text or company logos. The total awning sign area shall be the sum of all sides of the awning with such text or company logos.

~~(b) The sign message displayed on the principal face and/or valance (fringe) of the awning shall not exceed forty percent (40%) of the awning surface.~~

- (e) (b) An awning ~~with a sign message~~ shall meet the following conditions:

- (1) An awning shall not extend more than five (5) feet from the face of a building.
- (2) ~~A canopy~~ The support structure shall not be closer than two (2) feet from the street curb line.
- (3) Minimum clearance for an awning ~~having a sign~~ shall be seven feet six (7'6") inches from the lowest edge of the awning material to the closest point of a sidewalk.
- (4) The valance shall not exceed nine (9) inches, and letters on the valance shall not exceed six (6) inches in height.
- (5) Any awning sign that extends into public right-of-way (including a public sidewalk) shall be required to obtain a street occupancy permit. Application for this permit must be obtained from the Public Works Department.
- (6) If illuminated, a light source shall meet all national and local electrical codes.

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.

Comments: Added and deleted language breaks out paragraphs into an outline format and clarifies the intent of the ordinance for ease of use. No changes to the current area, size and location requirements for signs are proposed.

Sec. 23-529. Design standard and exceptions.

(a) ***Hospital sign exceptions.*** ~~In a C-2 commercial district, the following design standard exceptions for PD-planned development zoning for hospitals will apply:~~ The following design standard exceptions are permitted:

- (1) ~~A ground, medical campus identification~~ Ground sign number and location: One (1) ground sign shall be allowed for every five hundred (500) feet of frontage subject to size, height and setback restrictions in accordance with Division 4 of this Article. ~~If located by an entrance, an identification sign can be combined with a sign.~~
- (2) ~~Emergency entrance signage may be included in the medical campus identification or site information signage to give clear direction to the emergency room.~~
- (3) ~~(2) Directional sign number, area and location: One (1) directional sign shall be permitted at each driveway entrance and not exceed - to the hospital campus shall be allowed a ground, site information sign to identify parking, emergency, hospital, and clinic entrances. Site information signs shall be limited to seventy (70) square feet in area. and shall meet~~ All height and setback restrictions in accordance with Division 4 of this Article shall be complied with.
- (4) ~~(3) Directory sign number and area: One (1) directory sign shall be permitted at each entrance door to the hospital or clinic, a ground and wall signs will be allowed not to shall not exceed forty (40) square feet in area, to identify the function beyond the door.~~

- ~~(5)~~ (4) Sign illuminance: All hospital related signs may be lighted for nighttime identification.

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article. See Section 23-525(a) for the permit procedure to obtain permission to install signs, banners, awnings, and signs installed on skywalks within the public right-of-way.

- ~~(6) A hospital may request off premises signage attached to City street signs for directional purposes. These signs are subject to City approval and installed by the City.~~
- (b) ~~**Central business district (CBD) exceptions**~~ **Skywalks within the right-of-way.** Permitted signs in the CBD central business district are the same as in the C 2 District, with the following conditions and exceptions: The following design standard exceptions are permitted:
- (1) The maximum sign area shall be twenty percent 20% percent of the wall area of the pedestrian skywalk, unless an increase in sign area is requested and approved pursuant to the street occupancy permit procedure. Applications for this permit must be obtained from the Public Works Department. Signs on pedestrian skywalks are limited to businesses that have long term leases to maintain the skywalks. The area of all skywalk signs per side may be a maximum of twenty percent (20%) of the skywalk face.

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article. See Section 23-525(a) for the permit procedure to obtain permission to install signs, banners, awnings, and signs installed on skywalks within the public right-of-way.

- ~~(2) Parking ramps, library, children's museum, post office, YMCA, hotels, City Center Plaza, and other major landmarks may have off premises signage attached to existing street signage and light poles subject to review and approval by the City.~~
- (c) **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 ~~and lots~~ will 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 at the parking lot entrance on the access street within the front yard opposite the freeway provided the setback and clearance requirements of this Article are complied with.
- (d) **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 exceptions.** The following design standard exceptions are permitted:

- ~~(1) Places of worship and nursing homes will be allowed~~ Ground sign number and area: 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 §23-524(b)-23-523(b).
- ~~(2) Wall Sign:~~ One (1) wall sign will also be allowed per street frontage subject to design standards ~~in accordance with~~ pursuant to Division 4.

ZONING

(e) ***Educational institution signs.*** The following design standard exceptions are permitted:

(1) ~~An educational institution shall be allowed~~ 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-reader board~~, attached to the exterior wall of the school ~~face of an educational institution building~~, not to exceed forty-eight (48) square feet ~~in area.~~, ~~for the purpose of conveying information related to public events held on the premises.~~

(3) ~~Educational institution sites shall also be allowed~~ Number of ground signs: One (1) ground sign ~~as calculated for multiple faced signage §23-523(b) or reader board one (1) changeable copy sign affixed to the ground as calculated for multiple-faced signage pursuant to §23-523(b), if none exists~~ provided a changeable copy sign does not exist as a wall sign.

(4) Ground sign placement: ~~setback at least~~ A twenty (20) feet ~~minimum setback~~ from the public right-of-way.

(5) Ground sign height: ~~The ground sign shall not exceed~~ Maximum: Fifteen (15) feet in height.

(6) Ground sign area: ~~and shall not exceed~~ Maximum: Forty-eight (48) square feet per sign face.

(f) ***Automobile RV, truck, cycle, boat sales and dealerships.*** 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.~~

(g) ***Real estate marketing sign.*** The following design standard exceptions are permitted ~~is allowed~~ for the purpose of marketing a new subdivision, apartment, condominium, mixed use, business/industrial park, or planned development:

(1) Number of ground signs: One (1) ground sign per street frontage.

(2) Ground sign area: Maximum eighty (80) square feet in area. ~~maximum.~~

(3) Such permit will be issued for one (1) calendar year and may be renewed for one (1) additional calendar year.

(h) ***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 5-15, §1, 1-27-15)

Comments: Allows electronic message boards to be consistently regulated and permits display and transition time frame for messages/message frames consistent with the model on-premise sign code drafted by the United States Sign Council.

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 Section 23-53(g) of this Chapter.

Comments: To ensure consistent administration of the Sign Article, the Inspections Division will continue to review and approve murals located on private property pursuant to the permit requirements of this proposed section. Murals that do not contain commercial messages or commercial speech are not subject to size limitation applicable to wall and painted wall signs because they are considered signs. Murals containing commercial messages or commercial speech are defined as signs and are subject to the size limitation applicable to wall and painted wall signs.

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 Section 23-540 of this Article. In addition, all provisions of Division 5 of the Article shall apply to murals.
- (c) Exemptions: Murals are not subject to size limitations applicable to wall or painted wall signs and shall not count as part of the maximum permitted sign area.
- (d) Compliance: Issuance of a permit does not exempt the permittee and/or property owner from complying with any other applicable requirements of the City of Appleton Municipal Code.
- (e) Mural Sponsorship Sign requirements:
 - (1) Sign number: One (1) for each mural.

ZONING

- (2) Sign area: Maximum nine (9) square feet.
- (3) Sign placement: Wall mounted.

Secs. 23-530~~2~~ – 23-539. Reserved.

DIVISION 5. ADMINISTRATIVE PROCEDURES

Added and deleted language clarifies the intent of the ordinance for ease of use. No new regulations are introduced.

Sec. 23-540. Sign permit.

(a) **Permit required.** A permit from the ~~Director~~ 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 ~~on premises or off premises sign upon private property~~, unless exempted under §23-508. Repainting, routinely maintaining, or changing the message on a sign will not be considered a substantial alteration and will not require a permit.

Comments: Section 23-540 (b) is a duplication of Section 23-540(a) above. Therefore, this section is being deleted to avoid duplication of standards.

~~(b) **Permits for portable and temporary signs.** A permit for portable and temporary signs may include all of the subject signs on one (1) permit. This permit must be obtained each calendar year, and is available by U.S. Mail.~~

~~(e)~~ **(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 ~~may~~ shall increase to three (3) times the amount if a permit is applied for after the work is started.

Comments: Per Inspections Division, in 2017, early 40% of the sign permit applications have been submitted online. In order to accept applications in this way, a signature or a hard copy plot plan or rendering is not required. It is anticipated the online applications will increase in the future. Sign companies like the online application process because some are out of town, and it is quicker and easier for them. The required signature and 8-1/2" x 11" paper plot plan has been deleted and replaced with "name of application provided" and take out requirement for "paper plan".

~~(d)~~ **(c) Permit application.** Before construction of any sign requiring a permit, an application must be filed with the Inspections Supervisor ~~Director~~. 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 ~~Director~~ 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 ~~Director~~. 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.

~~(e)~~ **(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 ~~Director~~ with supplementary attachments on 8-1/2" x 11" paper, ~~a depiction of the proposed sign, and a plot plan.~~
- (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.

ZONING

- c. Structural supports or visible methods of attaching the sign with dimensions to include the total height of the sign.
- d. ~~If required by the Director, Calculations showing the structure and design meets the requirements of this section for wind pressure load. and other information as the Director may require to show full compliance with this and all other applicable ordinances or regulations of the City.~~
- e. ~~If required, the Inspections Supervisor Director~~ 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)

Comments: In order to achieve the goal of consolidating like standards in one place in the Zoning Ordinance and to align the City Ordinances with Wisconsin States Statutes, variances and appeals will be processed pursuant to Section 23-67 of the Zoning Ordinance.

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 Director shall then prepare a brief written statement of the reasons for denial.

Sec. 23-542. ~~Variation procedures.~~ Variances and appeals.

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

(b) **Variances.** ~~Sign code~~ Variances to any provisions within this Article shall follow §23-67 of this Chapter. ~~the zoning ordinance with the addition of the following review criteria:~~

- ~~(1) The variance will not be contrary to the spirit and purpose of this article;~~
- ~~(2) Where owing to special conditions, a literal enforcement of this would result in undue hardship; and~~
- ~~(3) Issuance of a variance will assure substantial justice due to circumstances uniquely related to the individual property.~~

(c) **Minor variation.** A minor variation to the sign code is a request:

- ~~(1) To increase the allowable area and height requirements for signage and/or decrease the setback requirements for signage by a maximum of twenty percent (20%);~~
- ~~(2) To divide the maximum square footage of signage;~~
- ~~(3) To vary the size and/or location of a monument sign by more than twenty percent (20%). Minor variations will be approved, approved with conditions, or denied by the Community and Economic Development Director. A Variation Application must be submitted. A complete submittal will be processed in fourteen (14) calendar days.~~
- ~~(4) No minor variation will be granted by the Community and Economic Development Director unless the Community and Economic Development Director finds that:~~
 - ~~a. The signage as shown is compatible with the neighborhood and the neighboring signage;~~
 - ~~b. The situation is unique or presents unique and beneficial solutions to signage for the parcel and/or the neighborhood;~~

- ~~e. The variation will provide a demonstrable benefit to the community;~~
- ~~d. There is a public benefit in enhancing the tax base by improvements on the parcel, and/or any beneficial actions, plans, or intent of the master signage plan which are clearly beyond the minimum requirements of this chapter shall be specifically listed as evidence of justified variations;~~
- ~~e. The signage will not impair public health, safety, comfort, morals, appearance or welfare of the inhabitants of the City.~~

~~(d) **PD zoning.** The exception to (a) and (b) above occurs when a property has a PD, planned development, overlay zoning. Planned development parcels must apply for a Planned Development Amendment according to §23-151 of this ordinance.~~

~~(e) **Procedure.** Any application for a variance taken pursuant to this section shall be in conformity with the procedures established by §23-67 of the zoning ordinance and shall provide the following information:~~

- ~~(1) An application signed by the owner and a fee as established by the Common Council and on file in the Office of the City Clerk;~~
- ~~(2) Information as required for a sign permit, see §23-540;~~
- ~~(3) Location of building(s), parking lots, driveways and landscaped areas in the project;~~
- ~~(4) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of ground signs allowed on the parcels included in the plan under this article;~~
- ~~(5) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, including directional signs.~~

(Ord 121-05, §1, 10-25-05; Ord 87-06, §1, 7-11-06)

Comments: The sign contractor should be utilizing their industry's best practices regarding the appropriate equipment used for sign installation and maintenance. This requirement is not a land use issue. Therefore, the Zoning Ordinance should not regulate equipment used by contractors. As a result, this section has been deleted.

~~Sec. 23-543. Required equipment.~~

~~All signs shall be installed and maintained in a professional manner, using equipment that is adequate and safe for the task. This section recognizes there is great peril to the public safety by improper performance of sign contractors through use of inadequate equipment. Therefore, the Director may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Director may also cite the sign contractor for a violation of this section if the contractor fails to use proper equipment in the installation and/or maintenance of signs.~~

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 hold harmless and indemnify the City or its officers, agents, and employees from any and all claims.

ZONING

Comments: This requirement is not a land use issue. Electrical issues are regulated under the Chapter 4 Buildings of the Municipal Code. As a result, this section has been deleted.

~~Sec. 23-545. Installation and maintenance of electric signs.~~

~~This section recognizes electric signs are controlled under the special equipment provisions of Article 600 of the National Electrical Code and Chapter 4 of this Municipal Code. In addition, electric sign contractors have developed a specialized trade of high voltage discharge electric sign installation and maintenance to properly install and service high voltage electric signs. Electric sign contractors and their employees are authorized to perform the following specific tasks:~~

~~(a) To install exterior electric signs, ballasts, or high voltage transformers to sockets or outline lighting tubes, but not to connect the signs to primary branch circuits;~~

~~(b) To install interior electric signs, but not to connect the signs to the primary branch circuit; and~~

~~(c) To maintain and replace any electric component within the sign, on its surface or between the sign and building for exterior signs only. This section prohibits the electric sign contractor or its employees from performing work on electric signs in contradiction to the National Electrical Code or Chapter 4 of this Municipal Code.~~

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.

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

(a) ***Maintenance and repair.*** ~~Every sign shall be maintained in a safe, and aesthetically beneficial good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning, and other acts required for the maintenance of the sign. 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.

(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 they advertised is no longer conducted there or the sign message contains obsolete advertising matter, 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 ~~Director~~ shall give the owner sixty (60) days written notice to remove the sign.
- (3) The Inspections Supervisor ~~Director~~ may take any appropriate legal action necessary to obtain compliance. Removal of the sign in question includes the removal of the sign structure and sign cabinet.

Sec. 23-548. Payment for sign removal.

When it becomes necessary for the Inspections Supervisor ~~Director~~ 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 (\$50) dollars nor more than five hundred (\$500) dollars, together with the costs of prosecution. Each day a violation exists, or continues, shall constitute a separate offense.

Secs. 23-550 – 23-559. Reserved.

ZONING

DIVISION 6. SIGNS ALLOWED BY ZONING DISTRICTS

~~Sec. 23-560. Reserved.~~

(Ord 121-05, §1, 10-25-05; Ord 88-06, §1, 7-11-06)

Comments: In the matter of public interest and consistent enforcement of this Article, this section clarifies items that are exempt for the provisions of this Article. Other language added is for ease of use and consistent administration of this Article. No changes to the current area, size and location requirements for signs are proposed.

Sec. 23-~~561~~ 560. Zoning district restrictions and exemptions.

(a) **Residential districts.** Signs not requiring a permit listed in §23-508 are signs permitted in the AG, R-1C, R-1A, R-1B, R-2, R-3 residential zoning districts. For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.

(b) **Commercial and industrial districts.** Signs permitted in the C-O commercial office, C-1 neighborhood commercial, C-2 general commercial, M-1 industrial park and M-2 general industrial zoning districts are signs not requiring a permit listed in §23-508, ground, temporary, electronic message board, changeable copy, sandwich board, portable, projecting, wall, window, marquee, awning and canopy signs. For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23- 561.

(c) **Central business district.** Signs permitted in the CBD central business district are the same as in paragraph (b). For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23- 561.

(d) **Planned development districts.** Signs in a PD overlay district will be based on the permitted signage within the underlying zoning district. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23- 561.

(e) **Public Institutional district.** Signs permitted in the P-I Public Institutional district are the same as in paragraph (b). For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.

(f) **Nature conservancy district.** Signs not requiring a permit listed in §23-508 are signs permitted in the NC Nature conservancy district. For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23- 561.

(g) Exemptions:

(1) The following shall be exempt from the provisions of this Article:

- a. Athletic score boards.
- b. Building address numbers.
- c. Flags.
- d. Interpretative signs or wayfinding signs.
- e. Menu boards.
- f. Official legal notices.
- g. Public Art.
- h. Umbrellas with commercial or non-commercial messages or speech.

(Ord 89-06, §1, 7-11-06)

Comments: Because zoning regulations don't govern the road right-of-way, all references to signs in the road right-of-way are deleted from this Article.

~~Sec. 23-562. Regulations for banners in the right-of-way.~~

- ~~(a) Requests for installation of banners must be made either by a recognized agency representing the area or from a two thirds (2/3) majority of the properties along the proposed route.~~
- ~~(b) All banners and necessary brackets (including replacement parts) shall be supplied by the requesting agency.~~
- ~~(c) Storage of banners shall be the responsibility of the requesting party.~~
- ~~(d) Requesting parties must designate an individual to serve as the contact person with the City.~~
- ~~(e) Banners shall be installed only in areas that are predominantly commercial zoning.~~
- ~~(f) Banner installation shall be consistent with planning and development policies, represent an appropriate theme and not detract from the aesthetics of an area. Plans for banner installation, including color scheme, theme and spacing shall be approved by the Community and Economic Development Department and Plan Commission before being forwarded to the Municipal Services Committee for issuance of a permit.~~
- ~~(g) Banner materials (including the brackets) shall be approved by the Department of Public Works.~~
- ~~(h) Banner installation shall be done by the Department of Public Works or by private contractor. If a private contractor is used, installation plans showing bracket locations and elevations must be provided and approved by the Department of Public Works.~~
- ~~(i) If performed by the Department of Public Works, the cost of initial banner and bracket installation will be divided equally between the applicant and the City (exclusive of materials).~~
- ~~(j) All costs of repair or replacement of banners done by the Department of Public Works will be charged to the requesting agency or designated individual as they are incurred.~~
- ~~(k) The cost of changeover of banners done by the Department of Public Works will be divided equally between the applicant and the City, up to a maximum of twice per year, after which all costs will be borne by the applicant.~~
- ~~(l) Banners will remain the property of the requesting agency.~~
- ~~(m) The requesting agency will be given thirty (30) days notice of deteriorated banners (in the judgment of the City) after which they will be removed and the cost of removal will be billed to the requesting agency or designated individual.~~
- ~~(n) Installation of items budgeted by the City for installation are exempt from this policy (angels, flags, etc.).~~

ZONING

Comments: In order to achieve the goal of consolidating like standards in one place in the Zoning Ordinance, this table is being deleted because these Sign Ordinance regulations are listed in previous sections.

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.) ^a	-	-	-	150	150	150	150	150
Height (feet) ^b	-	-	-	28	28	28	28	28
Number Permitted ^{c, d}	-	-	-	1	1	1	1	1
<i>Building</i>								
Wall sign area (whichever is less)	-	-	-	350 or 35%	350 or 35%	350 or 35%	10%	10%
Portable sign ^e	-	-	-	4x8	4x8	4x8	4x8	4x8
Temporary sign ^f	-	-	-	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	C-1 Neighborhood Commercial District
R-1A, R-1B, R-1C R-2 Residential, Single and Two Family District	C-2 General Commercial District
R-3 Residential, Multifamily District	CBD Central Business District
P-I Public and Institutional District	M-1 Industrial Park District
NC Nature Conservancy	M-2 General Industrial District
C-O Commercial Office District	

(Ord 1-15, §1, 1-27-15)

APPLETON CODE

Table 23-14B. Sec. 23- 561.-Permitted Table 3. Allowed and Prohibited Signs by Type and Zoning District, include but are not limited to the following:

Sign Type	AG	R-1A, R-1B, R-1C & R-2	R-3, NC	P-I & C-O	C-1 & C-2	CBD	M-1	M-2
Ground	A ^a	A ^a	A ^a	P	P	P	P	P
Building								
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
<u>Ghost</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Marquee</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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 ^a	A ^a	A ^a	P	P	P	P	P
Window	A	A	A	A	A	A	A	A
Miscellaneous								
Animated, <u>flashing illumination, motion picture, laser projection, or sound emission</u>	X	X	X	X	X	X	X	X
<u>Banners and Wave Banners</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Beacons</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Billboard	X	X	X	X	X	X	X	X
Changeable Copy (manual and electronic message board)	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Construction	A	A	A	A	A	A	A	A
Directional	A	A	A	A	A	A	A	A
<u>Directory</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Event</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Flag	A	A	A	A	A	A	A	A
<u>Governmental</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Historical</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Home Occupation	A	A	A	A	A	A	A	A
<u>Interior</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Model home</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Neighborhood and Park Identity</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Off-Premises	X	X	X	X	X	X	X	X
<u>Personal Expression</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

ZONING

Sign Type	AG	R-1A, R-1B, R-1C & R-2	R-3, NC	P-I & C-O	C-1 & C-2	CBD	M-1	M-2
<i>Miscellaneous</i>								
<u>Political Election Campaign</u>	A	A	A	A	A	A	A	A
Portable	X	X	X	P	P	P	P	P
<u>Public Institutional Identity</u>	A	A	A	A	A	A	A	A
Real Estate	A	A	A	A	A	A	A	A
Residential	A	A	A	A	A	A	A	A
Temporary /Sandwich Board	X	X	X	P	P	P	P	P
<u>Vehicle</u>	A	A	A	A	A	A	A	A

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.

Secs. 23-563 ~~2~~– 23-569. Reserved.

Remainder of page intentionally left blank

Clean Version – Proposed Article XIV. Signs**Date: March 13, 2018****ARTICLE XIV. SIGNS*****DIVISION 1. INTRODUCTORY INFORMATION****Sec. 23-500. Purpose.**

The purpose of these sign regulations is to provide comprehensive and balanced sign regulations that will preserve the right of free speech and expression; 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.

Sec. 23-501. No Discrimination Against Non-Commercial Signs Or Speech.

The owner of any sign which is otherwise allowed under this Article XIV 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-site commercial message in place of an on-site commercial message.

Sec. 23-502. Severability.

If any portion of this Article XIV 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 XIV and should in no way affect or diminish the validity of the remainder of Article XIV or any other sign regulation set forth herein.

Sec 23-503. Reserved.**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 Article II of this Chapter. 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 burning continuously.

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.

ZONING

Athletic scoreboard means a sign accessory to an athletic playing field and/or its associated fences and walls, used to report scores and often to promote businesses to viewers of the events.

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. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

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 means an off premise sign. .

Building marker sign means any sign indicating a building's name, date, or any incidental information about its construction 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 audience.

Construction sign means a temporary sign on private property describing a construction or improvement project that includes the names of the contractors, architects, engineers, investors and/or future tenant(s).

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

Department in this Article means the City of Appleton Inspections Division.

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

Directional sign means a sign providing general information, such as "no parking", "parking areas", "entrance", "exit", "truck and passenger loading/unloading areas", "identification names", "numbers or names of occupants", "signs posted on private property relating to private parking or warning the public against trespass or danger of animals", "neighborhood crime watch signs" or other messages or symbols necessary to direct vehicles or pedestrians to, through or within a site. Company names and logos may be displayed on directional signs.

Directory sign means a sign listing the names, use or location of business, tenants, owners, renters and/or activities with a building or group of buildings or multi-tenant building or development.

Electronic message board means a 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 Section 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.

Event sign means a temporary sign that directs attention to an occurrence generally regarded and acceptable as important, newsworthy and of public service that can reasonably be expected to cause a public gathering that is not part of the normal course of business at the location or otherwise an event issued a City Special Event License.

APPLETON CODE

Flag means a piece of fabric having distinctive colors and patterns used as a symbol of a government, political subdivision or other entity.

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 and primarily identifies a business or company to freeway users.

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 or advertises the use of 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.

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 means the vertical distance measured from the normal grade to the highest point of the sign.

Historic markers signs means a signs identifying 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 sign advertising a legally permitted home occupation pursuant to §23-45 of this Chapter.

Interpretive signs mean a sign providing information that interprets a natural, historical or cultural resource, event or site. Such signs shall be located only on sites directly related to the information contained in the sign.

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

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 providing menu items and prices associated with a drive-through window or walk-up service window.

Monument signs means a ground sign with the bottom of the sign a maximum of twelve (12) inches from normal grade.

Multi-tenant means a building with more than one (1) tenant that utilizes wall, projecting, canopy or ground signage.

Mural means a picture, illustration, design, representation and/or copy painted or drawn directly onto the surface of an exterior building wall that does not contain commercial messages or commercial speech. Definition of Mural does not include:

1. Public art and/or murals installed or located, and approved in accordance with the City of Appleton Public Arts Policy.

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.

ZONING

Neighborhood and park identification signs means a sign that identifies a neighborhood or park that is officially designated by the city or approved pursuant to the City of Appleton Land Division and Subdivision Ordinance.

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

Noncommercial speech mean any message 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-Site or 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-site 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-site 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-Site or 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 that contains commercial messages or commercial speech. Definition of Painted wall sign does not include:

1. Public art and/or murals installed or located, and approved in accordance with the City of Appleton Public Arts Policy.

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.

Personal expression signs means an on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Plot plan means a scaled drawing of a parcel that depicts all elements on and surrounding the parcel.

Portable sign means a temporary sign lit or unlit designed to be transported, including, but not limited to, signs designed to be transported by means of wheels.

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 storage buildings, 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.

APPLETON CODE

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 used to identify the name, address of and/or services provided by any public institutional use(s) occupying the premises.

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.

1. Athletic scoreboards, flags, holiday decorations, menu boards, streamers, pennants, 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. In addition, signs located entirely within an enclosed building and not legible from a street shall not be considered a sign.

Sign contractor means any person engaged in whole or in part in the erection or maintenance of signs, excluding the business that the sign advertises.

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, in addition, 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 not permanently mounted.

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

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.

ZONING

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 with maps or other graphics that do not contain commercial messages or commercial speech, 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.

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 as defined in this Article).
- (b) Beacons.
- (c) Billboards.
- (d) Off-premises signs.
- (e) Roof signs.
- (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.
- (g) Signs marked, tacked or otherwise affixed to trees or other vegetation.
- (h) Signs containing statements, words, or pictures of an obscene or pornographic nature.
- (i) 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.
- (j) Swinging and alternating signs.

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.

Sec. 23-508. 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. Maximum display time limit: Each banner and/or wave banner shall be allowed on a lot for no more than a total of hundred twenty (120) consecutive days per calendar year.
- (2) **Building marker sign.** Subject to the following requirement:
 - a. Sign area: Maximum 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 where work is under construction and shall identify persons or companies involved in the design, construction, demolition, financing or project development.
 - 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: Construction signs for single and two-family residences shall not exceed sixteen (16) square feet.
 - e. Sign area: Construction signs for commercial, public institutional, industrial, multi-family, traditional or planned developments shall not exceed ninety-six (96) square feet.
- (4) **Directional signs.** Subject to the following requirements:
 - a. Sign area: Directional signs shall not exceed six (6) square feet.
 - b. Sign number and placement: No more than one (1) directional sign is permitted per side of driveway.
 - c. Sign limitations: Directional signs shall not be composed solely of company names and/ or logos. Company names and/ or logos, shall not exceed two (2) square feet per sign face.
- (5) **Directory signs.** Subject to the following requirements:
 - a. Sign area: Maximum 32 square feet.
 - b. Sign height: If a ground sign, maximum 8 feet.
 - c. Sign placement: Wall or ground mounted sign. In addition, 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.
- (6) **Governmental signs.** Subject to the following requirements:
 - a. Signs erected by, or on behalf of, a governmental unit, including legal notices, traffic signs, or other similar regulatory devices, directional 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.
- (7) **Historic marker signs.** Subject to the following requirements:
 - a. Sign placement: Signs may be a ground sign or placed flat against a building, monument stone or other permanent surface.

ZONING

- b. Sign size: This sign shall not exceed twenty (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 less.
- (8) **Home occupation signs.** Subject to the following requirements:
- a. Sign number and illuminance: One (1) sign associated with a home occupation complying with the provisions of this chapter, provided such signs are non-illuminated wall signs.
 - b. Sign size and placement: Maximum two (2) square feet in area and mounted parallel to the wall.
- (9) **Public Institutional identity signs.** Subject to the following requirements:
- a. Sign number and size: One (1) sign not exceeding sixty (60) square feet.
 - b. Sign setback: This sign must be located a minimum of ten (10) feet from the right-of-way line.
- (10) **Interior signs.** Subject to the following requirement:
- a. Sign placement: Signs located inside exterior windows, walls or doors of any building, mall, court yard, stadium or enclosed lobby, when such signing is intended for interior viewing only.
- (11) **Model home signs.** Subject to the following requirement:
- a. Sign size: Signs not exceeding six (6) square feet identifying a non-occupied dwelling unit used as a demonstrator for selling or renting other dwelling units in the same complex.
- (12) **Neighborhood and park identification signs.** Subject to the following requirements:
- a. Sign location: A sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or tract identification at all entrances.
 - b. Sign type and size: Neighborhood and park identification signs shall be limited to ground signs not exceeding eight (8) feet in height and forty-eight (48) square feet per sign face, and meet all other design standards in Division 4.
- (13) **Political Election Campaign signs.** As provided in Section 12.04 of the Wisconsin Statutes, election campaign signs are permitted subject to the following requirements:
- a. Sign timeframe: The sign shall not be erected prior to the first day of the “election campaign period” as defined in the Wisconsin Statutes, and shall be removed within 10 days following the election.
 - b. Sign area: Election signs shall not exceed 16 square feet in area per lot unless the sign is affixed to a permanent structure; does not extend beyond the perimeter of the structure, and does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by the City building or fire code to remain unobstructed.
 - c. Sign location: No election campaign sign shall be placed within a public right-of-way.
 - d. Sign removal: The Inspections Supervisor and/or the Police Chief, or their designee, are authorized to remove any signs in violation of this subsection.
- (14) **Real estate signs.** Subject to the following requirements:
- a. Sign number: One (1) real estate sign per street frontage of a lot, advertising the sale or lease of that lot or premises.
 - b. Sign location and area: Such signs shall not be located in the public right-of-way, nor be directly illuminated, nor 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 removal: Real estate signs shall be removed within fifteen (15) days after the sale, rental, or lease has been accomplished.
- (15) **Personal expression signs.** Subject to the following requirements:
- a. Sign number and area: One (1) sign is allowed per lot and shall not exceed two (2) square feet.
- (16) **Events signs.** Subject to the following requirements:
- a. Sign area: Signs shall not exceed thirty-two (32) square feet.
 - b. Initial installation time period: Signs shall not be erected earlier than thirty (30) days before an event.
 - c. Sign removal: Signs shall be removed within two (2) days after the event.

APPLETON CODE

(17) **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 §23-523(c).

(18) **Vehicle signs used in normal course of business.** Subject to the following requirements:

- a. Truck, bus, trailer, or other vehicle signs, while the vehicle is operating in the normal course of business, but is not parked in such a way that it acts as an advertising sign on a parking lot, driveway or street according to §23-505.

Secs. 23-509 – 23-521. Reserved.

DIVISION 4. DESIGN STANDARDS

Sec. 23-522. Number of signs.

- (a) **One (1) ground sign.** One (1) ground sign is permitted for each lot unless specified elsewhere in this Article.
- (b) **Two (2) ground signs.** Two (2) 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.

Sec. 23-523. Sign face calculation.

- (a) **Ground signs.** The maximum area of a ground sign shall not exceed one hundred fifty (150) square feet per sign face.
- (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, 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, thirty-five percent (35%) of the building wall area or three hundred fifty (350) square feet whichever is less.

ZONING

- (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.
- (e) **Sandwich board signs and similar temporary signs.** Sandwich board sign standards include a maximum three and one-half (3½) foot height, two and one-half (2½) foot width, and six (6) inch high maximum leg supports.
- (f) **Portable signs.** The maximum size is four (4) feet by eight (8) feet.

Sec. 23-524. Ground sign height.

- (a) **Total height.** The height of a ground sign shall not exceed twenty-eight (28) feet in height.
- (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. Application for this permit must be obtained from the Public Works Department.
- (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.** A ground sign, any part of which is closer than fifteen (15) feet to the right-of-way, 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.
- (d) **Intersections/driveways.** Any ground or portable, sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway 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 not be 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.

Sec. 23-526. Portable sign display limits.

A portable sign may be displayed for a total of one hundred twenty (120) days per calendar year with a minimum of thirty (30) consecutive day blocks. The entire thirty (30) consecutive day block will count towards the one hundred twenty (120) day total even if all thirty (30) days are not used.

Sec. 23-527. Awning, canopy and marquee signs.

For this section, awning includes canopies and marquees unless otherwise specified.

APPLETON CODE

- (a) The sign copy area shall not be larger than the maximum wall sign area restrictions in §23-523(c). The copy area shall count as part of the maximum wall sign area calculation, but shall only include those areas with text or company logos. The total awning sign area shall be the sum of all sides of the awning with such text or company logos.
- (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 be closer than two (2) feet from the street curb line.
 - (3) Minimum clearance for an awning sign shall be seven feet six (7'6") inches from the lowest edge of the awning material to the closest point of a sidewalk.
 - (4) The valance shall not exceed nine (9) inches, and letters on the valance shall not exceed six (6) inches in height.
 - (5) Any awning sign that extends into public right-of-way (including a public sidewalk) shall be required to obtain a street occupancy permit. Application for this permit must be obtained from the Public Works Department.
 - (6) If illuminated, a light source shall meet all national and local electrical codes.

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 exceptions.** The following design standard exceptions are permitted:
 - (1) Ground sign number and location: 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) Directional sign number, area and location: One (1) directional sign shall be permitted 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 sign number and area: 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) **Skywalks within the right-of-way.** The following design standard exceptions are permitted:
 - (1) The maximum sign area shall be twenty percent 20% percent of the wall area of the pedestrian skywalk, unless an increase in sign area is requested and approved pursuant to the street occupancy permit procedure. Applications for this permit must be obtained from the Public Works Department.
- (c) **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.

ZONING

- (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.
- (d) ***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 exceptions.*** The following design standard exceptions are permitted:
 - (1) Ground sign number and area: 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 §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.
- (e) ***Educational institution signs.*** The following design standard exceptions are permitted:
 - (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 §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.
- (f) ***Automobile RV, truck, cycle, boat sales and dealerships.*** 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.
- (g) ***Real estate marketing sign.*** The following design standard exceptions are permitted for the purpose of marketing a new subdivision, apartment, condominium, mixed use, business/industrial park, or planned development:
 - (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.
- (h) ***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.

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 Section 23-53(g) of this Chapter.

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 Section 23-540 of this Article. In addition, all provisions of Division 5 of the Article shall apply to murals.
- (c) Exemptions: Murals are not subject to size limitations applicable to wall or painted wall signs and shall not count as part of the maximum permitted sign area.
- (d) Compliance: Issuance of a permit does not exempt the permittee and/or property owner from complying with any other applicable requirements of the City of Appleton Municipal Code.
- (e) Mural Sponsorship Sign requirements:
 - (1) Sign number: One (1) for each mural.
 - (2) Sign area: Maximum nine (9) square feet.
 - (3) Sign placement: Wall mounted.

Secs. 23-532 – 23-539. Reserved.

DIVISION 5. ADMINISTRATIVE PROCEDURES

ZONING

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 §23-508. 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.

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.

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 §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 his/her decision.
- (b) **Variances.** Variances to any provisions within this Article shall follow §23-67 of this Chapter.

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 hold harmless and indemnify the City or its officers, agents, and employees from any and all claims.

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.

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.
- (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 they advertised is no longer conducted there or the sign message contains obsolete advertising matter, 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.

ZONING

- (3) The Inspections Supervisor may take any appropriate legal action necessary to obtain compliance. Removal of the sign in question includes the removal of the sign structure and sign cabinet.

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 (\$50) dollars nor more than five hundred (\$500) dollars, 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. Zoning district restrictions and exemptions.

- (a) **Residential districts.** Signs not requiring a permit listed in §23-508 are signs permitted in the AG, R-1C, R-1A, R-1B, R-2, R-3 residential zoning districts. For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.
- (b) **Commercial and industrial districts.** Signs permitted in the C-O commercial office, C-1 neighborhood commercial, C-2 general commercial, M-1 industrial park and M-2 general industrial zoning districts are signs not requiring a permit listed in §23-508, ground, temporary, electronic message board, changeable copy, sandwich board, portable, projecting, wall, window, marquee, awning and canopy signs. For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.
- (c) **Central business district.** Signs permitted in the CBD central business district are the same as in paragraph (b). For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.
- (d) **Planned development districts.** Signs in a PD overlay district will be based on the permitted signage within the underlying zoning district. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.
- (e) **Public Institutional district.** Signs permitted in the P-I Public Institutional district are the same as in paragraph (b). For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.
- (f) **Nature conservancy district.** Signs not requiring a permit listed in §23-508 are signs permitted in the NC Nature conservancy district. For design standard exceptions, see §23-529. For Permitted and Prohibited Signs by Type and Zoning District, see §23-505 and §23-561.
- (g) **Exemptions:**
- (1) The following shall be exempt from the provisions of this Article:
- a. Athletic score boards.
 - b. Building address numbers.
 - c. Flags.

APPLETON CODE

- d. Interpretative signs or wayfinding signs.
- e. Menu boards.
- f. Official legal notices.
- g. Public Art.
- h. Umbrellas with commercial or non-commercial messages or speech.

Sec. 23- 561. Table 3. Allowed and Prohibited Signs by Type and Zoning District, include but are not limited to the following:

Sign Type	AG	R-1A, R-1B, R-1C & R-2	R-3, NC	P-I & C-O	C-1 & C-2	CBD	M-1	M-2
Ground	A ^a	A ^a	A ^a	P	P	P	P	P
Building								
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
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 ^a	A ^a	A ^a	P	P	P	P	P
Window	A	A	A	A	A	A	A	A
Miscellaneous								
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
Billboard	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
Directional	A	A	A	A	A	A	A	A
Directory	A	A	A	A	A	A	A	A
Event	A	A	A	A	A	A	A	A
Governmental	A	A	A	A	A	A	A	A
Historical	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

ZONING

Model home	A	A	A	A	A	A	A	A
Neighborhood and Park Identity	A	A	A	A	A	A	A	A
Off-Premises	X	X	X	X	X	X	X	X
Personal Expression	A	A	A	A	A	A	A	A
Sign Type	AG	R-1A, R-1B, R-1C & R-2	R-3, NC	P-I & C-O	C-1 & C-2	CBD	M-1	M-2
<i>Miscellaneous</i>								
Political Election Campaign	A	A	A	A	A	A	A	A
Portable	X	X	X	P	P	P	P	P
Public Institutional Identity	A	A	A	A	A	A	A	A
Real Estate	A	A	A	A	A	A	A	A
Residential	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 (§23-508).

P – Permit required.

X – Prohibited sign (§23-505).

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

Secs. 23-562– 23-569. Reserved.

Remainder of page intentionally left blank



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 13, 2018

Common Council Meeting Date: March 21, 2018

Item: Final Plat – Fourth Addition to Emerald Valley

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Address/Parcel #: Providence Avenue / Part of 31-1-7600-00

Petitioner's Request: The owner/applicant is proposing to subdivide property under a multi-phased approach.

BACKGROUND

The Preliminary Plat for the Fourth Addition to Emerald Valley consisting of 15 residential lots was approved by the Common Council on July 19, 2017.

The Final Plat for the Third Addition to Emerald Valley consisting of 11 residential lots was approved by the Common Council on May 3, 2017.

The Final Plat for the Second Addition to Emerald Valley consisting of 28 residential lots was approved by the Common Council on September 17, 2014.

The Final Plat for the First Addition to Emerald Valley consisting of 3 residential lots was approved by the Common Council on June 2, 2010.

The Final Plat for Emerald Valley consisting of 50 residential lots was approved by the Common Council on June 6, 2007.

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

STAFF ANALYSIS

Existing Conditions: The portion of the lot to be subdivided is currently undeveloped. The 5.416 acre area will be divided into fifteen (15) single family lots.

Comparison Between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat layout for these fifteen (15) lots in terms of shape, size, and location.

Zoning Ordinance Review Criteria: R-1B lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed average lots size is 13,000 square feet. All lots exceed this requirement.*
- Minimum lot width: Fifty (50) feet.
 - *The proposed lots average lot width is 98 feet. All lots exceed this requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *The 20 foot required front yard setback is shown on the Final Plat. All required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, and no variances have been requested.

Access and Traffic: The primary vehicular access to this phase is via French Road and Providence Avenue, which connects Aquamarine Avenue to Amethyst Drive and Bluetopaz Drive to Amethyst Drive. The full 60-foot road right-of-way for width of Amethyst Drive will be dedicated to the City with the Final Plat.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east and west). The uses are generally residential and agricultural in nature.

2010-2030 Comprehensive Plan: Community Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential uses shown on the City's 2010-2030 Comprehensive Plan Future Land Use Map.

Parks and Open Space: The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code have been waived in exchange for parkland as illustrated in the current Emerald Valley Development Agreement signed by the City officials on July 17, 2006.

Technical Review Group Report (TRG): This item was discussed at the February 20, 2018 Technical Review Group Report meeting.

Department of Public Works Comments:

- A Development Agreement will be required as part of the Final Platting process.

RECOMMENDATION

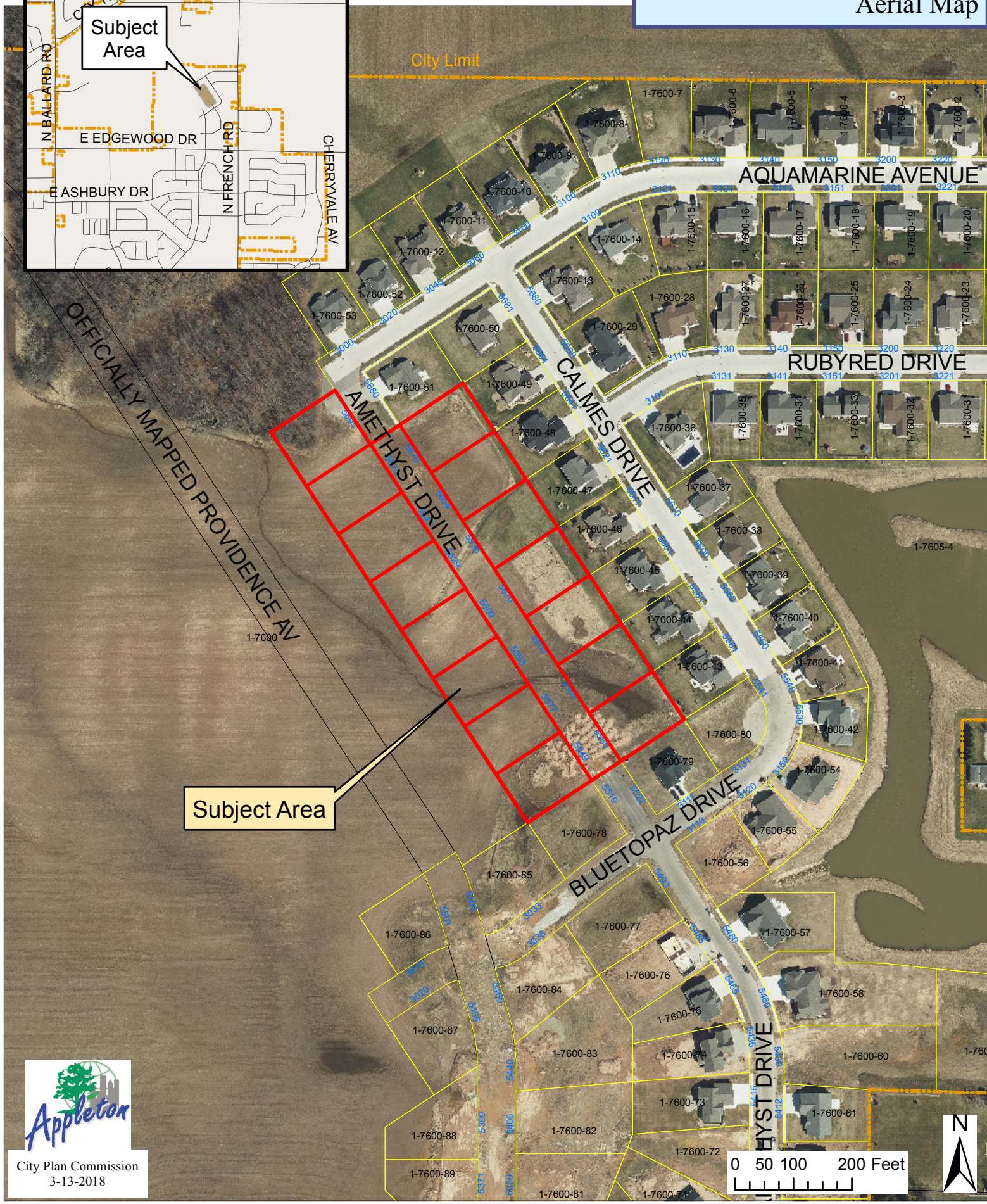
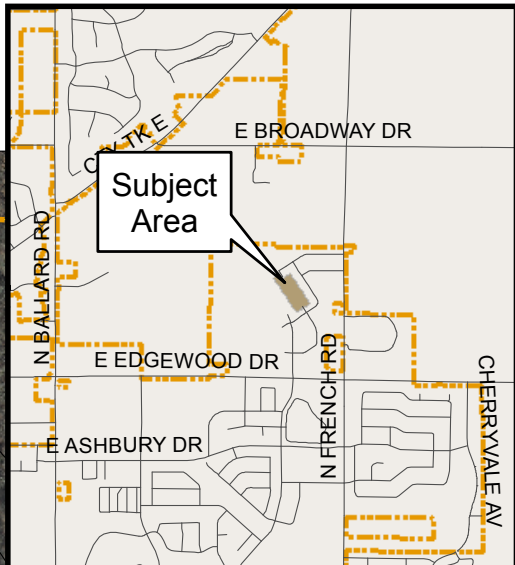
The Fourth Addition to Emerald Valley Final Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. The following street within the Fourth Addition to Emerald Valley Final Plat satisfies the standard to be classified as local street and will henceforth be so classified:

Local Street: Amethyst Drive

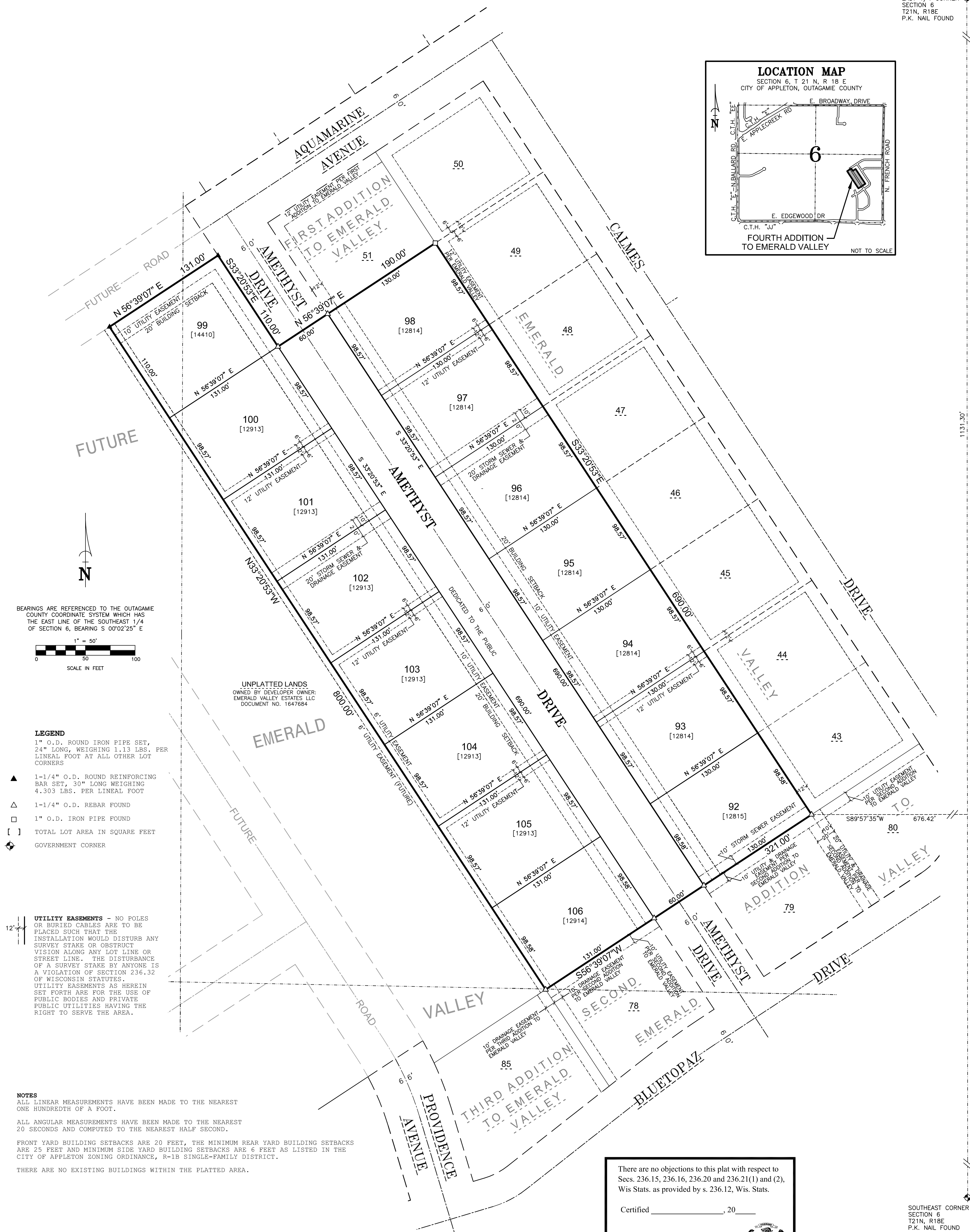
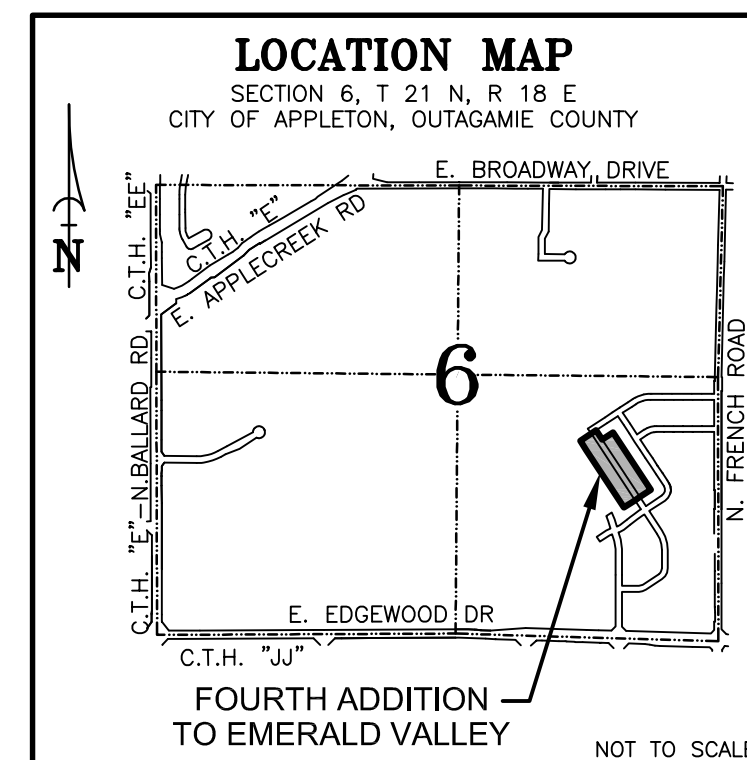
2. All easements, including but not limited to, water mains, sewer mains, storm sewers, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
3. All requirements from the City of Appleton Public Works Department, Engineering Division and Erosion Control Inspector shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
4. All Department of Natural Resources wetland regulations shall be satisfied.
5. A Development Agreement being made and entered into by and between the City of Appleton and the applicant/owner, and any amendments related thereto, prior to the issuance of any permit to commence construction of any public improvement.

4th Addition to Emerald Valley
Final Plat
Aerial Map



PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4,
SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

EAST 1/4 CORNER
SECTION 6
T21N, R18E
P.K. NAIL FOUND



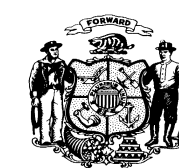
Martenson & Eisele, Inc.

 1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____



SOUTHEAST CORNER
SECTION 6
T21N, R18E
P.K. NAIL FOUND

Drawing No. 1-0534-005
Sheet 1 of 2
This instrument drawn by: Amy Sedlar

FOURTH ADDITION TO EMERALD VALLEY
PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4,
SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOURTH ADDITION TO EMERALD VALLEY, AT THE DIRECTION OF EMERALD VALLEY ESTATES LLC, PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1131.30 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS WEST, A DISTANCE OF 676.42 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE SECOND ADDITION TO EMERALD VALLEY, A DISTANCE OF 321.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, A DISTANCE 800.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, A DISTANCE OF 131.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WEST RIGHT OF WAY LINE OF AMETHYST DRIVE, A DISTANCE OF 110.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, ALONG THE SOUTH LINE OF THE FIRST ADDITION TO EMERALD VALLEY, A DISTANCE OF 190.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WEST LINE OF EMERALD VALLEY, A DISTANCE OF 690.00 FEET TO THE POINT OF BEGINNING. CONTAINING 235,900 SQUARE FEET [5.416 ACRES]. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE MADE SUCH LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS SHOWN HEREIN.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, AND THE SUBDIVISION REGULATIONS OF THE CITY OF APPLETON IN SURVEYING, DIVIDING AND MAPPING THE SAME.

GIVEN UNDER MY HAND THIS 12TH DAY OF FEBRUARY, 2018.

GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR S-2098

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

EMERALD VALLEY ESTATES LLC, DULY ESTABLISHED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID EMERALD VALLEY ESTATES LLC, CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

EMERALD VALLEY ESTATES LLC, FURTHER CERTIFIES THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

DEPARTMENT OF ADMINISTRATION
CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS _____ DAY OF _____, 2018.

ROBERT DEBRUIN - MEMBER

PAT HIEPTAS - MEMBER

STATE OF WISCONSIN)
) SS
OUTAGAMIE COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2018,
THE ABOVE OWNER(S) TO ME KNOWN TO BE THE PERSON(S), WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

DRAINAGE EASEMENT PROVISIONS

AN EASEMENT FOR DRAINAGE IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE OR IMPEDIMENT TO DRAINAGE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "DRAINAGE EASEMENT". GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK. GRANTOR SHALL MAINTAIN GROUND SURFACE AND VEGETATION SO AS NOT TO IMPEDE DRAINAGE.

STORM SEWER EASEMENTS PROVISION

AN EASEMENT FOR STORM SEWER IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID STORM SEWER AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "STORM SEWER EASEMENT" GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK.

THE GRANT OF EASEMENTS SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

ROBERT DEBRUIN - MEMBER

PAT HIEPTAS - MEMBER

UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTORS, TO

WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORPORATION DOING BUSINESS AS WE ENERGIES, GRANTEE,
WISCONSIN BELL, INC. D/B/A AT&T WISCONSIN, A WISCONSIN CORPORATION, GRANTEE, AND
TIME WARNER ENTERTAINMENT COMPANY, L.P., GRANTEE

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE, REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND ELECTRIC ENERGY, NATURAL GAS, TELEPHONE AND CABLE TV FACILITIES FOR SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER, UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON THE PLAT DESIGNATED AS "UTILITY EASEMENT AREAS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS WITHIN AND BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS, THEREON, OR ON ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE GRANTEES AGREE TO RESTORE OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS NEARLY AS IS REASONABLY POSSIBLE, TO THE CONDITION EXISTING PRIOR TO SUCH ENTRY BY THE GRANTEES OR THEIR AGENTS. THIS RESTORATION, HOWEVER, DOES NOT APPLY TO THE INITIAL INSTALLATION OF SAID UNDERGROUND AND/OR ABOVE GROUND ELECTRIC FACILITIES, NATURAL GAS FACILITIES, OR TELEPHONE AND CABLE TV FACILITIES OR TO ANY TREES, BRUSH OR ROOTS WHICH MAY BE REMOVED AT ANY TIME PURSUANT TO THE RIGHTS HEREIN GRANTED. STRUCTURES SHALL NOT BE PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT AREAS" WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES WITHOUT WRITTEN CONSENT OF GRANTEES. THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

ROBERT DEBRUIN - MEMBER

FAT HIEPTAS - MEMBER

COMMON COUNCIL RESOLUTION:

RESOLVED, THAT FOURTH ADDITION TO EMERALD VALLEY, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

ON THIS _____ DAY OF _____, 2018.

TIMOTHY HANNA, CITY MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

KAMI LYNCH, CITY CLERK

DATE

CITY TREASURER'S CERTIFICATE:

I, ANTHONY D. SAUCERMAN, BEING THE DULY QUALIFIED AND ACTING FINANCE DIRECTOR OF THE

CITY OF APPLETON, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE

ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF _____ ON ANY OF THE

LAND INCLUDED IN FOURTH ADDITION TO EMERALD VALLEY.

ANTHONY D. SAUCERMAN, CITY FINANCE DIRECTOR

DATE

COUNTY TREASURER'S CERTIFICATE:

I, _____, BEING THE DULY ELECTED, QUALIFIED AND ACTING

TREASURER OF THE COUNTY OF OUTAGAMIE, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE

SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS

OF _____ AFFECTING THE LANDS INCLUDED IN FOURTH ADDITION TO EMERALD VALLEY.

DATE _____

SIGNED _____

COUNTY TREASURER

There are no objections to this plat with respect to
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____



Department of Administration

Martenson & Eisele, Inc.

1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381
Planning
Environmental
Surveying
Engineering
Architecture

Drawing No. 1-0534-005
Sheet 2 of 2
This instrument drawn by: Amy Sedlar