



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final-revised Common Council

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Wednesday, April 4, 2018

7:00 PM

Council Chambers

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- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
  - [18-0468](#) Common Council Meeting Minutes of March 21, 2018
  - Attachments:** [CC Minutes 3-21-18.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
  - [18-0472](#) Autism Awareness Proclamation
- I. PUBLIC HEARINGS
  - [18-0398](#) Public Hearing to consider amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District
  - Attachments:** [PH Notice Ch 23 Zoning Ord Text Amendments 4.4.18 \(CBD\).pdf](#)
  - [18-0399](#) Public Hearing for consideration of repealing and recreating Chapter 23 Zoning Ordinance of the Municipal Code relating to Article XIV Signs
  - Attachments:** [PH Notice Ch 23 Zoning Ord Text Amendments 4.4.18.pdf](#)
- J. SPECIAL RESOLUTIONS

[18-0471](#) Resolution Combining Reporting Units for a Special Election

**Attachments:** [2018 REVISED Resolution Combining Wards for Special Election.pdf](#)  
[2018 Resolution Combining Wards for Special Election.pdf](#)  
[Memo Re- Special Election 2018.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

3. MINUTES OF THE CITY PLAN COMMISSION

[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](#)

**Legislative History**

3/13/18 City Plan Commission recommended for approval  
*Proceeds to Council on April 4, 2018.*

[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](#)

**Legislative History**

3/13/18 City Plan Commission recommended for approval  
*Proceeds to Council on April 4, 2018.*

[18-0438](#) Request to approve the Trail View Estates Final Plat as shown on the attached maps and subject to the attached conditions

**Attachments:** [StaffReport\\_FinalPlat\\_TrailViewEstates\\_3-27-18.pdf](#)

**Legislative History**

3/27/18 City Plan Commission recommended for approval

[18-0440](#) Request to approve the Fifth Addition to Emerald Valley Final Plat as shown on the attached maps and subject to the attached conditions

**Attachments:** [StaffReport\\_FinalPlat\\_5thAddEmeraldValley\\_3-27-18.pdf](#)

**Legislative History**

3/27/18

City Plan Commission

recommended for approval

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**[18-0452](#)

Action Item: Award Design and Engineering Services for the Edison Street and Lawe Street Trestles to Corre, Inc. for a contract amount of \$98,931.90

**Attachments:** [Edison Lawe Str Trestle Comm Memo.doc](#)

[18-0464](#)

Approval of a Sponsorship Policy

**Attachments:** [2018 Sponsorship Policy Memo.pdf](#)  
[Sponsorship Policy.pdf](#)

**5. MINUTES OF THE FINANCE COMMITTEE**[18-0444](#)

Request to award Unit C-18 Sidewalk Sawcutting to ASTI Sawing, Inc in an amount not to exceed \$30,000.

**Attachments:** [Award of Contract Unit C-18.pdf](#)

**Legislative History**

3/26/18

Finance Committee

recommended for approval

[18-0445](#)

Request approval of design for mixed use development proposed by Commercial Horizons.

The Motion on this item was as follows:

Support the city's efforts to include the library's needs as identified in a mixed use development with Commercial Horizons on the current site of Soldier's Square Parking Ramp

**Attachments:** [Mixed Use Library Memo.pdf](#)  
[Library RFP.pdf](#)  
[Mixed Use Library Summary Grid.pdf](#)  
[Scores for Mixed Use Library Project Proposals.pdf](#)  
[Mixed-use Library close up.JPG](#)

**Legislative History**

3/26/18

Finance Committee

recommended for approval

*Amended language to add "as identified as option 1 by Commercial Horizons", Baranowski, second by Siebers carries 5-0*

[18-0446](#)

Request for approval of Bid Packages and project related expenses into the Guaranteed Maximum Price Amendment to Miron Construction for the Jones Park Project for a contract not to exceed \$3,753,690 plus a contingency of 5% for a contract not to exceed \$3,937,861 and approval of the following 2018 Budget adjustment:

**Public Works Capital Project Fund**

Debt Proceeds	- \$887,558
Mobility Study Implementation Project	- \$887,558

**Facilities Management Capital Projects Fund**

Jones Park Project	+\$887,558
Debt Proceeds	+\$887,558

transfer funds from the Mobility Study Implementation Project to the Jones Park Project

**Attachments:** [2018 Jones Park Bid Package Memo.pdf](#)

**Legislative History**

3/26/18          Finance Committee          recommended for approval

[18-0450](#)

Request to approve the following 2017 Budget adjustments:

**General Fund - Parks & Recreation**

Charges for Services - Pool	+\$41,000
Concession Supplies	+\$41,000

to record the increased pool concession revenue used to purchase additional concession supplies

**General Fund**

Fringe Benefits - HR Department	+\$2,845
Fringe Benefits - Police Department	+\$183,679
Fringe Benefits - Fire Department	+\$66,428
Find Balance	- \$252,952

to record the use of general fund balance to cover the cost of health care costs

**Attachments:** [2017 Corrected Final Budget adjustments .pdf](#)

**Legislative History**

3/26/18          Finance Committee          recommended for approval

## 6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE



**7. MINUTES OF THE UTILITIES COMMITTEE**

[18-0422](#) Approve Stormwater Management Alternative 1 for the urbanization of Evergreen Drive and Alvin Street.

Attachments: [Evergreen Alvin Select Alternative UC memo.pdf](#)  
[Evergreen Alvin Alts 1.pdf](#)

Legislative History

3/27/18 Utilities Committee recommended for approval

[18-0423](#) Sole Source Purchase of Flight Scrapers to Evoqua Water Technologies for a cost of \$35,100.

Attachments: [utilities memo - DAF Flights 03-19-18.pdf](#)

Legislative History

3/27/18 Utilities Committee recommended for approval

**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE****9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

[18-0427](#) Award Valley Transit Maintenance Pit Repair Project contract to Miron Construction Co.

Attachments: [2018 VT Maintenance Pit Repairs.pdf](#)

Legislative History

3/28/18 Fox Cities Transit Commission recommended for approval

**10. MINUTES OF THE BOARD OF HEALTH**

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[18-0469](#) Ordinances 34-18 to 37-18

Attachments: [Ordinances going to Council 4-4-18.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

- Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- R. OTHER COUNCIL BUSINESS
- S. ADJOURN

Kami Lynch, City Clerk

*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 Common Council

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Wednesday, March 21, 2018

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Mayor Hanna at 7:01 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Meltzer*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Mayor Timothy Hanna and Alderperson Keir Dvorachek

**Excused:** 3 - Alderperson Ed Baranowski, Alderperson Chris Croatt and Alderperson Bob Baker

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*Deputy City Attorney Behrens, Assistant City Attorney Abshire, City Clerk Lynch, Diversity & Inclusion Coordinator Nelson, Director of Finance Saucerman, Health Officer Eggebrecht, Director of Parks, Recreation, & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Director of Utilities Shaw, & Valley Transit General Manager Mc Donald*

*The following departments were excused:  
Fire, Information Technology, Library*

**F. PUBLIC PARTICIPATION**

*The following spoke during public participation on Item: 18-0166 Noise Variance:*

*Marie Luna, 1401 S Nicolet  
Cassidy Evers, 742 W Prospect Ave  
Renee Millard, 500 E Eagle Flats  
Christopher Gold, 1508 W Pershing St  
Ben Mollen, 311 E College Ave  
Tyler Streeter, 1900 E Newberry  
Jason Burget, 415 N Durkee St  
Connemara McDonough, 710 W Spring St  
Patti Coenen, 410 W Prospect Ave  
Elizabeth Laux, 303 S Walnut St  
Brian Post, 711 N Canterbury  
John Adams, 425 E Circle St*

**G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

[18-0407](#)

Common Council meeting minutes of March 7, 2018

**Attachments:**     [CC Minutes 3-7-18.pdf](#)

**Aldersperson Konetzke moved, seconded by Aldersperson Lobner, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Keir Dvorachek

**Excused:** 3 - Aldersperson Ed Baranowski, Aldersperson Chris Croatt and Aldersperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

**H. BUSINESS PRESENTED BY THE MAYOR**

[18-0406](#)

Announcement of the winning poems for the 2018 sidewalk poetry program

**The winning sidewalk poems were presented and read.**

**I. PUBLIC HEARINGS**

[18-0221](#)

Public Hearing - Rezoning #1-18

**Attachments:**     [RZ #1-18 Public Hearing Notice.pdf](#)

*The public hearing was held, no person spoke during the public hearing.*

[18-0332](#)

Public Hearing on Special Resolution 1-P-18; Telulah Avenue from Calumet Street to Marion Street Sanitary Laterals

**Attachments:**     [1-P-18 Public Hearing Notice.pdf](#)

*The following spoke during the public hearing:*

*Michael Bergen, 1625 S Telulah*

*Brad Jousma, 1425 S Telulah*

## J. SPECIAL RESOLUTIONS

[18-0333](#)

Resolution 1-P-18 Telulah Avenue from Calumet Street to Marion Street Sanitary Laterals

**Attachments:**     [1-P-18 Final Resolution.pdf](#)

**Aldersonperson Lobner moved, seconded by Aldersonperson Dannecker, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Aldersonperson Kathleen Plank, Aldersonperson William Siebers, Aldersonperson Curt Konetzke, Aldersonperson Patti Coenen, Aldersonperson Kyle Lobner, Aldersonperson Matt Reed, Aldersonperson Vered Meltzer, Aldersonperson Joe Martin, Aldersonperson Greg Dannecker, Aldersonperson Christine Williams, Aldersonperson Cathy Spears and Aldersonperson Keir Dvorachek

**Excused:** 3 - Aldersonperson Ed Baranowski, Aldersonperson Chris Croatt and Aldersonperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[18-0409](#)

Resolution Approving a Lease, Transfer of Exhibition Center Property, and Amendment to Redevelopment Plan for the Fox Cities Exhibition Center

**Attachments:**     [Appleton RDA 2018 Exhibition Center City Resolution Approving Lease ARA Plan and Bonds.pdf](#)  
                              [Appleton RDA 2018 Fox Cities Exhibition Center - Lease.pdf](#)

**Aldersonperson Coenen moved, seconded by Aldersonperson Plank, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Aldersonperson Kathleen Plank, Aldersonperson William Siebers, Aldersonperson Curt Konetzke, Aldersonperson Patti Coenen, Aldersonperson Kyle Lobner, Aldersonperson Matt Reed, Aldersonperson Vered Meltzer, Aldersonperson Joe Martin, Aldersonperson Greg Dannecker, Aldersonperson Christine Williams, Aldersonperson Cathy Spears and Aldersonperson Keir Dvorachek

**Excused:** 3 - Aldersonperson Ed Baranowski, Aldersonperson Chris Croatt and Aldersonperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

## K. ESTABLISH ORDER OF THE DAY

[18-0379](#)

Request to allow short sale of 1426 N. Durkee Street by Hillary Minor (n/k/a Hillary Line) based on a payment to the City of Appleton of at least 50% of our outstanding homeowner rehabilitation loan

**Attachments:**     [Memo Short Sale Appeal Hillary Minor \(Line\).pdf](#)

**Aldersperson Coenen moved, seconded by Aldersperson Lobner, that allowing the short sale of the property be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Keir Dvorachek

**Excused:** 3 - Aldersperson Ed Baranowski, Aldersperson Chris Croatt and Aldersperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[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](#)

**Aldersperson Dannecker moved, seconded by Aldersperson Plank, that the Rezoning be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Keir Dvorachek

**Excused:** 3 - Aldersperson Ed Baranowski, Aldersperson Chris Croatt and Aldersperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[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](#)

**Aldersperson Dannecker moved, seconded by Aldersperson Plank, that the Preliminary Plat be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Keir Dvorachek

**Excused:** 3 - Aldersperson Ed Baranowski, Aldersperson Chris Croatt and Aldersperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[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](#)

**Alderson Dannecker moved, seconded by Alderson Plank, that the Final Plat be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Keir Dvorachek

**Excused:** 3 - Alderson Ed Baranowski, Alderson Chris Croatt and Alderson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[18-0391](#)

Request to approve the 2017-2018 Budget appropriations:

1. Items not under contract \$7,236,198
2. Special consideration \$22,000

**Attachments:** [Consolidated 17-18 carryover FINAL - N.pdf](#)  
[Consolidated 17-18 carryover FINAL - S.pdf](#)

**Alderson Martin moved, seconded by Alderson Plank, that the budget appropriations be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Keir Dvorachek

**Excused:** 3 - Alderson Ed Baranowski, Alderson Chris Croatt and Alderson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

18-0166

## Fox River House Noise Variance Request

**Attachments:**     [Fox River House Noise Variance Request.pdf](#)  
[Fox River House Noise Variance Email.pdf](#)  
[Fox River House Noise Variance Email \(2\).pdf](#)  
[Letters-Fox River House Noise Variance Request 3-14-18.pdf](#)  
[Letters-Fox River House Noise Variance Request 3-19-18.pdf](#)  
[Compromised Special Community Event Variance Request.pdf](#)

**Aldersperson Lobner moved, seconded by Aldersperson Meltzer, that the Noise Variance be amended back to as it was originally proposed. Roll Call. Motion failed by the following vote:**

**Aye:** 2 - Aldersperson Kyle Lobner and Aldersperson Vered Meltzer

**Nay:** 9 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Matt Reed, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Keir Dvorachek

**Excused:** 3 - Aldersperson Ed Baranowski, Aldersperson Chris Croatt and Aldersperson Bob Baker

**Abstained:** 2 - Aldersperson Patti Coenen and Mayor Timothy Hanna

**Aldersperson Meltzer moved, seconded by Aldersperson Lobner, that the Agreement reached for the Noise Variance be amended to allow music until 9 p.m. on Saturdays. Roll Call. Motion failed by the following vote:**

**Aye:** 2 - Aldersperson Kyle Lobner and Aldersperson Vered Meltzer

**Nay:** 9 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Matt Reed, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Keir Dvorachek

**Excused:** 3 - Aldersperson Ed Baranowski, Aldersperson Chris Croatt and Aldersperson Bob Baker

**Abstained:** 2 - Aldersperson Patti Coenen and Mayor Timothy Hanna

**Aldersperson Martin moved, seconded by Aldersperson Spears, that the Noise Variance Compromise as recommended by the Board of Health be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 10 - Aldersperson Kathleen Plank, Aldersperson Curt Konetzke, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Keir Dvorachek

**Nay:** 1 - Aldersperson William Siebers

**Excused:** 3 - Aldersperson Ed Baranowski, Aldersperson Chris Croatt and Aldersperson Bob Baker

**Abstained:** 2 - Aldersperson Patti Coenen and Mayor Timothy Hanna



## L. COMMITTEE REPORTS

### Balance of the action items on the agenda.

**Alderson Konetzke moved, Alderson Lobner seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Keir Dvorachek

**Excused:** 3 - Alderson Ed Baranowski, Alderson Chris Croatt and Alderson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-0372](#)

Approve Amendment No. 1 to OMNNI Associates, Inc. for additional services related to the Banta Court stairs and Jackman Street retaining wall in an amount of \$2,300 for a revised not to exceed contract of \$65,000.

**Attachments:** [Amendment No. 1 to OMNNI Associates Inc..pdf](#)

This Report Action Item was approved.

[18-0373](#)

Approve proposed Six-Month Trial Period for parking changes on streets near Erb Park.

**Attachments:** [Proposed parking change near Erb Park.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-0364](#)

Operator's Licenses

**Attachments:** [Operator's Licenses for 3-14-18 S & L.pdf](#)

This Report Action Item was approved.

[18-0365](#)

Request to Apply for the Leary Foundation Grant

**Attachments:**     [The Leary Foundation Grant application-Fire.pdf](#)

This Report Action Item was approved.

3.     **MINUTES OF THE CITY PLAN COMMISSION**
4.     **MINUTES OF THE PARKS AND RECREATION COMMITTEE**
5.     **MINUTES OF THE FINANCE COMMITTEE**

[18-0354](#)

Request to approve the following 2017 Budget adjustments:

**Police Grants Fund**

State Grants	+\$96,531
Grant Payments	+\$96,531

to record additional seatbelt and drug enforcement grant revenue and related expenditures

**Room Tax Fund**

Room Taxes Received	+\$123,654
Debt Premium	+\$123,654

to record additional room taxes received in 2017 and related payment to the FCCVB

**Debt Service Fund**

Debt Issuance Costs	+\$27,173
Debt Premium	+\$27,173

to record debt service costs funded by current year premiums received on debt issuance

**General Fund**

Fringe Benefits - Health Department	+\$3,418
Fringe Benefits - Finance Department	+\$10,664
Fringe Benefits - HR Department	+\$18,873
Fringe Benefits - Parks & Recreation Department	+\$18,932
Fringe Benefits - Police Department	+\$172,791
Fringe Benefits - Fire Department	+\$276,462
Fund Balance	-\$501,140

to record the use of general fund balance to cover the cost of health care costs

**General Fund**

Salaries/Fringe Benefits - HR Department	+\$2,845
Salaries/Fringe Benefits - Police Department	+\$181,824
Salaries/Fringe Benefits - Fire Department	+\$66,428
Wage Reserve	-\$251,097

to allocate wage reserve funds

**Information Technology Capital Projects Fund**

Transfer Out - Facilities Capital Projects Fund	+\$90,000
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Fund Balance - \$90,000

**Facilities Capital Projects Fund**

Transfer In - Information Technology Cap Project Fund +\$90,000

Fund Balance +\$90,000

to transfer remaining proceeds from the 2016 G.O. Note borrowing from the IT Capital Projects fund to the Facilities Capital Projects Fund in order to meet spend down requirements

**Attachments:** [2017 Final budget adjustments.pdf](#)

**This Report Action Item was approved.**

[18-0376](#)

Request to approve award Unit O-18 Sanitary Sewer CIPP Lining to Visu-Sewer, Inc. in the amount of \$145,834.70 with a 9.7% contingency of \$14,165.30 for a project total not to exceed \$160,000.00.

**Attachments:** [Award of Contract Unit O-18.pdf](#)

**This Report Action Item was approved.**

[18-0377](#)

Request to approve award Unit Z-18 Sewer & Water Main Reconstruction No. 3 to Van Straten Construction Co., Inc. in the amount of \$1,193,933.33 with a 5.0% contingency of \$59,696.67 for a project total not to exceed \$1,253,630.00.

**Attachments:** [Award of Contract Unit Z-18.pdf](#)

**This Report Action Item was approved.**

[18-0378](#)

Request to approve Finance Committee Report 2-P-18 for Sanitary Laterals, Storm Laterals and Storm Main.

**Attachments:** [Report 2-P-18.pdf](#)

**This Report Action Item was approved.**

[18-0387](#)

Request to approve waiving the City's interest in future annexation of 3236 E Northland Ave

**Attachments:** [Annexation Feasibility Study - 3236 E Northland Ave - RMB Comments.pdf](#)

**This Report Action Item was approved.**

[18-0395](#)

Request to approve Resolution accepting Petition for Annexation for the Leona Pond.

**Attachments:** [Leona Pond Annexation - Resolution.pdf](#)

This Report Action Item was approved.

## 6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[18-0152](#)

Request to approve recommended funding of \$25,000 for 2018 sponsorship of Talent Upload program to the Fox Cities Regional Partnership

**Attachments:** [Memo to CEDC on Talent Upload Sponsorship 2018.pdf](#)  
[Talent Upload Sponsorship Request 2018.pdf](#)

This Report Action Item was approved.

[18-0321](#)

Request to grant staff authority to authorize or approve administratively the use of insulated metal panels with the appearance of exterior insulation and finish systems (EIFS) or stucco as requested in the Northeast Business Park, Northeast Industrial Park and Southpoint Commerce Park

**Attachments:** [Memo\\_Building Materials Standards\\_Bus-Ind Parks.pdf](#)  
[Southpoint Deed Restrictions.pdf](#)  
[Insulated Panel Brochure.pdf](#)

This Report Action Item was approved.

[18-0325](#)

The "low profile design" language in the Deed Restrictions and Covenants as it relates to signs in the Northeast Business Park, Northeast Industrial Park and Southpoint Commerce Park, be interpreted to mean monument style signs, not to exceed 10 feet in height

**Attachments:** [Memo\\_Signage Standards\\_Bus-Ind Parks.pdf](#)  
[Southpoint Deed Restrictions.pdf](#)  
[Examples of Single-Multi Tenant Signage.pdf](#)

This Report Action Item was approved.

[18-0326](#)

Request to approve the City of Appleton maintain its current selling prices for business/industrial park land as described in the attached documents

**Attachments:**     [Memo on Business-Industrial Park Land Value.pdf](#)  
[Exhibit A-Ind Land Sales Comparison.pdf](#)  
[Exhibit B-Ind Land Asking Price Comparison.pdf](#)  
[Southpoint11-17.pdf](#)

This Report Action Item was approved.

## 7. MINUTES OF THE UTILITIES COMMITTEE

[18-0344](#)

Approve 2017 Annual Stormwater Report to the Wisconsin Department of Natural Resources.

**Attachments:**     [2017 MS4 Annual Report to Utilities Committee.pdf](#)

This Report Action Item was approved.

[18-0345](#)

Preliminary Resolution 2-P-18 for Sanitary Laterals, Storm Laterals and Storm Main be adopted and refer the matter to the Finance Committee to determine the assessment rate.

**Attachments:**     [Resolution 2-P-18.pdf](#)

This Report Action Item was approved.

[18-0346](#)

Award Water System Distribution Master Planning Study Update to AECOM in an amount not to exceed \$125,000.

**Attachments:**     [Water System Distribution Master Plan Study AECOM.pdf](#)

This Report Action Item was approved.

[18-0347](#)

Approve TMDL Compliance Summary Tables.

**Attachments:**     [TMDL Compliance Summary March 2018.pdf](#)

This Report Action Item was approved.

[18-0388](#)

Approval of an Engineering contract for the Briarcliff and Midway Road Lift Station Improvements Projects to McMahon in the amount of \$37,375 plus a 15% contingency of \$5,606 for a total cost of \$42,981.

**Attachments:**     [UC Memo Briarcliff and Midway Road Lift Station Improve Award McMahon.pdf](#)

This Report Action Item was approved.

[18-0389](#)

Approval of an Engineering contract for the Compost Facility Preliminary Engineering Project for Design and Consulting Services to Coker Composting and Consulting in the amount of \$62,142 plus a 15% contingency of \$9,321 for a total cost not to exceed \$71,463.

**Attachments:**     [UC Memo Compost Facility Prelim Design Award Coker.pdf](#)

This Report Action Item was approved.

**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

**10. MINUTES OF THE BOARD OF HEALTH**

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

**O. ORDINANCES**

[18-0396](#)

Ordinances 27-18 to 33-18

**Attachments:**     [Ordinances going to Council 3-21-18.pdf](#)

This Report Action Item was approved.

**P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION**

**Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION**

**R. OTHER COUNCIL BUSINESS**

## S. CLOSED SESSION

[18-0408](#)

The Common Council will convene into closed session according to State Statute §19.85(1)(e) for the purpose of conferring with legal counsel regarding pending litigation concerning the Village of Fox Crossing pursuant to §19.85(1)(g) and then will reconvene in open session.

**Alderson Dannecker moved, seconded by Alderson Coenen, that the Common Council convene in closed session at 8:16 p.m.. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Keir Dvorachek

**Excused:** 3 - Alderson Ed Baranowski, Alderson Chris Croatt and Alderson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

[18-0394](#)

Request approval of agreement with the Village of Fox Crossing to settle the pending litigation. **The settlement amount agreed to in mediation be paid immediately to the City**

*Martin moved, seconded by Spears that the Common Council reconvene in open session. Roll Call. Motion carried 12/0 and at 8:44 p.m. the Common Council reconvened in open session.  
No action was taken in closed session.*

**Alderson Plank moved, seconded by Alderson Meltzer, that the agreement be amended to read:**

**Move that the Mayor be authorized to sign a Settlement Agreement with the Village of Fox Crossing where the Village shall pay the City \$250,000 within 30 days, the City and Village will be responsible for future maintenance of Red Oak Ravine drainage facilities within their respective municipalities and that the current common boundary between the Village and the City shall be permanent unless changed by future agreement between the municipalities. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Keir Dvorachek

**Excused:** 3 - Alderson Ed Baranowski, Alderson Chris Croatt and Alderson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

**Alderson Spears moved, seconded by Alderson Coenen to approve the agreement as amended. Roll Call. Motion carried by the following vote:**



**Aye:** 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Keir Dvorachek

**Excused:** 3 - Alderperson Ed Baranowski, Alderperson Chris Croatt and Alderperson Bob Baker

**Abstained:** 1 - Mayor Timothy Hanna

## T. ADJOURN

**Alderperson Coenen moved, seconded by Alderperson Spears, that the meeting be adjourned at 8:46 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Mayor Timothy Hanna and Alderperson Keir Dvorachek

**Excused:** 3 - Alderperson Ed Baranowski, Alderperson Chris Croatt and Alderperson Bob Baker

Kami Lynch, City Clerk

**NOTICE OF PUBLIC HEARING**  
**OF THE**  
**APPLETON CITY COMMON COUNCIL**

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 Common Council will conduct a Public Hearing on **Wednesday, April 4, 2018, at 7:00 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 of the Zoning Ordinance relating to Article VI. Commercial Districts, Section 23-114 CBD Central Business District should be directed to Don Harp, Principal Planner, Community and Economic Development Department at 832-6466.

March 14, 2018

**KAMI LYNCH**  
City Clerk

RUN: March 20, 2018  
March 27, 2018

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

**NOTICE OF PUBLIC HEARING**  
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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.

March 14, 2018

**KAMI LYNCH**  
City Clerk

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March 27, 2018

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CITY OF APPLETON  
RESOLUTION

**Resolution declaring the consolidation of reporting units for a Special Election  
in the City of Appleton pursuant to Section 5.15 Wisconsin Statutes**

WHEREAS, On March 29, 2018 the Governor ordered a Special Election for the 1<sup>st</sup> Senate District to occur on Tuesday, June 12<sup>th</sup> and;

WHEREAS, if a primary is necessary the Special Primary Election will be held on Tuesday, May 15<sup>th</sup> and;

WHEREAS, Senate District 1 includes 9 of the City's 59 Wards of which 8 are in Calumet County and;

WHEREAS, it is in the best interest of the City of Appleton to consolidate Calumet County Wards into one reporting unit and;

WHEREAS, it is in the best interest to have Calumet County's reporting unit and Ward 59 in Outagamie County vote at one polling place for the Special Election and;

WHEREAS, this Resolution is to be rescinded upon the certification of the Special Election results.

NOW THEREFORE BE IT RESOLVED that the City of Appleton Wards 12, 13, 14, 26, 44, 45, 46, & 47 are combined into one reporting unit and one polling place along with Ward 59 for the Special Election to occur on June 12, 2018 and Special Primary Election (if necessary) to occur on May 15, 2018.

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

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Timothy Hanna, Mayor

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Kami Lynch, Clerk

CITY OF APPLETON  
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WHEREAS, if a primary is necessary the Special Primary Election will be held on Tuesday, May 15<sup>th</sup> and;

WHEREAS, Senate District 1 includes 9 of the City's 59 Wards and;

WHEREAS, it is in the best interest of the City of Appleton to consolidate these Wards into one reporting unit and one polling place for the Special Election and;

WHEREAS, this Resolution is to be rescinded upon the certification of the Special Election results.

NOW THEREFORE BE IT RESOLVED that the City of Appleton Wards 12, 13, 14, 26, 44, 45, 46, 47, & 59 are combined into one reporting unit and one polling place for the Special Election to occur on June 12, 2018 and Special Primary Election (if necessary) to occur on May 15, 2018.

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

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Timothy Hanna, Mayor

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Kami Lynch, Clerk



*"...meeting community needs...enhancing quality of life."*

## LEGAL SERVICES DEPARTMENT

### Office of the City Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

March 30, 2018

To: Members of the Common Council  
Re: Special Election for Senate District 1

On March 29<sup>th</sup> the Governor ordered a Special Election to fill the vacancy in Senate District 1. Senate District 1 is in the following Wards & Counties in the City; Ward 59 – Outagamie, Wards 12-14, 26, and 44-47 – Calumet. This affects about 5,742 registered voters. The Special Election is scheduled for Tuesday, June 12<sup>th</sup> and if a primary is necessary it will be held on Tuesday, May 15<sup>th</sup>.

As this election (and potential primary) was not budgeted for, to reduce costs and ease facilitation of administering the Special Election I am requesting that the City adopt a Resolution Combining Reporting Units (Wards) for the Special Election(s) pursuant to Sec. 5.15 (6) (b) of Wis. Statutes. This would allow us to use one polling place for all of the affected Wards and to be able to report the results by polling place versus individual Ward. The polling place to be used will be determined at a future date, based upon availability of a selection of our existing polling places.

Upon the conclusion and certification of the Special Election this Resolution will be rescinded to return to our regular configuration of Reporting Units by individual Ward.

If there are any questions on the Special Election or related Resolution, please do not hesitate to contact me for further clarification.

Respectfully,

Kami Lynch  
City Clerk



## 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**

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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**

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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:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"><li>• Assisted living or retirement homes.</li><li>• Nursing or convalescent homes.</li><li>• <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></li></ul>	<ul style="list-style-type: none"><li>• Clubs.</li><li>• Day care, group.</li><li>• Educational institutions; college or university.</li><li>• Governmental facilities.</li><li>• Museums.</li><li>• Places of worship.</li><li>• Public park or playgrounds.</li><li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li></ul>	<ul style="list-style-type: none"><li>• Automobile maintenance shops.</li><li>• Commercial entertainment; excluding sexually-oriented establishments.</li><li>• Drive through facilities pursuant to §23-49.</li><li>• Hotel or motels.</li><li>• Multi-tenant building.</li><li>• Offices.</li><li>• Personal services.</li><li>• Printing.</li><li>• Professional services.</li><li>• Restaurants (without alcohol).</li></ul>



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

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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)**

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- 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**

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- **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)**

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- **Clean Version (attached)**

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

**RECOMMENDATION**

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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~~ (1) 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.~~ (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. 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 land 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.) <sup>a</sup>	-	-	-	150	150	150	150	150
Height (feet) <sup>b</sup>	-	-	-	28	28	28	28	28
Number Permitted <sup>c, d</sup>	-	-	-	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 <sup>e</sup>	-	-	-	4x8	4x8	4x8	4x8	4x8
Temporary sign <sup>f</sup>	-	-	-	2½ x 3½	2½ x 3½	2½ x 3½	2½ x 3½	2½ x 3½

a. In residential zones, signs are permitted for specific uses identified in §23-508. The area of a ground sign may increase in size, according to exceptions allowed in §23-529.

b. In residential zones, signs are permitted for specific uses identified in §23-508. The height of ground signs may increase in size, according to exceptions allowed in §23-529.

c. In residential zones, signs are permitted for specific uses identified in §23-508.

d. More than one (1) sign may be allowed per lot, subject to §23-522 and §23-529.

e. Portable signs are allowed for one hundred twenty (120) days total per year.

f. Temporary signs are allowed one per street frontage in setback, unlimited on balance.

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

AG Agricultural District	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
<b>Ground</b>	A <sup>a</sup>	A <sup>a</sup>	A <sup>a</sup>	P	P	P	P	P
<b>Building</b>								
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 <sup>a</sup>	A <sup>a</sup>	A <sup>a</sup>	P	P	P	P	P
Window	A	A	A	A	A	A	A	A
<b>Miscellaneous</b>								
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>
<del>Flag</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>
<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
<del>Temporary</del> /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.**

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**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
<b>Ground</b>	A <sup>a</sup>	A <sup>a</sup>	A <sup>a</sup>	P	P	P	P	P
<b>Building</b>								
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 <sup>a</sup>	A <sup>a</sup>	A <sup>a</sup>	P	P	P	P	P
Window	A	A	A	A	A	A	A	A
<b>Miscellaneous</b>								
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
<b>Sign Type</b>	<b>AG</b>	<b>R-1A, R-1B, R-1C &amp; R-2</b>	<b>R-3, NC</b>	<b>P-I &amp; C-O</b>	<b>C-1 &amp; C-2</b>	<b>CBD</b>	<b>M-1</b>	<b>M-2</b>
<i>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.**

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## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** March 27, 2018

**Common Council Meeting Date:** April 4, 2018

**Item:** Final Plat – Trail View Estates (former Creekside Estates)

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

**Owner/Applicant:** Pat Hietpas, Emerald Valley Estates, LLC – Owner/Applicant

**Address/Parcel #:** Cherryvale Avenue / 31-1-7509-03 and 31-1-7512-73

**Petitioner's Request:** The owner/applicant is proposing to subdivide the properties to accommodate a 14-lot single-family subdivision.

### BACKGROUND

The Final Plat for Creekside Estates was approved by the Plan Commission on January 23, 2018 and the Common Council on February 7, 2018. The Final Plat was never recorded and a revised plat for Trail View Estates was submitted for re-approval. The lot layout is the same as approved with Creekside Estates; however, Outlot 2 on the Creekside Estates plat was converted to Lot 14 to be used as a single-family lot. The original Creekside Estates Plat included 13 single-family lots and the Trail View Estates includes 14 single-family lots.

The Preliminary Plat for Creekside Estates consisting of 13 residential lots was approved by the Plan Commission on December 12, 2017 and the Common Council on January 17, 2018. Because the lot configuration for Trail View Estates is generally consistent with the Creekside Estates Preliminary Plat, only Final Plat review and approval is needed for Trail View Estates.

Rezoning #8-17 (R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District) for Creekside Estates was approved by the Plan Commission on December 12, 2017 and by the Common Council on January 17, 2018.

In 2002, a preliminary plat for Applecreek Estates was approved, and the final plat for the First Addition to Applecreek Estates was approved in 2004. The subject parcels were part of this plat. The main parcel (31-1-7509-03) was identified as future park land. Based on past actions, it was determined that the City would not accept dedication of this land as park land. The applicant worked with the City Attorney's Office to formally resolve this issue. A Quit Claim Deed had been recorded.

The subject property was annexed to the City in 1997 as part of the Northeast Annexation, and a zoning classification of R-1A Single-Family District was assigned at that time. Parcel 31-1-7512-73 was rezoned from R-1A Single-Family District to R-2 Two-Family District in 2002.

## **STAFF ANALYSIS**

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**Existing Conditions:** The properties are currently undeveloped and zoned R-1B Single-Family District. The 9.9123 acre area will be divided into fourteen (14) single-family lots and 2 outlots. Outlot 1 will be reserved for potential future development. Outlot 2 will be dedicated to the City for the existing trail.

**Comparison Between Final Plat and Preliminary Plat:** The Final Plat is consistent with the Preliminary Plat layout for these fourteen (14) lots in terms of shape, size, and location. The preliminary plat included 13 single-family lots and 2 outlots. The final plat converts one of the outlots to a single-family lot, providing a total 14 single-family lots with the Final Plat.

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

- Minimum lot area: Six thousand (6,000) square feet.
  - *All lots exceed this requirement. The proposed average lot size is 11,600 square feet.*
- Minimum lot width: Fifty (50) feet.
  - *All lots exceed this requirement. The proposed lots average lot width is 58 feet.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required front yard setback had been shown on the Preliminary Plat. 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 subdivision is Cherryvale Avenue, which connects to Edgewood Drive to the north and Evergreen Drive to the south. No road dedication is needed with this plat, and no new streets are proposed with this development.

**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. The Apple Creek drainage corridor is adjacent to the west and north subdivision boundaries.

**2010-2030 Comprehensive Plan:** Community & Economic 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 are \$300 per dwelling unit. The total park fee required for this development is \$4,200.

**Technical Review Group Report (TRG):** This item was discussed at the March 6, 2018 Technical Review Group Report meeting. No negative comments were received from participating departments.

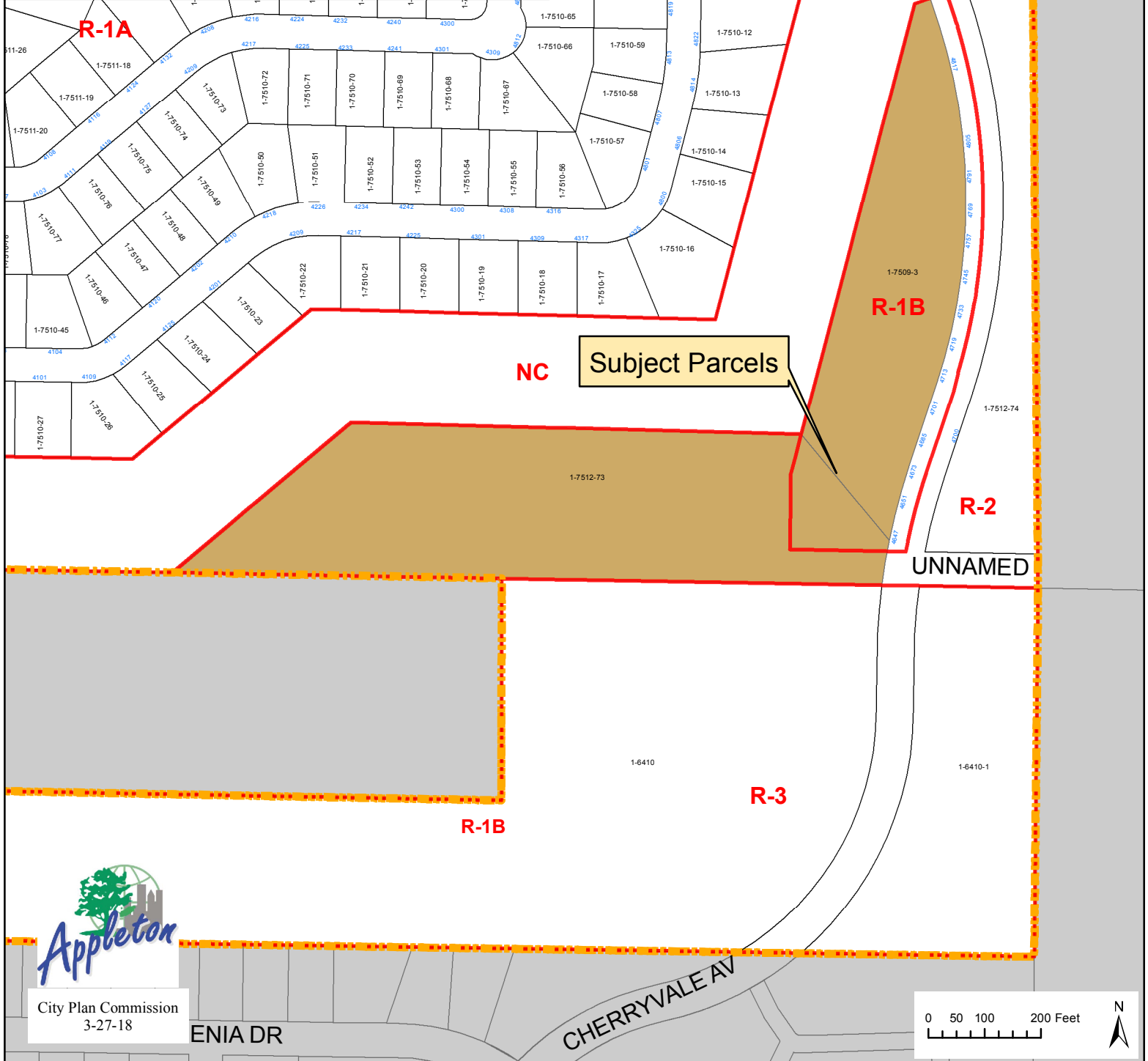
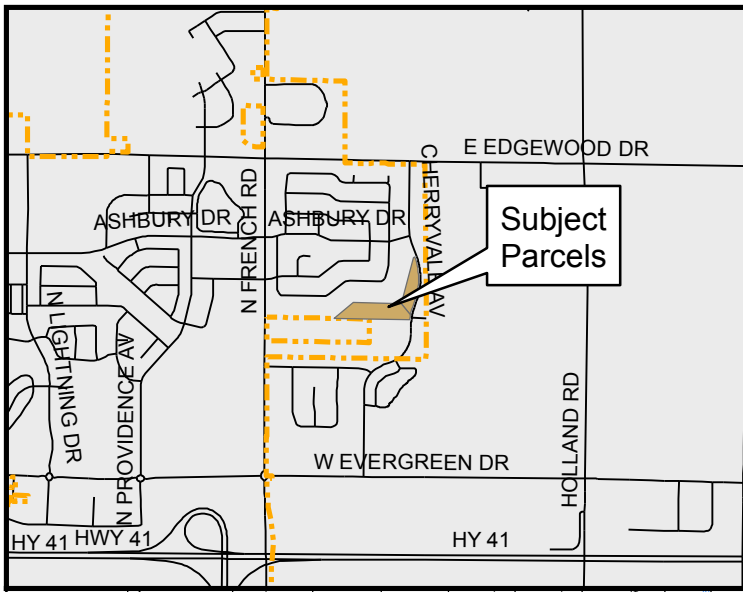
### **RECOMMENDATION**

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The Trail View Estates Final Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. Provide a revised Stormwater Management Plan (SWMP) that includes the changes made since the original Creekside Estates submittal and addresses outstanding comments from the original submittal as well. Additional comments may result from the SWMP review.
2. Provide a revised Drainage Plan.
3. All easements, including but not limited to, storm sewers, utility, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer.
4. All requirements from the City of Appleton Public Works Department, Engineering Division, shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
5. Park fees of \$4,200 shall be paid to the City of Appleton Finance Department prior to the City signatures being affixed to the Final Plat, unless otherwise stated in the Development Agreement.
6. The legal instruments creating a property owner's association for the ownership or maintenance of common lands in the subdivision shall be provided to Planning after the Final Plat is recorded.

Trail View Estates  
Final Plat  
Zoning Map



City Plan Commission  
3-27-18

0 50 100 200 Feet





Trail View Estates  
Final Plat  
Aerial Map

NAPPLECART DR

E ASHBURY DR

ASHBURY DR

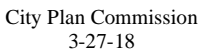
CHERRYVALE AV

UNNAMED

Subject Parcels

0 150 300 600  
Feet

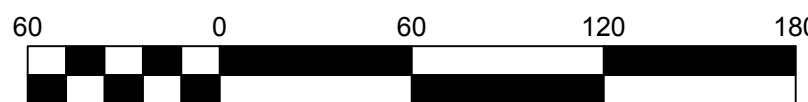
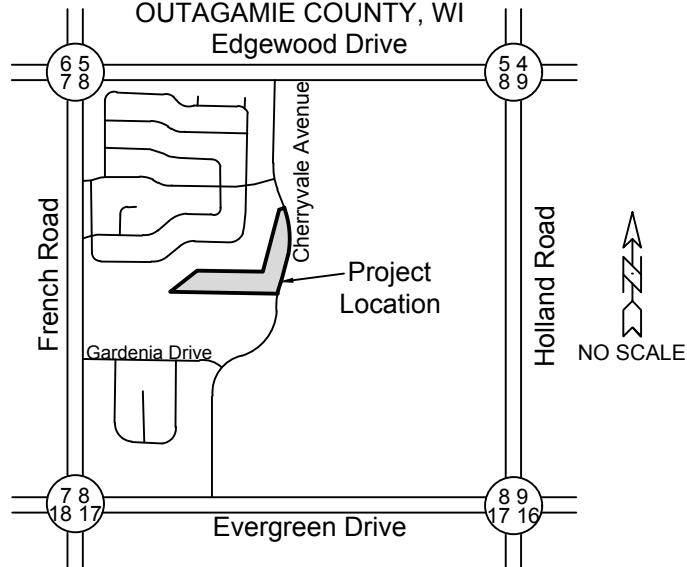
City of Appleton  
City Plan Commission  
3-27-18





## LOCATION MAP

W 1/2 SEC 8, T 21 N, R 18 E,  
CITY OF APPLETON  
OUTAGAMIE COUNTY, WI  
Edgewood Drive



Bearings are referenced to the South line of the Northwest 1/4, Section 08, T21N, R18E, to bear S88°59'32"E, base on the Outagamie County Coordinate System.

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



**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
CIVIL ENGINEERING CONSULTANTS

1811 Racine Street Menasha, WI 54952  
Ph: 920-991-1866 Fax: 920-830-9595  
www.davel.pro

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692  
jim@davel.pro Date \_\_\_\_\_

Revision Date: Feb 27, 2018

File: 5220Final.dwg  
Date: 02/27/2018  
Drafted By: jim  
Sheet: 1 of 2

# Trail View Estates

All of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Applecreek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

## NOTES

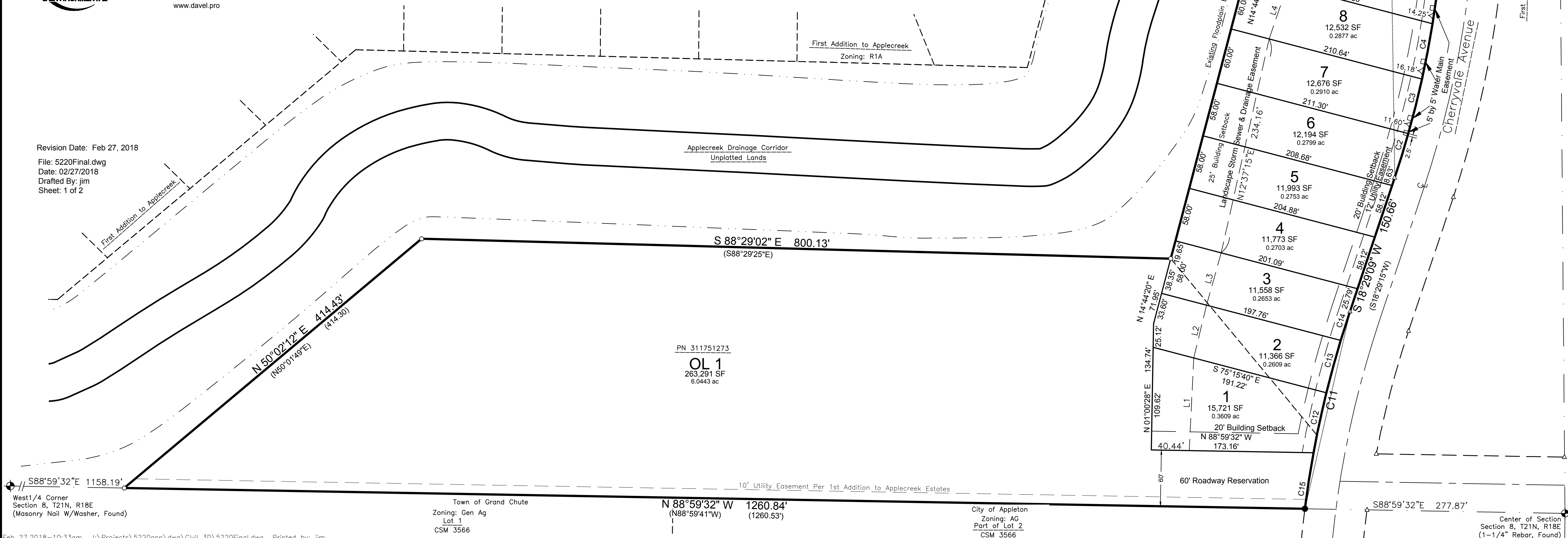
- All linear measurements have been made to the nearest one hundredth of a foot.
- All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.
- Outlot 1 will be owned by the current ownership group with all rights, privileges and responsibilities of said ownership.
- Outlot 2 is Dedicated to the public for a public walking trail
- Lands designated as "Lands to be Dedicated the City for Park" were not dedicated and the City of Appleton has released any rights to the lands with a quit claim deed recorded as Document Number 2122645 recorded on Dec 19th, 2017.
- All elevations shown are NVGD 29, per City Datum
- All maintenance of the Landscape, Storm Sewer and Drainage Easement are the responsibility of the Trail View Estates Home Owners association.

## LEGEND

- △ 1/4" Rebar Found
- 3/4" Rebar Found
- 1/4" x 30" Steel Rebar @ 4.30lbs/LF SET
- All other corners  
3/4" x 24" Steel Rebar @ 1.50lbs/LF SET
- SF Lot areas in square feet
- ( ) Recorded As

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	1039.18'	S 00°52'46" E	689.17'	702.46'	38°43'51"	S 20°14'42" E	S 18°29'09" W
C2	1039.18'	S 17°07'22" W	49.44'	49.44'	2°43'34"	S 15°45'35" W	S 18°29'09" W
C3	1039.18'	S 14°06'19" W	60.00'	60.01'	3°18'32"	S 12°27'03" W	S 15°45'35" W
C4	1039.18'	S 10°47'33" W	60.14'	60.15'	3°18'59"	S 09°08'04" W	S 12°27'03" W
C5	1039.18'	S 07°31'21" W	58.46'	58.47'	3°13'26"	S 05°54'38" W	S 09°08'04" W
C6	1039.18'	S 04°17'04" W	58.98'	58.99'	3°15'08"	S 02°39'30" W	S 05°54'38" W
C7	1039.18'	S 01°00'44" W	59.71'	59.71'	3°17'32"	S 00°38'03" E	S 02°39'30" W
C8	1039.18'	S 02°18'24" E	60.66'	60.67'	3°20'43"	S 03°58'45" E	S 00°38'03" E
C9	1039.18'	S 05°41'09" E	61.89'	61.90'	3°24'46"	S 07°23'32" E	S 03°58'45" E
C10	1039.18'	S 13°49'07" E	232.62'	233.11'	12°51'10"	S 20°14'42" E	S 07°23'32" E
C11	1105.18'	S 12°52'39" W	216.01'	216.36'	11°12'59"	S 18°29'09" W	S 07°16'09" W
C12	1105.18'	S 12°06'23" W	65.46'	65.47'	3°23'38"	S 13°48'12" W	S 10°24'34" W
C13	1105.18'	S 15°18'26" W	58.00'	58.01'	3°00'27"	S 16°48'39" W	S 13°48'12" W
C14	1105.18'	S 17°38'54" W	32.31'	32.31'	1°40'30"	S 18°29'09" W	S 16°48'39" W
C15	1105.18'	S 08°50'22" W	60.56'	60.57'	3°08'25"	S 10°24'34" W	S 07°16'09" W

LINE TABLE		
Line	Bearing	Length
L1	N 02°46'16" E	99.04'
L2	N 13°35'34" E	58.01'
L3	N 15°41'52" E	58.00'
L4	N 18°51'29" E	60.16'
L5	N 13°09'31" E	58.02'
L6	N 10°42'58" E	58.14'
L7	N 15°41'49" E	58.01'
L8	N 12°56'17" E	58.03'



West 1/4 Corner  
Section 8, T21N, R18E  
(Masonry Nail W/Washer, Found)

Town of Grand Chute  
Zoning: Gen Ag  
Lot 1  
CSM 3566

N 88°59'32" W 1260.84'  
(N88°59'41"W)  
(1260.53')

City of Appleton  
Zoning: AG  
Part of Lot 2  
CSM 3566

Center of Section  
Section 8, T21N, R18E  
(1-1/4" Rebar, Found)

# Trail View Estates

All of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Applecreek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

## Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of Emerald Valley Estates, LLC, owner of said land, I have surveyed divided and mapped Trail View Estates ; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Applecreek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 431,779 Square Feet (9.9128 Acres) of land more or less, described as follows:

Commencing at the West 1/4 corner of Section 08; thence along the South line of the Northwest 1/4 of said Section 08, S88°59'32"E 1158.19 feet to the Southwest corner of Lot 273, First Addition to Applecreek Estates, being the point of beginning; thence, along the West line of said Lot 273, N50°02'12"E, 414.43 feet to the Northwest corner of said Lot 273; thence along the North line of said Lot 273, S88°29'02"E, 800.13 feet to the Northeast corner of said Lot 273; thence, along lands designated "Lands to be Dedicated the City for Park" N14°44'20"E, 791.42 feet; thence, continuing along said lands, N69°48'36"E 28.91 feet to a point on said West right of way line of Cherryvale Avenue; thence, along said West right of way line, 702.64 feet along the arc of a curve to the right with a radius of 1039.18 feet and a chord of 689.17 feet which bears S00°52'46"E; thence, continuing along said West right of way line, S18°29'09"W, 150.66 feet; thence, continuing along said West right of way line, 216.36 feet along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 216.01 feet which bears S12°52'39"W to said South line of the Northwest 1/4; thence along said South line N88°59'32"W 1260.84 feet to the point of beginning, subject to all easements, and restrictions of record.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692

## Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

Emerald Valley Estates, LLC, Grantor, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, 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.

Emerald Valley Estates, LLC

Managing Member \_\_\_\_\_ Date \_\_\_\_\_

print name \_\_\_\_\_

Title \_\_\_\_\_

## Owner's Certificate

Emerald Valley Estates, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Emerald Valley Estates, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Appleton  
Department of Administration

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

In the presence of: Emerald Valley Estates, LLC

By \_\_\_\_\_

print name \_\_\_\_\_

Title \_\_\_\_\_

State of Wisconsin)

\_\_\_\_\_ County) ss

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_, My Commission Expires \_\_\_\_\_  
Notary Public, Wisconsin

## Watermain Easement Provisions

An easement for Watermain is hereby granted by:

Emerald Valley Estates, LLC, Grantor, to:

THE 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 watermain and associated appurtenances. It is further agreed that after maintaining, repairing, replacing or relocating of said watermain 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 watermain and associated appurtenances, that occur outside of the above described easement area. Buildings or any other type of structure shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "watermain easement" Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Emerald Valley Estates, LLC

Managing Member \_\_\_\_\_ Date \_\_\_\_\_

print name \_\_\_\_\_

Title \_\_\_\_\_

## City of Appleton Approval

Resolved, that the plat of Trail View Estates , in the City of Appleton, Outagamie County, Emerald Valley Estates, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Mayor \_\_\_\_\_ Date \_\_\_\_\_

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

Clerk \_\_\_\_\_ Date \_\_\_\_\_

## Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the City of Appleton and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

City Treasurer \_\_\_\_\_ Date \_\_\_\_\_

County Treasurer \_\_\_\_\_ Date \_\_\_\_\_

This Final Plat is contained wholly within the property described in the following recorded instruments:

the property owner of record:	Recording Information:	Parcel Number(s):
Emerald Valley Estates, LLC	Doc No. 2092715	31-1-7512-73 & 31-1-7509-03

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



File: 5220Final.dwg  
Date: 02/27/2018  
Drafted By: Jim  
Sheet: 2 of 2  
Revision Date: Feb 27, 2018



**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
CIVIL ENGINEERING CONSULTANTS  
1811 Racine Street Menasha, WI. 54952  
Ph: 920-991-1866 Fax: 920-830-9595  
www.davel.pro



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** March 27, 2018

**Common Council Meeting Date:** April 4, 2018

**Item:** Final Plat – Fifth Addition to Emerald Valley

**Case Manager:** Don Harp

### GENERAL INFORMATION

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

**Address/Parcel #:** Bluetopaz Drive & Amethyst Drive / 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 Fifth Addition to Emerald Valley consisting of 23 residential lots was approved by the Common Council on March 21, 2018.

The Final Plat for the Fourth Addition to Emerald Valley consisting of 15 residential lots was approved by the Common Council on March 21, 2018.

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 and zoned R-1B Single-Family District. The 8.740-acre area will be divided into twenty-three (23) single family lots.

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

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed average lots size is 13,500 square feet. All lots exceed this requirement.*
- Minimum lot width: Fifty (50) feet.
  - *The proposed lots average lot width is 100 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.
  - *Required front yard setback had been shown on the Preliminary Plat. 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 Providence Avenue, which connects Amethyst Drive to Bluetopaz Drive. The full 60-foot road right-of-way for width of Amethyst Drive and Bluetopaz 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.

**Technical Review Group Report (TRG):** This item was discussed at the March 6, 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 Fifth Addition to Emerald Valley Final Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
2. All easements, including but not limited to, storm sewers, utility, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer.
3. 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.

A map of the study area, showing the location of the subject area. The map includes a grid of streets and a red outline indicating the subject area. A callout box labeled "Subject Area" points to the red outline.

**Subject Area**

**AG**

**R-1B**

**P-I**

**Appleton**

City Plan Commission  
3-27-18

0 50 100 200 Feet

N

**R-1B**

**P-I**

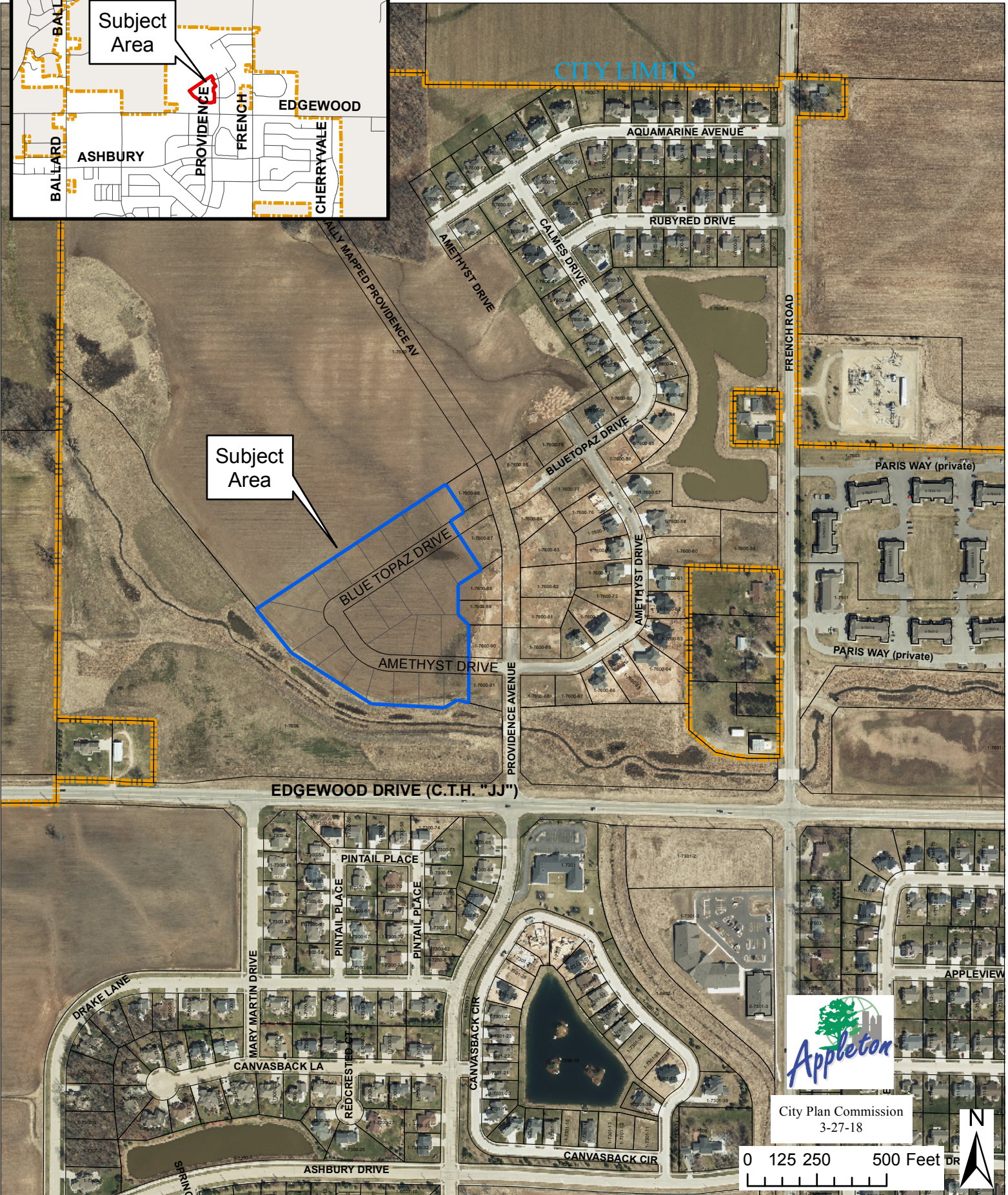
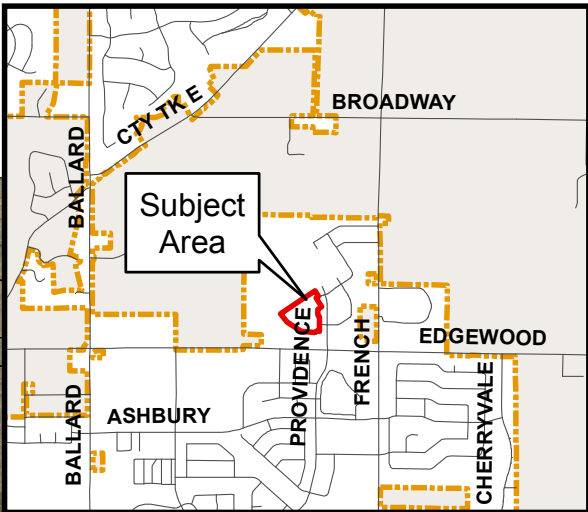


0 50 100 200 Feet





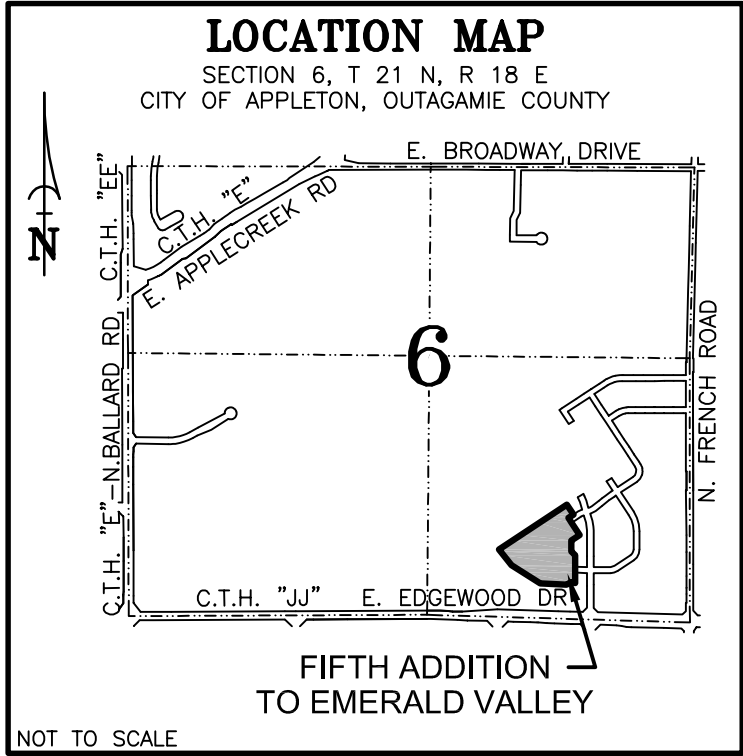
Fifth Addition to Emerald Valley  
Final Plat  
Aerial Photo





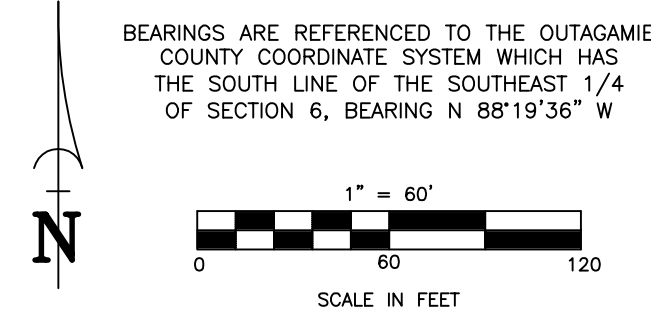
FIFTH ADDITION TO EMERALD VALLEY

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



- LEGEND**
- 1" O.D. ROUND IRON PIPE SET, 24" LONG, WEIGHING 1.13 LBS. PER LINEAL FOOT AT ALL OTHER LOT CORNERS
  - 1-1/4" O.D. ROUND REINFORCING BAR SET, 30" LONG WEIGHING 4.303 LBS. PER LINEAL FOOT
  - 1-1/4" O.D. REBAR FOUND
  - 3/4" O.D. REBAR FOUND
  - TOTAL LOT AREA IN SQUARE FEET
  - GOVERNMENT CORNER

**UTILITY EASEMENTS** - NO POLES OR BURIED CABLES ARE TO BE PLACED SUCH THAT THE INSTALLATION WOULD DISTURB ANY SURVEY STAKE OR OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE. THE DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF WISCONSIN STATUTES. UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THE AREA.



FIFTH ADDITION TO EMERALD VALLEY  
PART OF THE SOUTHWEST 1/4 AND 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. ZAHRLINGER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED FIFTH ADDITION TO EMERALD VALLEY, AT THE DIRECTION OF EMERALD VALLEY ESTATES LLC, PART OF THE SOUTHWEST 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 SOUTHEAST CORNER OF SAID SECTION 6; THENCE NORTH 88 DEGREES 19 MINUTES 36 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1031.99 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 335.08 FEET; THENCE NORTH 75 DEGREES 42 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 124.17 FEET TO THE POINT OF BEGINNING; THE FOLLOWING FIVE CALLS ARE ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 6311:  
THENCE NORTH 75 DEGREES 42 MINUTES 30 SECONDS WEST, 42.07 FEET;  
THENCE SOUTH 59 DEGREES 12 MINUTES 31 SECONDS WEST, 54.59 FEET;  
THENCE NORTH 86 DEGREES 54 MINUTES 49 SECONDS WEST, 263.14 FEET;  
THENCE NORTH 57 DEGREES 27 MINUTES 09 SECONDS WEST, 341.04 FEET;  
THENCE NORTH 39 DEGREES 00 MINUTES 29 SECONDS WEST, 203.23 FEET;  
THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 817.70 FEET;  
THE FOLLOWING SEVEN CALLS ARE ALONG THE WEST LINE OF THE THRD ADDITION TO EMERALD VALLEY:  
THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 120.00 FEET;  
THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 61.61 FEET;  
THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 206.71 FEET;  
THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 100.00 FEET;  
THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS EAST, 107.87 FEET;  
THENCE SOUTH 45 DEGREES 11 MINUTES 26 SECONDS EAST, 53.70 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS EAST, 280.05 FEET TO THE POINT OF BEGINNING. CONTAINING 380,700 SQUARE FEET [8.740 ACRES].

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 26TH DAY OF FEBRUARY, 2018.

GARY A. ZAHRLINGER, 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 HIETPAS - 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 HIETPAS - 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

PAT HIETPAS - MEMBER

COMMON COUNCIL RESOLUTION:

RESOLVED, THAT FIFTH 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 FIFTH 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 FIFTH 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. 1-0534-007  
Sheet 2 of 2  
This instrument drawn by: Amy Sedlar



*"...meeting community needs...enhancing quality of life."*

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

1819 East Witzke Boulevard  
Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Parks & Recreation Committee

FROM: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

DATE: April 4, 2018

RE: Action Item: Award Design and Engineering Services for the Edison Street and Lawe Street Trestles to Corre, Inc. for a contract amount of \$98,931.90

The 2018 Parks, Recreation and Facilities Management Department Capital Projects Fund includes funding for design and engineering of the Edison Street and Lawe Street Trestles. \$100,000 is budgeted for the design and engineering services.

Four proposals were submitted for the design and engineering of the Edison Street and Lawe Street Trestles and were evaluated for relevant experience, prior project success, project team, project understanding, project schedule, and cost. For this project the Deputy Director, Grounds Manager, Facilities Project Manager, DPW Traffic Engineer, and I scored the proposals. Below are the pricing and scores received from the RFP evaluation.

<u>Company</u>	<u>Proposal Price and Points</u>	
Corre, Inc.	\$98,931.90	(points 84.20)
Patrick Engineering	\$107,150.00	(points 72.60)
Graef	\$114,867.00	(points 78.00)
SEH	\$182,589.00	(points 75.60)

Corre, Inc. was determined to be the responsible proposal for the Edison Street and Lawe Street design and engineering services. It is the recommendation of the Parks, Recreation and Facilities Management Department to execute a contract with Corre, Inc. in the amount of \$98,931.90.

Please feel free to contact me at 832-5572 or by email at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions or comments.



*"...meeting community needs...enhancing quality of life."*

---

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

1819 East Witzke Boulevard

Appleton, Wisconsin 54911-8401

(920) 832-5572 FAX (920) 993-3103

Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

**To:** Parks and Recreation Committee

**From:** Dean R. Gazza, Director of Parks, Recreation and Facilities Management

**Date:** April 4, 2018

**Re:** Action: Request Approval of the Sponsorship Policy

---

Currently there is not an approved policy to administer the requests to for those whom want to provide a sponsorship. In recent years there has been a growing interest in outside organizations requesting sponsorships to our department.

This policy will guide the administration of sponsorships for events, services, parks, and facilities from individuals, foundations, corporations, nonprofit organizations, service clubs, and other entities. Ultimately sponsorships increase the PRFMD's ability to deliver services to the community and/or provide enhanced levels of service beyond the core levels funded from the City's general fund.

Please find the attached policy for your review. Please feel free to contact me at 832-5572 with any questions, or by email at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org).

<b>CITY OF APPLETON POLICY</b>		<b>TITLE: SPONSORSHIP – PARKS, RECREATION AND FACILITIES MANAGEMENT</b>
ISSUE DATE: DRAFT  <b>CONFIDENTIAL DRAFT</b>	LAST UPDATE: New policy	Section: J:Parks/Administrative/Policies/ Policies/Sponsorship Policy
POLICY SOURCE: Parks, Recreation and Facilities Management Department		TOTAL PAGES: 6
Reviewed by Legal Services Date:	Committee Approval Date:	Council Approval Date:

## **I. Purpose:**

The Appleton Parks & Recreation services are primarily funded from the City's general fund. In recent years the demands on this fund have increased; a trend that is expected to continue.

To maintain and enhance the city's parks and recreation system, the Parks, Recreation and Facilities Management Department ("PRFMD") welcomes alternate revenue streams that will increase its ability to deliver services to the community and/or provide enhanced levels of service beyond the core levels funded from the City's general fund. Sponsorships and donations can fund both current and future demands in a way that is consistent with the interests and needs of the citizens through funding sources in a financially responsible manner.

While defined later within the policy, it is important at the outset to highlight the difference between a sponsorship and donation:

A sponsorship is a financial or in-kind product or service offered by the sponsor with the expectation that an obligation for something in return. The sponsorships are not always cause related and may be for commercial or personal objectives.

A donation is a financial or in-kind product or service offered by the donor with no expectation that an obligation for something in return. The donation simply is for a good or cause with no 'strings' attached.

## **II. Policy:**

This policy shall guide the administration of sponsorships for events, services, parks, and facilities from individuals, foundations, corporations, nonprofit organizations, service clubs, and other entities. The purpose of such sponsorships is to increase the PRFMD's ability to deliver services to the community and/or provide enhanced levels of service beyond the core levels funded from the City's general fund.

In appreciation of such support, it is the policy of PRFMD to provide sponsors with suitable acknowledgement of their contributions. However, such recognition shall adhere to the aesthetic values and purpose of the department's parks, facilities, and services. In addition, such recognition shall not detract from the visitor's experience or expectation, nor shall it impair the visual qualities of the site or be perceived as creating a proprietary interest.

### **III. Definitions:**

For the purpose of this policy the following definitions apply:

- Advertising – the activity of attracting the public's attention to a particular product or service.
- Corporate Slogan – a word or phrase that may be attached to a corporate name or logo, (e.g., Healthy Parks or Healthy Appleton).
- Donations – the provision of in-kind goods and/or money for which no benefits are sought.
- Interpretive Sign – a sign within a park that interprets natural, historic, and/or cultural features.
- Facility – any building or structure that is located on property owned by the City of Appleton or managed by PRFMD.
- Logo – a symbol or name that is used to brand an organization.
- Park – the open space owned by the City of Appleton or managed by PRFMD for recreational and/or natural resource values.
- Park Resources – the natural and/or cultural landscape elements within a park.
- Plaque – a flat memorial plate containing information that is either engraved or in bold relief.
- Recognition Benefits – the opportunities given to the sponsor to have its name and/or logo appear on park property and/or materials for a specified period of time.
- Sign – a structure that is used to identify a specific park, to convey directions to park users, and/or to inform of the relevant regulations and/or other pertinent information.
- Sponsorship – a financial or in-kind support from an individual, business, or non-profit group for a specific service, program, facility, park or event in return for certain benefits.
- Sponsorship Agreement – the legal instrument that sets forth the terms and conditions that the parties have agreed to.
- Temporary Sign – a sign that is erected for a known and limited period of time.

### **IV. Guiding Principles**

Sponsors should be businesses, non-profit groups or individuals that promote mutually beneficial objectives and relationships with the City of Appleton and the Parks, Recreation and Facilities Management's mission. All potential sponsorships should be scrutinized to ensure positive impacts and benefits to the community.

### **SPONSORSHIP PROPOSALS**



The following principles form the basis of the City's consideration of sponsor proposals:

1. All sponsorships must directly relate to the intent of the facility, subject park or program.
2. Sponsorships cannot be made conditioned upon the PRFMD's performance.
3. The mission of a sponsorship organization should not conflict with the mission of the PRFMD.
4. Sponsorships must provide a positive and desirable image to the community.
5. Sponsorship benefits offered should be commensurate with the relative value of the sponsorship.
6. Operating costs associated with the sponsor's proposal should, as a guideline, not exceed 10%.
7. Individual sponsors should not limit the PRFMD's ability to seek other sponsors.
8. Recognition benefits to be offered should not compromise the design standards and visual integrity of the park or facility.
9. An evaluation of the potential sponsor shall include, but may not be limited to:
  - Products/services offered
  - Company's record of involvement in environmental stewardship and social responsibility
  - Principles of the company
  - Sponsor's rationale for its interest in the PRFMD
  - Sponsor's expectations
  - Sponsor's timeliness and/or readiness to enter into an agreement

Each sponsorship will require separate approval as follows:

**Contribution less than \$5,000**  
**Contribution of \$5,000 to \$9,999**  
**Contribution of \$10,000 to \$24,999**  
**Contribution of more than \$25,000**

PRFMD Manager Approval  
PRFMD Deputy Director Approval  
PRFMD Head Approval  
City Council Approval

## RECOGNITION OF SPONSORS

The following principles form the basis of the organization's recognition of sponsors:

1. The Parks, Recreation and Facilities Management Department appreciates all sponsorships that enable it to further its mission.
2. In recognition of a sponsor's contribution, preference will be given to providing a form of recognition that is not displayed within parks.
3. Recognition of a sponsorship shall not suggest, in any way, the endorsement of the sponsor's goods or services by the PRFMD, or any proprietary interest of the sponsor in PRFMD.
4. Any physical form of on-site recognition shall not interfere with visitor use or routine facility/park operations.
5. The form of any on-site recognition shall be of an appropriate size and color and shall not detract from the park surroundings or any interpretive message.

6. All sponsorship agreements will be for a defined period of time with regard to the value of the sponsorship and the life of the asset being sponsored.
7. If the sponsorship asset needs to be removed and/or replaced prior to the expiration of the previously defined period of time, the property is sold, and/ or the material used for recognition deteriorates (ex. paver bricks), the sponsorship recognition will end at that time and the sponsor will not be entitled to any damages/ monetary compensation for the early termination of the sponsorship.
8. The naming of events and/or facilities within a park or facility as part of a sponsorship opportunity is permitted as long as such names are subordinate to the name of the park and/or the facility.

Where a naming/renaming sponsorship benefit is offered, the Parks and Recreation Committee shall:

- Review the proposed request and ensure that it adherences to the policies of PRFMD.
- Ensure that supporting information has been authenticated.
- Take into consideration the comments of the public.

The Parks & Recreation Committee shall then present a recommendation to the Common Council for a final decision.

## **V. Procedures and Guidelines:**

These procedures and guidelines have been established to ensure all sponsors are treated in an equitable and appropriate manner and that in recognizing a sponsor's support, the values and purpose of a particular facility and/or park are not diminished. The guidelines and procedures contained within this policy do not apply to gifts, donations, and/or grants for which there is no benefit or recognition.

### **SPONSORSHIP CATEGORIES**

Sponsorships are appropriate for the following broad types of activities:

- Events – financial or in-kind support for an event organized by Parks, Recreation and Facilities Management on City property
- Park/Facility Development – financial or in-kind support associated with the design and construction of a particular park or recreational facility. Projects within this category will typically be of a one-time nature.
- Program Delivery – financial or in-kind support that facilitates the ongoing delivery of a particular citywide or site-specific program.

### **TYPES OF RECOGNITION**

Sponsors will be provided with a level of recognition that is commensurate with their contribution. In acknowledging a sponsor, preference will be given to an off-site form of recognition that may include one or more of the following:

- A thank you letter.



- Publicity through Appleton Parks & Recreation's website, newsletters, and/or media releases, and through the sponsor's corporate newsletter, annual report, and/or website.
- Events such as a press conference, photo opportunity, ground breaking or ribbon cutting ceremony.
- Mayoral acknowledgement at civic functions.
- Acknowledgment on commemorative items such as a framed picture or plaque.
- Acknowledgment on the register of sponsors that is accessible to the public online or at the PRFMD's administrative offices and/or facilities.
- Acknowledgement on printed materials such as recreational program guides.
- Inclusion of the individual's name or company name and logo on a sponsorship recognition wall at a facility or the administrative offices of the PRFMD.

Where on-site recognition is to be provided, types of recognition may include:

- Temporary signs which may include the use of logos, acknowledging a sponsor during the construction or restoration of a particular facility, park or an event.
- Interpretive sign which may include the use of logos.
- Permanent plaque or sign (permanency is limited to the life of the asset).
- Naming of a particular facility within a facility or park where the sponsorship covers the majority (>50%) of the cost of the particular facility or structure.

## DETERMINING TYPES OF RECOGNITION

The Director of the PRFMD or designee shall determine the level of recognition to be offered to a sponsor who provides a financial or in-kind product. In cases where permanent on-site recognition or naming rights are requested decisions shall be made by the Parks and Recreation Committee and approved by the Common Council.

## DETERMINING DESIGN STANDARDS FOR VARIOUS TYPES OF RECOGNITION

### Design and Location of Temporary Signs and Plaques:

Recognition of a sponsor shall be permitted on either a temporary sign or a sign that is of a directional, informative or interpretive nature. The sponsor's name and/or logo shall be designed so that it does not dominate the sign in terms of scale or color. The Director of Parks, Recreation and Facilities Management Department and/or his/her designee must review and approve such sign or plaque prior to its use.

The siting of temporary signs and plaques shall be determined by the Director of the PRFMD and/or his/her designee.

### Design and Location of Sponsorship Boards:

The Director of the PRFMD and/or his/ her designee shall determine the design and location of sponsorship boards. In developing a suitable design, the Director of the PRFMD and/or his/her designee shall consider a format that

allows for the recognition of sponsors using small name plates, plaques or tiles so that sponsor details can be added or removed easily.

## SPONSORSHIP AGREEMENT

All sponsorship offers shall be the subject of a sponsorship agreement.

## TERMINATING SPONSORSHIPS

The City of Appleton reserves the right to terminate any sponsorship should conditions arise during the life of that sponsorship that results in the sponsorship conflicting with this policy or the sponsorship is no longer in the best interests of the City or Parks, Recreation and Facilities Management Department. The decision to terminate a sponsorship of \$10,000 or less shall be made by the Director of Parks, Recreation and Facilities Management. The decisions to terminate a sponsorship above \$10,000 must be made by the Parks and Recreation Committee with approval by City Council.

## ETHICAL CONSIDERATIONS ASSOCIATED WITH SPONSORSHIPS

Sponsorships are an important way in which Parks, Recreation and Facilities Management can obtain additional resources to support the pursuit of its mission. However, sponsorships may come with unintended consequences and, as such, all sponsorship offers require careful consideration.

On occasion Parks, Recreation and Facilities Management may reject a sponsorship offer. Circumstances under which this can occur include but may not be limited to:

- The potential sponsor seeks to secure a contract, permit or lease.
- The potential sponsor seeks to impose conditions that are inconsistent with Parks, Recreation and Facilities Management's mission, values, policies, and/or planning documents.
- The potential sponsorship would create a conflict of interest or policy, e.g., a sponsorship from a tobacco company.
- The potential sponsor is engaged in litigation with the City of Appleton.

**CITY OF APPLETON**  
**Department of Public Works**  
**MEMORANDUM**

**TO:** ☒ **Finance Committee**  
☐ **Municipal Services Committee**  
☐ **Utilities Committee**

**SUBJECT: Award of Contract**

**The Department of Public Works recommends that the following described work:**

C-18 Sidewalk Sawcutting

**Be awarded to:**

Name: ASTI Sawing, Inc.

Address: 7454 HWY 18-151

Barneveld, WI 53507

**In the amount of :** \_\_\_\_\_

**With a \_\_\_\_\_ % contingency of :** \_\_\_\_\_

**For a project total not to exceed :** \_\_\_\_\_

**\*\* OR \*\***

**In an amount Not To Exceed :** \_\_\_\_\_ \$30,000.00

Budget: \_\_\_\_\_ \$30,000.00

Estimate: \_\_\_\_\_

Committee Date: \_\_\_\_\_ 03/26/18

Council Date: \_\_\_\_\_ 04/04/18

**SIDEWALK SAWCUTTING**

Unit C-18

March 12, 2018

**BID TABULATION**

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>Quantity</u>	<u>Units</u>	<u>ASTI Sawing, Inc.</u>	
				<u>Unit Price</u>	<u>Total</u>
1.	Sawcut Sidewalk	1,700	inch-ft	\$15.10	\$25,670.00

**\$25,670.00**



*"...meeting community needs...enhancing quality of life."*

# MEMORANDUM

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TO: Members of the Finance Committee  
Members of the Library Building and Equipment Committee

FROM: Karen Harkness, Director of Community & Economic Development

DATE: February 14, 2018

RE: Mixed Use Library Project Development Proposals

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In 2015, the City Council voted down a proposal to build a stand-alone library. Since then, the City Council has approved an updated Comprehensive Plan and adopted recommendations from several studies on parking and mobility, as well as created TIFs #11 and #12, that have helped provide a catalyst for new developments in Downtown Appleton. These decisions have also provided context for a new proposal for a mixed-use project which may include residential, retail, office, medical or a mixture of uses, leveraging the library as an anchor and solving its long-term needs. The City Council and Library Board both approved a request for proposal process to seek submissions from developers to satisfy the library's needs as well as continue the momentum of satisfying the priorities established within the City's Comprehensive Plan. This proposal process was developed to provide perspective for the City and Library's needs, while leaving much of it open-ended to allow the private sector to bring forward creative solutions in their proposals.

The Mixed Use Library Request for Proposal (RFP) was released on November 16, 2017 (attached). It was sent directly to 246 contacts and published on the City's website.

On December 6, 2017, we held a tour of the APL facilities and grounds. This tour was attended by approximately 20 people.

Responses to the RFP were due by 12:00 p.m. on January 12, 2018. We received responses from five (5) Development Teams.

## Five Responses Received to Mixed Use Library Project RFP

Developer Name
<b>1 Lawrence Street LLC</b> Team consists of John Pfefferle and Paul Hoffman, MSR, Hoffman Planning, Design & Construction, Mandel Group, and Walker Consultants
<b>Commercial Horizons Inc.</b> Team consists of Commercial Horizons, Miron Construction, Eppstein Uhen Architects (EUA), OPN Architects (OPN), Founders 3 Real Estate Services, Baker Tilly and Bruce Block, attorney at Reinhart Law Firm

<b>Precept Properties LLC</b> Team consists of Aaron Cohen Associates, LTD, The Tocci Group, IBI Group, Bayland Buildings, Inc., von Briesen & Roper, s.c./vonBriesenOneSource, Precept Properties LLC and Rich & Associates Parking Consultants
<b>River to Valley Initiatives, Inc.</b> Team consists of River to Valley Initiatives, Inc., Cox Group Architects LLC, Dimension IV Madison Design Group, The Windward Group, IDM Hospitality Mgmt, and Larkin Hoffman Attorneys
<b>WiRED Properties</b> Team consists of WiRED Properties, Engberg Anderson Architects and SEH Short Elliott Hendrickson Inc.

City Staff (consisting of Community & Economic Development, DPW, Finance, Attorney, Mayor and Parks, Rec & Facilities) as well as Appleton Public Library Staff reviewed and scored the responses to the RFP for conformity with requirements detailed in the RFP and outlined below.

### **Proposal Evaluation Criteria**

*Compliance with and satisfaction of the Priorities and Objectives section of this RFP.*

- *Site creates a premier project enhancing the downtown, contributes to arts/culture, and fosters economic development.*
- *Building design complements existing urban form.*
- *Utilization of land leverages public/private funds.*
- *Project aligns with Comprehensive Plan, Downtown Parking Study, Downtown Mobility Study, TIF's #11 and #12.*

*Conformance to library needs assessment 8-25-2014 and library specific priorities and objectives within the RFP.*

- *Approximate 120,000 sq. ft.*
- *Public portion no more than 3 floors.*
- *Non-public portion approximately 10,000 sq. ft. can be located outside of 3 floors public portion.*
- *Refreshes APL Building Program prior to design.*
- *APL primary floor anchors with its own entrance and meeting space with after hour access.*
- *Demonstrates appropriate parking for entire mixed-use development.*
- *If redevelops existing site, provides a temporary location for library.*

*Provides solution for parking that addresses the needs of the library and the proposed development.*

*Conformance to the requirements and objectives of the City of Appleton Comprehensive Plan 2010-2030 and Chapter 14 Downtown Plan.*

*Compatibility of the project with the adjacent land uses.*

*Determination regarding the ability of the developer to carry out the proposal.*

*Amount of total investment and contribution to the City's tax base.*

*Cost to the City.*

*Quality and stability of proposed development.*

After City and APL Staff (Review Team) reviewed and scored responses, in-person interviews were held with three development teams on January 29 and January 31, 2018. The development teams interviewed were WiRED, 1 Lawrence Street, and Commercial Horizons.

**As per the RFP, after the in-person interviews, a “finalist”, Commercial Horizons, was notified that we wanted to continue discussions with them on their proposal.**

The Review Team was impressed with the depth, scope and direct relevant experience of the Commercial Horizons Development Team, which consists of Miron Construction, Eppstein Uhen Architects (EUA), OPN Architects (OPN), Founders 3 Real Estate Services, Baker Tilly and Bruce Block, Attorney at Reinhart Law Firm.

Commercial Horizons Development Team proposed two options, but Option 1 gained the most support from the Review Team.

- Option 1 locates the mixed-use library project on the Solider Square Parking Ramp site and develops Bluff Site 2 in phases. Phase 1 would be creating temporary parking on Bluff Site 2 in order to allow for demolition of the Solider Square Ramp. Phase 2 would be mixed-use development on the Bluff Site 2.
- This proposal would create value and add to the tax base while meeting goals and objectives of the Comprehensive Plan, provides a solution for identified parking concerns, as well as other identified challenges.
- The concept presented is an 8-story mixed-use building with the library, residential, restaurant and retail. This mixed-use building creates a strong pedestrian connection to Solider Square and Houdini Plaza with the introduction of flex space that can be used for many options.

Please see the attached Mixed Use Library Summary Grid for a high-level overview of the five development team responses.

REQUEST FOR PROPOSAL – MIXED USE LIBRARY PROJECT



Appleton  
Public Library



**PROPOSALS SOUGHT BY:**  
**City of Appleton**  
**c/o Community and Economic Development Department**  
**Attn: Karen Harkness**  
**100 North Appleton Street**  
**Appleton, WI 54911**  
**(920) 832-6468**  
Karen.Harkness@appleton.org

**November 16, 2017**

**CITY OF APPLETON – REQUEST FOR PROPOSAL**  
*Mixed Use Library Project*

*This entire RFP and all Exhibits are available at the City of Appleton website [www.appleton.org](http://www.appleton.org). Follow the “RFP” link at the top of the City’s homepage.*

**TABLE OF CONTENTS**

<b>I.</b>	<b>INTRODUCTION</b>	<b>2</b>
<b>II.</b>	<b>PROJECT PRIORITIES &amp; OBJECTIVES</b>	<b>2</b>
<b>III.</b>	<b>POTENTIAL SITE OPTIONS</b>	<b>4</b>
<b>IV.</b>	<b>PROPOSAL REQUIREMENTS</b>	<b>4</b>
<b>V.</b>	<b>DIRECTIONS FOR SUBMITTAL</b>	<b>6</b>
<b>VI.</b>	<b>DISCLOSURES, TIMELINE, TERMS &amp; CONDITIONS</b>	<b>6</b>
<b>VII.</b>	<b>EVALUATION OF PROPOSALS</b>	<b>8</b>
<b>VIII.</b>	<b>ATTACHMENT LISTING</b>	<b>9</b>
<b>IX.</b>	<b>REFERENCE MATERIALS</b>	<b>9</b>

## **I. INTRODUCTION**

The Appleton Public Library's (APL) long term planning indicates that the current facility at 225 N. Oneida Street no longer meets the needs of the library. Originally built in 1981, the library building has infrastructure challenges that limit options for modern library service. APL is one of the busiest buildings in the downtown, serving an average of 1,500 people a day.

The City of Appleton (City) and Appleton Library Board are seeking a qualified developer for a mixed-use library development which may include residential, retail, office, medical or a mixture of uses in addition to the library. The design should create appropriate separation of uses, providing clear access and entrances for the library and other uses, as well as provide parking as appropriate for the entire mixed use development.

The City of Appleton is located in the Fox River Valley of northeastern Wisconsin and has a population of approximately 73,000. APL provides service to a population of 115,000. The City is serviced by Interstate 41, US Highway 10 and US Highway 441. It is 90 miles north of Milwaukee and 30 miles southwest of Green Bay. More information about the City is available on our website at [www.appleton.org](http://www.appleton.org).

Downtown Appleton is the heart of the Fox Valley. As an arts and entertainment district, Downtown has embraced the creative economic energy of business, tourism, education and love of the Fox River. Downtown's resurgence and increased vibrancy has drawn recent praise with College Avenue being named one of the "Great Places in America" by the American Planning Association in 2014.

Several major projects currently in progress will impact the City in general and Downtown specifically, as they will influence future mobility, connectivity to the riverfront, residential density, and attraction of conventions and visitors. Appleton continues to see demand for new housing units and has a solid commercial and industrial base. Strategic and ongoing investment in Downtown remains a top priority for the City, and the issuance of this RFP for a mixed-use Library Project is a critical step in this process.

## **II. PROJECT PRIORITIES & OBJECTIVES**

Developers are encouraged to propose a new site or to consider redevelopment of the existing library site/area for this mixed-use project. The site must create a premier project that will enhance the downtown, contribute to the arts and culture of the area, and foster economic development that will benefit the entire community.

Proposals should take into consideration the needs and current market condition. Building designs and material should complement the existing urban form of the area as well as the goals spelled out in Chapter 14: Downtown Plan (Comprehensive Plan 2010-2030). Utilization of the land should leverage public (federal, state and local)

funds and private funds in order to develop the site into a vibrant, sustainable mixed use development.

In 2017, the Appleton Common Council and Appleton Library Board approved and supported, respectively, the five-year update to the City Comprehensive Plan 2010-2030. In addition, both bodies unanimously agreed to issue this mixed-use RFP that should align with the Comprehensive Plan, Downtown Parking Study, Downtown Mobility Study, Tax Incremental Financing Districts #11 and #12, and the current APL building program and documents.

The City is seeking proposals for an approximately 120,000 square foot requirement for APL in a mixed use development. Proposals for City ownership or lease would be considered. General requirements for the physical space include:

1. Approximately 120,000 square feet of space.
2. The “public” portion of the library should not occupy more than 3 floors (Approx. 110,000 square feet).
3. “Non-public” portions of the library (Administration, Network Services, Technical Services, etc.) can be located on other floor(s) (Approx. 10,000 square feet).
4. The general physical needs identified in the “Library Needs Assessment Final Report 8-25-14” (Section IX. Reference Materials) for APL have not changed. However, the space for Parks and Recreation and OWLS are not part of this RFP and should not be included. APL’s building program will need to be refreshed prior to actual design.
5. APL should serve as a primary floor anchor with its own entrance and primary meeting room spaces allowing after-hours access. APL must be able to function independently from the rest of the development.
6. Demonstration of available parking as appropriate for the entire mixed use development should be included.
7. If proposing a redevelopment of the existing site, provide a temporary library location.

In addition to the physical space requirements, it will be crucial for the proposed development to support the City’s redevelopment goals as spelled out in Chapter 14: Downtown Plan (Comprehensive Plan 2010-2030). As such, a mixed use proposal is anticipated to ensure the highest and best use of the proposed development.

Section IX. Reference Materials provides historic detail of APL’s needs, site preferences and analysis completed to date. Due to the dynamic nature of ownership, development, and redevelopment, any site within the boundaries of Exhibit A –Mixed Use Library RFP Boundary Map will be considered and weighed as spelled out in the “Evaluation of Proposals” section of this RFP.

### III. POTENTIAL SITE OPTIONS

Respondents are invited to submit proposals for a mixed-use development, including a new or remodeled library, located within downtown Appleton. The geographic boundary is shown on Exhibit A – Mixed Use Library RFP Boundary Map. One potential scenario involves relocating the library to a different site. The other scenario involves utilizing the existing library site and/or other City-owned property in the nearby area (see Exhibit B – Current Library Site). Some details on the existing library site are provided below. Any land to be assembled as part of the project for either scenario is at the discretion and responsibility of the developer.

#### **Background Information on Existing Library Site**

**Location:** 225 North Oneida Street (Tax ID #31-2-0397-00)

**Legal Description:** APPLETON PLAT 2WD LOTS 1, 2, 3, 4, 5 & 6 BLK 38

**Common Description:** Area bound by North Appleton Street, West Franklin Street, North Oneida Street, and West Washington Street

**Area:** 94,782 square feet m/l (2.18 acres m/l)

**Registered Neighborhood:** Downtown Neighborhood

**Current Zoning:** CBD Central Business District - City of Appleton Zoning Ordinance (Chapter 23) available at <http://www.appleton.org/home/showdocument?id=482>.

**Utilities:** Served by existing water, sanitary sewer, and storm sewer.

The existing library will be made available for inspection on December 6, 2017 at 9:00 a.m. for those anticipating submitting a proposal.

### IV. PROPOSAL REQUIREMENTS

Proposals must be organized in the following order of sections:

#### 1. EXECUTIVE SUMMARY

- a. A succinct, high level description of the proposed project
- b. Identity and contact information for the developer(s)
- c. The Executive Summary should be signed by a Principal or authorized agent of the proposing developer

#### 2. DESCRIPTION OF FIRM & PERSONNEL: Detailed description of the

organizational structure/hierarchy for the development team, including relationship of the partners to each other (if appropriate) and responsibilities of key personnel to be involved in this project. Provide professional resumes for the key personnel to be assigned.

3. **EXPERIENCE AND ABILITY TO COMPLETE PROPOSED PROJECT:** Statement regarding experience and qualifications relative to this project, including references of individuals who can provide assessments of your previous work on similar projects. List relevant public sector clients for whom you have performed similar work. For each project listed, provide the name, address and a contact number of the client's representative who can be contacted regarding the project.
4. **PROJECT APPROACH:** Provide a narrative description of how your firm proposes to execute the project, including the location of proposed library and why it was chosen, how you will address the library's programming needs, and how the proposal meets the stated objectives and goals. Describe the intended relationship between the Library/City Staff and the public during the process. Submit a statement as to why you believe your firm is the best qualified to carry out the project.
5. **CONCEPTUAL DEVELOPMENT PLAN:** Provide a detailed description of the proposed project, including conceptual designs with enough details to evaluate the building and site relationship, parking, landscaping, floor plans, elevations and renderings. Providing 3-D modeling and project "fly-through" is suggested but not required.
6. **PROPOSED PROJECT COST, FINANCING AND SCHEDULE:** Proposed financing strategy, including sources and uses of funds. Demonstrate ability to secure sources of funds. Provide documentation to demonstrate project feasibility. Anticipated timetable for completion of the project and sequence of events.
7. **PROPOSED RENT SCHEDULE AND/OR PURCHASE PRICE:** Provide details on cost to City for proposed APL facility.

Any other information you deem relevant in helping us to evaluate your proposal is welcomed. The City reserves the right to negotiate a development agreement with the developer(s) of the selected proposal.

## **V. DIRECTIONS FOR SUBMITTAL**

To be deemed timely, Ten (10) hard copy proposals and one (1) electronic copy in a PDF format shall be received on or before January 12, 2018 at 12:00 p.m. CST by:

City of Appleton  
c/o Community and Economic Development Department  
Attn: Karen Harkness  
100 North Appleton Street  
Appleton, WI 54911  
Karen.Harkness@appleton.org

Proposals may be mailed or hand-delivered, but in either case must be received and stamped by the specified date and time. The City reserves the right to reject any and all proposals or to negotiate any or all aspects of the proposal as permitted by law. Proposals received after the above listed due date and time may be rejected by the City and returned unopened to the developer.

## **VI. DISCLOSURES, TIMELINE, TERMS & CONDITIONS**

1. The Proposal of the selected developer will become the basis for any contract entered into and will become subject to the City's provision on public access to open records and information.
2. To the extent a developer includes any uniquely proprietary or confidential information in the Proposal, the developer must clearly and unequivocally mark such information. The City will not reveal any such information to any third party, unless required to do so by law.
3. Developers must agree to make no other distribution of their Proposal beyond that made to the City and once under contract, all information gained in the process and work product is the ownership of the City.

## PROJECT TIMELINE

Activity	Estimated Date
APL tour of facilities and site for RFP respondents	9:00 a.m. December 6, 2017 CST
Request for Proposal deadline	12:00 p.m. January 12, 2018 CST
City & APL staff review and score request for proposals for conformity with RFP requirements and select consultant for interviews	January 19, 2018
In-person interviews and final development concept selection	January 29, 2018
Finalist notified	January 30, 2018
Public Presentation by the successful developer to Library Board and Common Council	TBD
Library Board and Common Council approval	TBD

NOTE: This timeline should be considered a draft. The City reserves the right to deviate from this schedule.

## TERMS AND CONDITIONS

1. Termination - If for any reason the firm selected shall fail to fulfill the obligations agreed to in a timely manner, the City shall have the right to terminate the contract by specifying the date of termination in a written notice to the firm at least seven (7) days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for the work satisfactorily completed.
2. Insurance - The successful developer will be required to furnish, within five (5) days of award notification and before commencing work, the certificate of insurance specified in Exhibit C - Insurance Requirements for professional services work. The certificate shall name the City, its officers and employees, as additional insured.
3. Bid Procedure - City procurement policies and bid procedures will have to be followed.
4. Indemnification Clause - The agreement resulting from this RFP shall be required to contain the following:  
  
"The developer agrees to indemnify, defend and hold harmless the City and its officers, officials, employees and agents from and against any and all liability, loss, damage expense, costs (including attorney fees) arising out of this

agreement, caused in whole or in part by developer or anyone for whose acts any of them may be liable, except where caused by the sole negligence or willful misconduct of the City.”

5. The Developer must comply with all applicable local, state and federal regulations.
6. Contract Term - The contract resulting from the award of this RFP shall commence as soon as administratively possible following award notification and shall continue until all agreed upon tasks have been satisfactorily completed.
7. Right to Reject - The City reserves the right to reject any or all proposals, to waive technicalities, or to accept the proposal deemed to serve the City’s best interest.
8. Proposal Costs - All costs associated with preparation, submittal and presentation of proposals shall be borne by the developer.

## **VII. EVALUATION OF PROPOSALS**

Proposals will be evaluated on the basis of the degree of compliance with, and adherence to, the preceding proposal requirements and the following principles and guideline items:

1. Compliance with, and satisfaction of the Priorities and Objectives section of this RFP.
2. Conformance to the requirements and objectives of the City of Appleton Comprehensive Plan 2010-2030 and Chapter 14 Downtown Plan.
3. Compatibility of the project with the adjacent land uses.
4. Determination regarding the ability of the developer to carry out the proposal.
5. Amount of total investment and contribution to the City’s tax base.
6. Cost to the City.
7. Quality and stability of proposed development.

The City reserves the right to reject any and all proposals or to negotiate on any or all aspects of the proposal as permitted by law. Developers may be asked to present their proposal and answer questions of the City. If such a request is made, developers will be given at least five (5) working days’ notice.



## **VIII. ATTACHMENT LISTING**

The following Exhibits are attached.

Exhibit A – Mixed Use Library RFP Boundary Map

Exhibit B – Current Library Site Map

Exhibit C – Insurance Requirements

## **IX. REFERENCE MATERIALS**

The following documents are listed for reference purposes.

### **Library Studies**

Library Needs Assessment Final Report 8-25-14

<http://www.apl150.org/sites/apl150.org/files/pagefiles/APL%20Final%20Report%2008-25-14.pdf>

2013 Strategic Plan Updated 2016

[http://www.apl.org/system/files/FinalPlanWOStats\\_0.pdf](http://www.apl.org/system/files/FinalPlanWOStats_0.pdf)

Library Site Evaluation Criteria

<http://www.apl150.org/sites/apl150.org/files/pagefiles/SiteEvaluationCriteria.pdf>

### **Other Related Documents**

Comprehensive Plan 2010-2030

<http://www.appleton.org/government/planning/city-of-appleton-comprehensive-plan-2010-2030>

Downtown Parking Study

<http://www.appleton.org/home/showdocument?id=12044>

Mobility Study – Full Version

<http://www.appleton.org/home/showdocument?id=11020>

Mobility Study – Summary

<http://www.appleton.org/home/showdocument?id=11016>

Appleton Economic Development Strategic Plan

<http://www.appleton.org/home/showdocument?id=12046>

Downtown Appleton Business Improvement District (BID) Operational Plan

<http://www.appleton.org/home/showdocument?id=16869>

TIF #12 Tax Incremental Financing District  
<http://www.appleton.org/home/showdocument?id=14737>

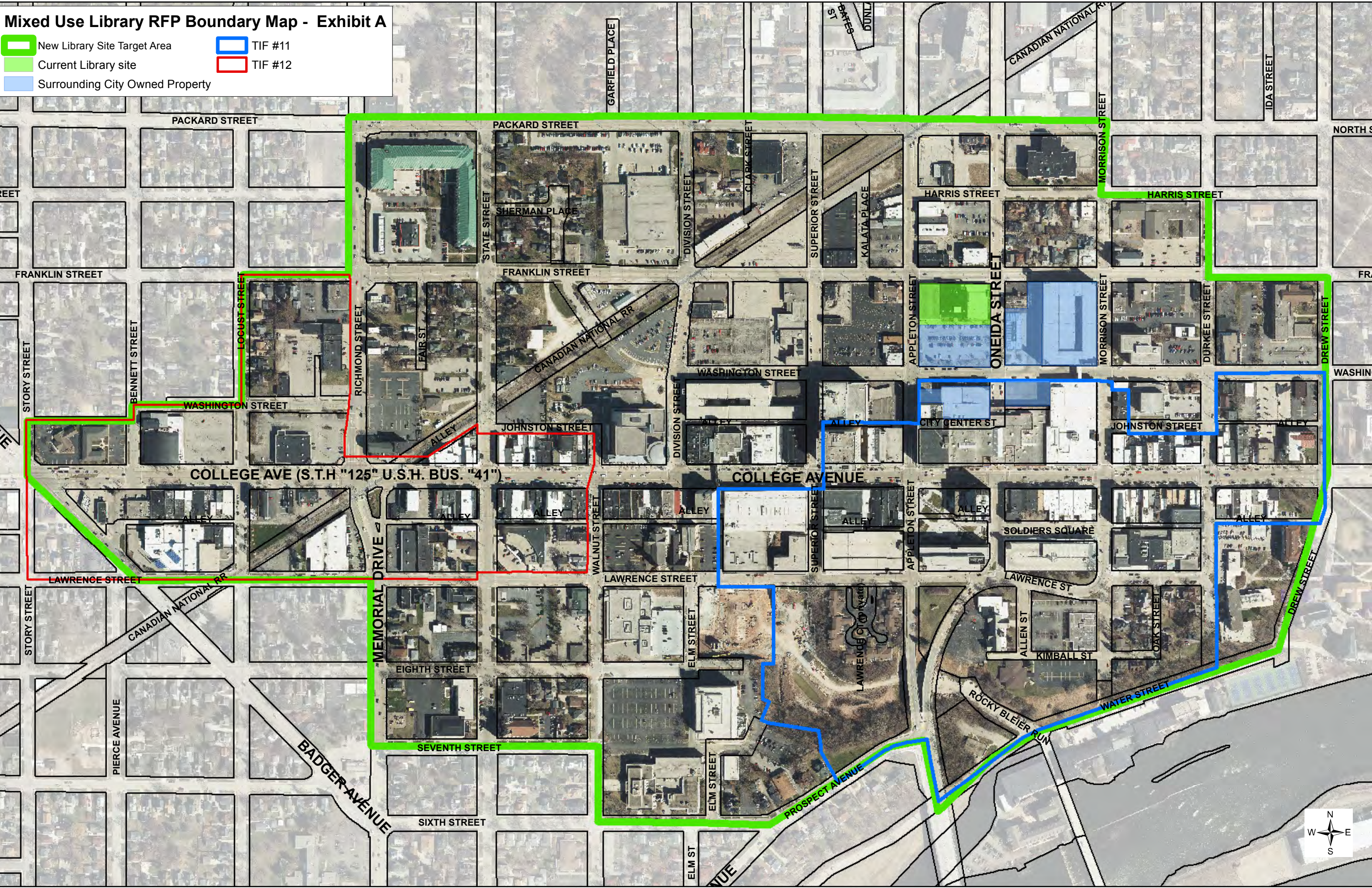
TIF #11 Tax Incremental Financing District  
<http://www.appleton.org/home/showdocument?id=14731>

Trails Master Plan  
<http://www.appleton.org/home/showdocument?id=16871>

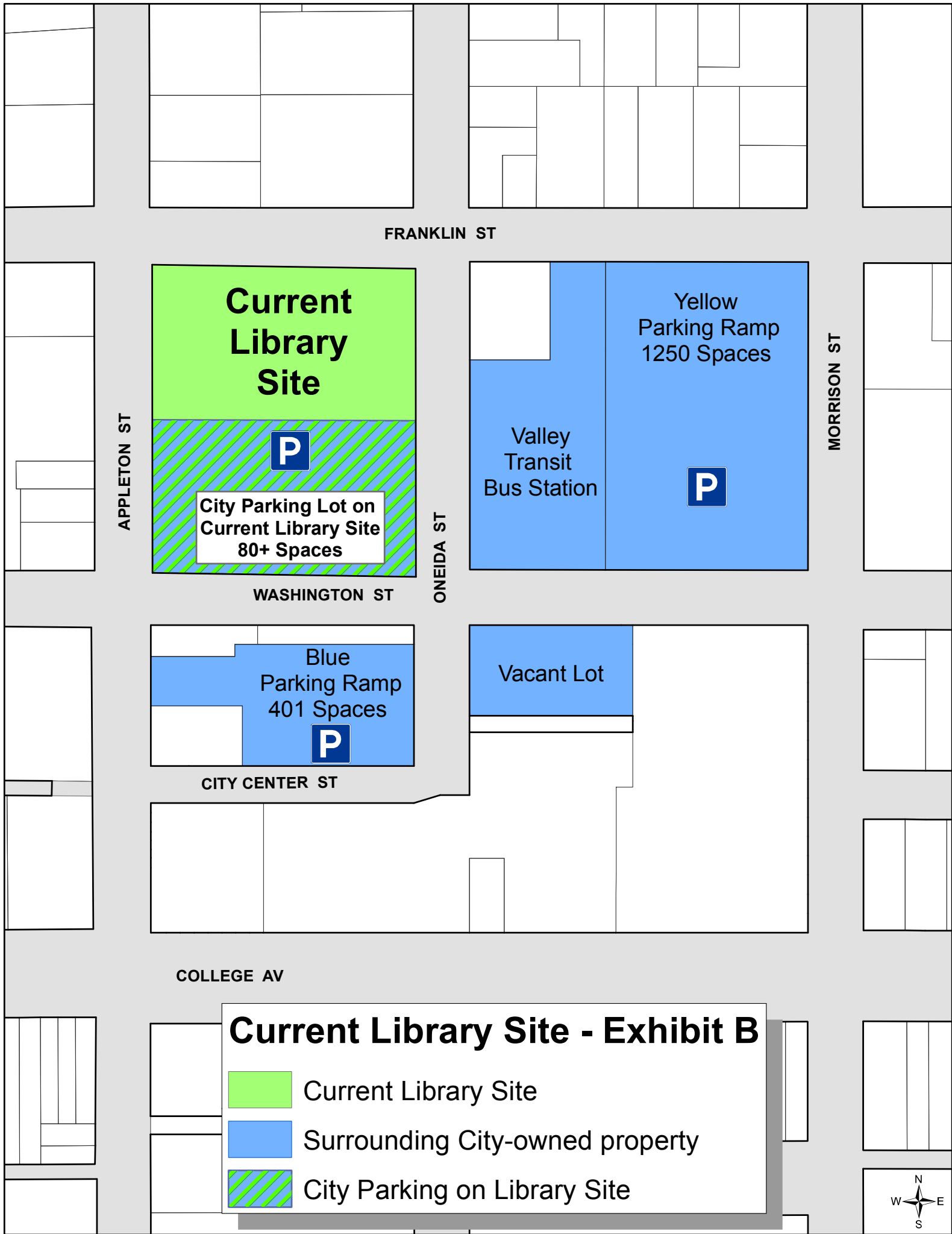


Mixed Use Library RFP Boundary Map - Exhibit A

- New Library Site Target Area
- Current Library site
- Surrounding City Owned Property
- TIF #11
- TIF #12







**EXHIBIT C**  
**CITY OF APPLETON**  
**PROFESSIONAL SERVICES INSURANCE REQUIREMENTS**

The Contractor shall not commence work on contract until proof of insurance required has been provided to the applicable department before the contract or purchase order is considered for approval by the City of Appleton.

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and that any insurance or self insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire job is completed and the length of time that is specified, if any, in the contract or listed below whichever is longer.

**1. PROFESSIONAL LIABILITY**

- A. Limits
  - (1) \$1,000,000 each claim
  - (2) \$1,000,000 annual aggregate
- B. Must continue coverage for 2 years after final acceptance for service/job

**2. GENERAL LIABILITY COVERAGE**

- A. Commercial General Liability
  - (1) \$1,000,000 each occurrence limit
  - (2) \$1,000,000 personal liability and advertising injury
  - (3) \$2,000,000 general aggregate
  - (4) \$2,000,000 products – completed operations aggregate
- B. Claims made form of coverage is not acceptable.
- C. Insurance must include:
  - (1) Premises and Operations Liability
  - (2) Contractual Liability
  - (3) Personal Injury
  - (4) Explosion, collapse and underground coverage
  - (5) Products/Completed Operations must be carried for 2 years after acceptance of completed work
  - (6) The general aggregate must apply separately to this project/location

**3. BUSINESS AUTOMOBILE COVERAGE**

- A. \$1,000,000 combined single limit for Bodily Injury and Property Damage each accident
- B. Must cover liability for Symbol #1 - "Any Auto" – including Owned, Non-Owned and Hired Automobile Liability.

4. **WORKERS COMPENSATION AND EMPLOYERS LIABILITY** – “If” required by Wisconsin State Statute or any Workers Compensation Statutes of a different state.

- A. Must carry coverage for Statutory Workers Compensation and an Employers Liability limit of:
- (1) \$100,000 Each Accident
  - (2) \$500,000 Disease Policy Limit
  - (3) \$100,000 Disease – Each Employee

5. **UMBRELLA LIABILITY** - If exposure exists, provide coverage at least as broad as the underlying Commercial General Liability, Watercraft Liability (if required), Automobile Liability and Employers Liability, with a minimum limit of \$5,000,000 each occurrence and \$5,000,000 aggregate, and a maximum self-insured retention of \$10,000.

6. **ADDITIONAL PROVISIONS**

- A. **Primary and Non-Contributory requirement – all insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Appleton.**
- B. Acceptability of Insurers - Insurance is to be placed with insurers who have an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the state of Wisconsin.
- C. Additional Insured Requirements – The following must be named as **additional insureds** on the General Liability and Business Automobile Liability Policies for liability arising out of project work - City of Appleton, **and its officers, council members, agents, employees and authorized volunteers. On the Commercial General Liability Policy, the additional insured coverage must be ISO form CG 20 10 07 04 and also include Products – Completed Operations equivalent to ISO form CG 20 37 07 04 or their equivalents for a minimum of 2 years after acceptance of work. This does not apply to Workers Compensation Policies.**
- D. Certificates of Insurance acceptable to the City of Appleton shall be submitted prior to commencement of the work to the applicable department. **In addition form CG 20 10 07 04 for ongoing work exposure and form CG 20 37 07 04 for products-completed operations exposure must also be provided or its equivalent.** These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non renewed until at least 30 days' prior written notice has been given to the City of Appleton.

MIXED-USE LIBRARY PROPOSAL SUMMARY

\*NOTE: Assumptions were made in completing this grid based on level of detail provided in Proposal(s). These numbers are for discussion purposes only and not necessarily representative of final plan(s).

Team	Option	Library Cost (In \$)	Parking Cost (In \$)	Added Value to Tax Base (In \$)	Number of Residential Units	Additional Mixed Use 1 (In square feet unless otherwise noted)	Additional Mixed Use 2 (In square feet unless otherwise noted)	Parking Stalls Proposed	1st Delivery	Library Site	Entire Development Area	Total Score of Review Team
Commercial Horizons Inc.	1	29,841,000	26,780,625	66,308,720	304	Phase 1: 36,800 Flex Space Future Phases: 11,200 Flex Space	Phase 1: 1,800 Retail and/or Restaurant Future Phases: 7,650 Retail and/or Restaurant	1,330	May 2020	Area bounded by Soldier Sq./Morrison St./Lawrence St./S. Oneida St. (Soldier Square Ramp Site)	Area bounded by Lawrence St./Durkee St./Water St./Morrison St. ALSO Area bounded by Soldier Sq./Morrison St./Lawrence St./S. Oneida St. (Bluff 2 & Soldier Square Ramp Site)	232.5
Commercial Horizons Inc.	2	29,400,000	22,684,540	50,635,125	227	32,000 Flex Space	2,700 Retail and/or Restaurant	1,179	May 2020	Area bounded by Lawrence St./Durkee St./Water St./Morrison St. (Bluff Site 2)	Area bounded by Lawrence St./Durkee St./Water St./Morrison St. ALSO Area bounded by Soldier Sq./Morrison St./Lawrence St./S. Oneida St. (Bluff 2 & Soldier Square Ramp Site)	228
1 Lawrence Street LLC	1	42,619,725	16,668,290	27,172,882	108	N/A	N/A	277	Apr. 2021	Area bounded by Lawrence St./Western edge of USV Site/Rocky Bleier Run/Appleton St. (Bluff Site 1)	Area bounded by Lawrence St./Western edge of USV Site/Rocky Bleier Run/Appleton St. (Bluff Site 1)	177.5
1 Lawrence Street LLC (not enough info provided to score proposal)	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	City Center	City Center	Not scored
WiRED Properties	A	37,000,000	N/A	9,025,000	58	4,800 Retail	N/A	104 and uses Yellow Ramp	Sept. 2020	Area bounded by Franklin St./N. Oneida St./Washington St./Appleton St. (Current Library Site)	Area bounded by Franklin St./N. Oneida St./Washington St./Appleton St. (Current Library Site)	164
WiRED Properties	A.1	37,000,000	N/A	21,650,000	120	9,425 Retail	N/A	104 and uses Yellow Ramp	Sept. 2020	Area bounded by Franklin St./Yellow Parking Ramp/Washington St./N. Oneida St. (Transit Ctr. Site)	Area bounded by Franklin St./Yellow Parking Ramp/Washington St./N. Appleton St. (Current Lib. Site & Transit Ctr. Site)	Scored with Option A
WiRED Properties	B	45,200,000	N/A	17,000,000	109	9,425 Retail	Potential Office and/or Medical Space	Yellow Ramp	Sept. 2020	Area bounded by Franklin St./Yellow Parking Ramp/Washington St./N. Oneida St. (Transit Ctr. Site)	Area bounded by Franklin St./Yellow Parking Ramp/Washington St./N. Appleton St. (Current Lib. Site & Transit Ctr. Site)	160.5
Precept Properties LLC		24,000,000 to 48,000,000	5,100,000 to 10,200,000 Phase 1 only	20,200,000 to 42,400,000 Phase 1 only	214	40,000 Office	47,000/Retail or Commercial	1,180	Sept. 2020	Area bounded by Lawrence St./Durkee St./Water St./Morrison St. (Bluff Site 2)	Area bounded by Lawrence St./Durkee St./Water St./Morrison St. ALSO Area bounded by Soldier Sq./Morrison St./Lawrence St./S. Oneida St. (Bluff 2 & Soldier Square Ramp Site)	134
River to Valley Initiatives		31,000,000	3,000,000	50,000,000	150	60 Room Hotel	N/A	500-600	N/A	Area bounded by Franklin St./N. Oneida St./Washington St./Appleton St. (Current Library Site)	Area bounded by Franklin St./N. Oneida St./Washington St./Appleton St. (Current Library Site)	120.5

\*NOTE: Assumptions were made in completing this grid based on level of detail provided in Proposal(s). These numbers are for discussion purposes only and not necessarily representative of final plan(s).

## Mixed Use Library Project Proposals Evaluation Scores of Review Team

Developer Name	Rater 1	Rater 2	Rater 3	Rater 4	Rater 5	Rater 6	Rater 7	TOTAL SCORE
<b>Commercial Horizons Inc.</b> (consists of Commercial Horizons, Miron Construction, Uhen Architects (EUA), OPN Architects (OPN), Founders 3 Real Estate Services, Baker Tilly and Bruce Block, attorney at Reinhart Law Firm) <u><b>Option 1 - Soldier Square</b></u>	33.5	35	34	34	30	32	34	232.5
<b>Commercial Horizons Inc.</b> (consists of Commercial Horizons, Miron Construction, Uhen Architects (EUA), OPN Architects (OPN), Founders 3 Real Estate Services, Baker Tilly and Bruce Block, attorney at Reinhart Law Firm) <u><b>Option 2 - Bluff Site #2</b></u>	35	35	34	33	29	30	32	228
<b>1 Lawrence Street LLC</b> (consists of John Pfefferle and Paul Hoffman, MSR, Hoffman Planning, Design & Construction, Mandel Group, and Walker Consultants) <u><b>Option 1 - Bluff Site #1</b></u>	28.5	25	26	25	29	22	22	177.5
<b>1 Lawrence Street LLC</b> (consists of John Pfefferle and Paul Hoffman, MSR, Hoffman Planning, Design & Construction, Mandel Group, and Walker Consultants) <u><b>Option 2 - City Center East</b></u>	Not scored	Not scored	Not scored	Not scored	Not scored	Not scored	Not scored	Not scored
<b>WiRED Properties</b> (consists of WiRED Properties, Engberg Anderson Architects and SEH Short Elliott Hendrickson Inc.) <u><b>Option A - Redevelop Existing Library</b></u>	29	18	20	27	28	22	20	164
<b>WiRED Properties</b> (consists of WiRED Properties, Engberg Anderson Architects and SEH Short Elliott Hendrickson Inc.) <u><b>Option B - Library at Transit</b></u>	26.5	20	20	24	28	22	20	160.5
<b>Precept Properties LLC</b> (consists of Aaron Cohen Associates, Ltd, The Tocci Group, IBI Group, Bayland Buildings, Inc., von Briesen & Roper, s.c./vonBriesenOneSource, Precept Properties LLC and Rich & Associates Parking Consultants)	22	6	17	21	26	23	19	134
<b>River to Valley Initiatives Inc.</b> (consists of River to Valley Initiatives, Inc., Cox Group Architects LLC, Dimension IV Madison Design Group, The Windward Group, IDM Hospitality Mgmt, and Larkin Hoffman Attorneys)	19.5	4	15	23	27	16	16	120.5









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**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

1819 East Witzke Boulevard  
Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

DATE: 3/26/2018

RE: Action Item: Approval of Bid Packages and project related expenses into the Guaranteed Maximum Price Amendment to Miron Construction for the Jones Park Project for a contract not to exceed \$3,753,690 plus a contingency of 5% for a contract not to exceed \$3,937,861.

Action Item: Request a budget transfer from Downtown Development CIP to Jones Park Project for \$887,558.

On March 13, 2018, bids were opened for the Jones Park Project. We bid nineteen different individual bid packages as provided below and recommend proceeding with the lowest responsible bidder in each category. I am dismayed by the current bidding climate and its result on overall cost of construction. You will notice we had very minimal interest by contractors. Though I cannot speak for each individual contractor, the amount of work and lack of contractors has created a challenging bidding environment that is driving up costs. In addition, material prices in some areas have seen significant increases. When I established this budget about a year ago I did not anticipate this current bidding climate occurring. Our architect has noted seeing similar results throughout Wisconsin.

Note that I did bid certain components of this project in September 2017 and again in October 2017 in which I requested the bids be rejected and rebid due to the costs I felt were too high at that point. I was hopeful rebidding in early spring would produce better results based on our past experiences.

If we rebid again, it does not appear conditions in the market will improve and only can anticipate they will get worse, therefore I recommend accepting these bids to allow the project to remain on schedule for a 2018 completion.

**Earthwork, Building & Selective Demolition:** Calnin & Goss, Inc.

Contractor	Bid
Calnin & Goss, Inc.	<b>\$957,300</b>
Ostrenga Excavation, Inc.	\$998,189

**Site Concrete:** Martell Construction, Inc.

Contractor	Bid
Martell Construction	<b>\$369,900</b>

**Fencing:** Fortress Fence

Contractor	Bid
Fortress Fence	<b>\$2,725</b>

**Seeding & Landscaping:** Schmalz Landscaping Co.

Contractor	Bid
Green Boyz, Inc.	\$308,345
Highway Landscapers	\$214,660
Lakeshore Cleaners	\$133,033.08
Midwest Landscape Co.	\$182,325
Schmalz Landscaping	<b>\$103,700</b>
Vandehey Company	\$171,933.92

**Site Utilities:** Scott DeNoble & Sons Construction, Inc.

Contractor	Bid
Scott DeNoble & Sons Co. Inc.	<b>\$149,033</b>

**Building Cast-in Place Concrete:** Miron Construction

Contractor	Bid
Miron Construction	<b>\$267,775</b>

**Masonry:** Wm. A. Heim Co., Inc.

Contractor	Bid
Miron Construction	\$233,937
Wm. A. Heim Co., Inc.	<b>\$230,800</b>

**Steel Material & Erection:** Miron Construction

Contractor	Bid
Miron Construction	<b>\$270,135</b>

**General Trades:** Miron Construction

Contractor	Bid
Miron Construction	<b>\$455,259</b>

**Roofing:** Weinert Roofing

Contractor	Bid
Weinert Roofing	<b>\$70,859</b>

**Caulking:** No bidders

Contractor	Bid
Allowance	<b>\$14,400</b>

**Aluminum Windows, Entrances, Glass/Glazing:** Corcoran Glass & Paint, Inc.

Contractor	Bid
Corcoran Glass & Paint, Inc.	<b>\$47,317</b>

**Rolling Doors & Shutters:** EZ Glide – Essential Products

Contractor	Bid
EZ Glide – Essential Products	<b>\$20,400</b>

**Gypsum Board Systems:** No bidders

Contractor	Bid
Allowance	<b>\$9,000</b>

**Tile:** No bidders

Contractor	Bid
Allowance	<b>\$7,000</b>

**Painting:** Omni Glass & Paint

Contractor	Bid
Omni Glass & Paint	<b>\$24,875</b>

**Plumbing:** EGI Mechanical, Inc.

Contractor	Bid
EGI Mechanical, Inc.	<b>\$192,600</b>

**HVAC:** Best Mechanical

Contractor	Bid
Best Mechanical	<b>\$112,500</b>

**Electrical:** Quantum Electrical Solutions, LLC

Contractor	Bid
Elmstar Electrical	\$478,900
Quantum Electrical Solutions, LLC	<b>\$377,836</b>

**Total Bids:**

<b>Contractor</b>	<b>Bid</b>
Total of Bids	<b>\$3,683,414</b>
Alternate A: Hillside Play	(\$92,168)
Alternate B: Water Feature	(\$97,747)
<b>Total: W/Alternates Removed</b>	<b>\$3,493,499</b>

**Other Project Costs:**

<b>Contractor</b>	<b>Bid</b>
Contingency	\$184,171
General Conditions	\$126,000
General Requirements	\$54,000
Insurance, Permits and Bonds	\$80,191

**Total Contract:**

<b>Contractor</b>	<b>Bid</b>
<b>Total Contract</b>	<b>\$3,937,861</b>

To reduce the cost, we recommend accepting credits to not construct the hillside play area and the water feature. These credits total \$189,915. In addition, we will experience an additional \$100,000 reduction in cost by not having to purchase the hill-side play equipment. A playground will still be constructed at ground level. In addition, we will seek opportunities for further cost savings.

The project budget includes a 5% (\$184,171) contingency and allocations for utility relocations, Wi-Fi, security cameras, playground equipment and materials testing services. Note that the contingency is only utilized when unforeseen work is required to successfully finish the project.

To close the gap in funding to complete this project we are recommending a budget transfer from the Downtown Development CIP for monies previously allocated for a new pedestrian ramp underneath the new Oneida Street bridge which was delayed and may not be constructed based on future developments that may provide additional access points to Water Street and Rocky Blier Run.

Overall, the bidding environment is not on our side. As can be witnessed above we received a very limited amount of bids in each category despite multiple bid advertisements per state statutes. It is believed that many factors are causing higher prices including limited availability of contractors, a significant amount of work available to contractors and rising material prices. For example, steel, copper, gypsum board are just a few of the materials experiencing significant price hikes.

We have already rejected two bidding cycles on this project due to costs we felt were out of line, thus we feel there is no reason to do the same for this bid. It is believed that costs will only increase by waiting longer based on the construction forecasts in Wisconsin.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.



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**TO:** Finance Committee

**FROM:** Tony Saucerman, Finance Director

**DATE:** March 22, 2018

**RE:** Request Approval of Additional 2017 Budget Adjustments

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At the March 12, 2018 Finance Committee meeting, the committee approved a series of 2017 Budget adjustments which were meant to be the final adjustments necessary for 2017. In preparing for the annual audit, it was discovered that there was an error in the amounts of one of the entries that was approved and another entry was omitted. Therefore, I am requesting the approval of two additional 2017 Budget adjustments.

General Fund – Parks & Recreation Department

During 2017 Budget preparations in the fall of 2016, it was difficult to estimate the amount of revenue the new Erb Pool was going to generate when it opened the following year. At that point, it was not certain if an outside vendor was going to operate the concession area or the City was going to take it over. The budget was prepared status quo assuming that an outside vendor would run the concession area. As it turned out, City staff took over the concession area which both increased City revenues and City costs. The requested budget adjustment seeks to recognize some of those additional revenues in order to cover the cost of the additional concession supplies.

General Fund (Health Claim Costs)

At the March 12, 2018 Finance Committee meeting, a budget adjustment was approved to allocate general fund balance to departments that were over budget due to their allocation of excess health care costs in 2017. Unfortunately, there was a miscalculation in the amounts that were applied to certain departments. The calculation of the additional budget adjustment follows:

<u>Department</u>	<u>Original Amount</u>	<u>Correct Amount</u>	<u>Additional Adjustment</u>
H/R Department	\$18,873	\$21,718	\$2,845
Police Department	\$172,791	\$356,470	\$183,679
Fire Department	\$276,472	\$342,900	\$66,428

The additional adjustments are within the amount of excess health care costs that were allocated to each department and bring the departments back within budget for 2017.

Thank you for your consideration of these budget adjustments. As always, feel free to contact me if you have questions.

## **Department of Public Works – Engineering Division**

### **MEMO**

**TO:** Utilities Committee

**FROM:** Paula Vandehey, Director of Public Works  
Sue Olson, Staff Engineer

**DATE:** March 21, 2018

**RE:** Approve Stormwater Management Alternative 1 for the urbanization of Evergreen Drive and Alvin Street.

---

On November 7, 2017, Department of Public Works staff discussed stormwater management for the Evergreen Drive and Alvin Street urbanization with the Utilities Committee. McMahon Associates had prepared six alternatives and, at that time, staff was considering alternative five (2 stormwater management ponds on Pathways Church property), as the likely best solution.

At the March 13, 2018 Utilities Committee, staff provided additional information regarding further discussions with property owners, developers, and McMahon Associates, which resulted in the current consideration for Alternative 1 or Alternative 4.

On March 15, 2018, City staff met with a potential buyer of property along Alvin Street and on March 19, 2018, a meeting was held with Pathways Church. Those discussions indicated that, although property may be purchased soon, development is likely two to three years away and Pathways Church does not desire to sell land for a regional stormwater pond in order to keep their options open for expansion. Based on those discussions, staff recommends approval of Stormwater Management Alternative 1 for the urbanization of Evergreen Drive and Alvin Street.

Alternative 1 serves the Evergreen Drive right-of-way, the Alvin Street right-of-way, and the existing development west of Alvin Street. It includes:

- Large storm sewer pipes (around 72" diameter) to store water under Evergreen Drive and Alvin Street for quantity control, which meets WisDOT peak flow control into the US 41 right-of-way
- A 12" discharge pipe and ditch combination from Alvin Street into the Pathways Church property (natural drainage direction), which requires an easement on church property
- Inlets and manholes with sumps for water quality control in both Evergreen Drive and Alvin Street, which achieve 18.7% TSS removal and 13.0% TP removal

- In addition to the catch basin sumps, the City-owned Ballard Pond achieves 79% TSS removal and 55% TP removal
- Current construction estimate \$907,000 (based on concept plans, not design)
- On-going maintenance includes Operations Sewer Crew cleaning structure sumps approximately once per year
- Future development will need to meet water quality and quantity regulations in place at the time of development

Based on the latest discussions with property owners and potential developers and the engineering concept plans prepared by McMahon Associates, staff recommends approval of Stormwater Management Alternative 1 for the urbanization of Evergreen Drive and Alvin Street. If approval is granted at this time, it is anticipated that design, permitting and construction can be completed in 2018 for paving to occur as scheduled in 2019.





### Mapped Features

- Underground Detention Watershed #1 (Catch Basin Sumps along south side of W. Winrowe Drive)
- Underground Detention Watershed #2
- Drainage Area and ID
- Delineated Wetland
- Proposed Storm Sewer
- Existing Storm Sewer
- Gas Main with Approximate Top of Pipe Elevation
- Municipal Boundary
- Parcel Line
- Outfall and ID

Source: Outagamie County, 2014-17; City of Appleton, 2016-17.

Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON ASSOCIATES, INC. does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.

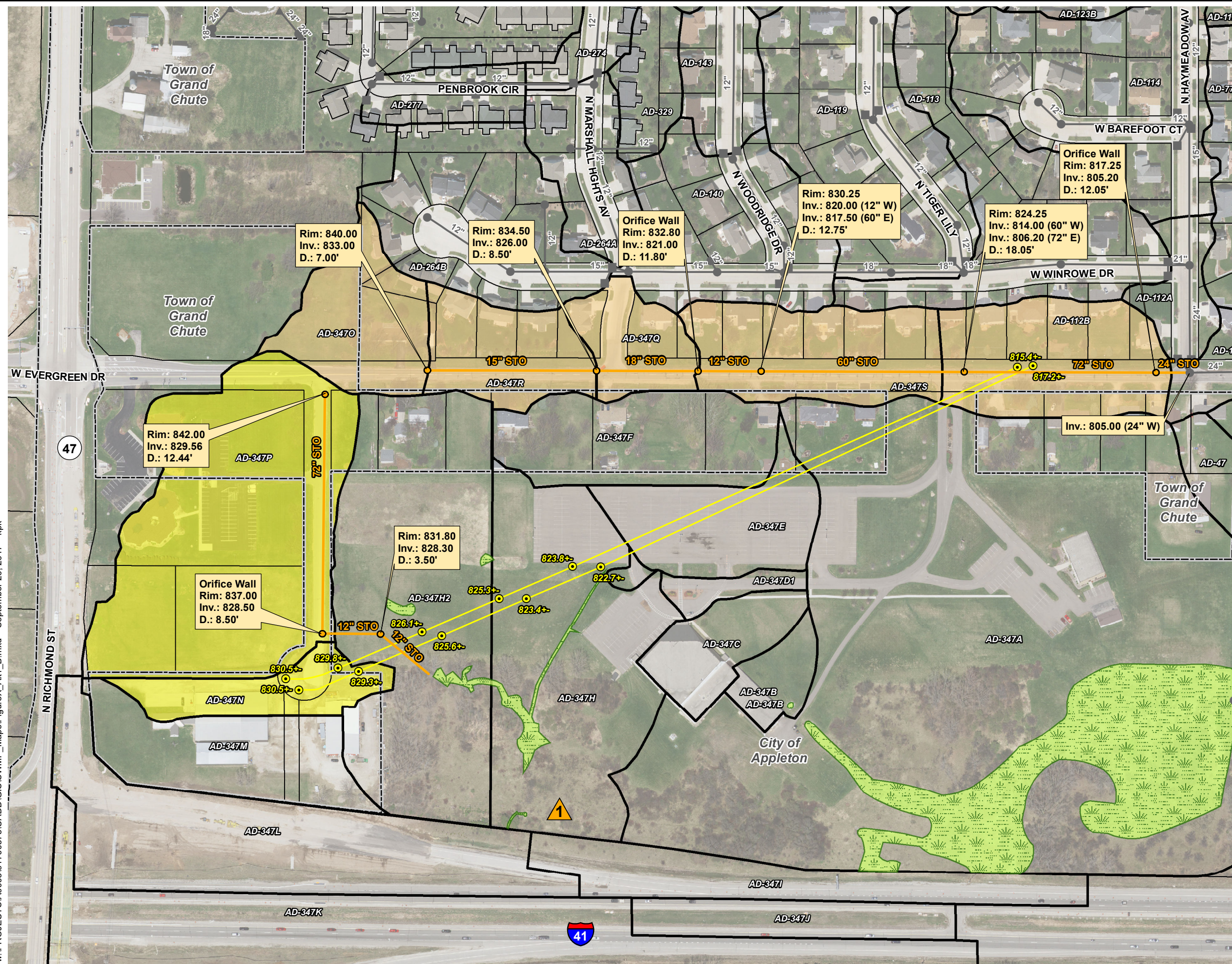


0 200 400 Feet

**McMAHON**  
ENGINEERS ARCHITECTS  
McMAHON ASSOCIATES, INC.

**FIGURE X  
ALTERNATIVE 1  
EVERGREEN DRIVE AND  
ALVIN STREET STORMWATER  
MANAGEMENT STUDY  
CITY OF APPLETON  
OUTAGAMIE COUNTY, WISCONSIN**

w:\PROJECTS\A0003191700575CADD\GIS\SWMP\_Maps\FigureX\_Alt1\_B.mxd September 20, 2017 kpk







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## Wastewater Treatment Facility

To: Chairman Greg Dannecker and Members of the Utilities Committee

From: Chris Shaw, Director of Utilities

c: Kelli Rindt, Enterprise Fund Accounting Manager

Date: March 21, 2018

Re: *Sole Source Purchase of Flight Scrapers to Evoqua Water Technologies for a cost of \$35,100*

---

### **Background**

Funding was identified in the 2018 Wastewater Treatment Program for needed equipment repairs to two Dissolved Air Flootation (DAF) units. The DAFs are used to dewater microorganisms from the aerobic process before entering digestion. A DAF can dewater 500,000 gallons of microorganisms. This process has been in service since 1978. The units continue to perform well with minimal corrective maintenance. In 1999 two of the original four DAFs were retrofitted as receiving station tanks for the hauled waste program (i.e., Receiving Station Program). From that time forward, the remaining two have alternated duty service based on operations and maintenance needs.

### **Project**

The process scrapers that remove the microorganisms and are used in the process have worn out. The scrapers are manufactured out of carbon steel and rubber. Since the scrapers are either immersed in liquid or making contact with other tank components they are subject to wear and corrosion. Evoqua Water Technologies is the Original Equipment Manufacturer (OEM) of the DAFs and is the only source for authorized OEM parts. The Evoqua Water Technologies quote is \$35,100 for 36 scrapers.

### **Recommendations**

I recommend purchasing 36 scrapers from Evoqua Water Technologies for a cost of \$35,100. If you have any questions regarding this issue please contact me at ph: 832-2362.



*"...meeting community needs...enhancing quality of life."*

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

1819 East Witzke Boulevard  
Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Fox Cities Transit Commission

FROM: Dean R. Gazza

DATE: 3/28/2018

RE: Action: Award the "2018 Valley Transit Maintenance Pit Repair Project" contract to Miron Construction Co., Inc. in the amount of \$30,030 with a contingency of 10% for a project total not to exceed \$33,033.

The 2018 Valley Transit budget has identified \$100,000 to repair the bus maintenance pit. Currently the bus maintenance pit is not useable due to the spalling of concrete around the pit. The concrete that has spalled has created an unsafe condition that has to be corrected. The scope of the project includes replacing the failing concrete along with the railings around the bus maintenance pit at the Valley Transit facility. To date, the project has utilized \$4,980 for design and bid documents. We solicited public bids for the repairs needed and below are the results.

The bids were received as follows:

<b>Miron Construction Co., Inc.</b>	<b>\$30,030</b>
The Boldt Co.	\$30,930
Frank Zeise Construction	\$31,816
Milbach Construction	\$34,610
Howard Immel Construction	\$40,985

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Miron Construction Co., Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Miron Construction Co., Inc. in the amount of \$30,030 plus a contingency of 10% only to be utilized as needed.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.

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

(City Plan Commission – 03-21-2018)

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

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

**ARTICLE XIV. SIGNS\***

**DIVISION 1. INTRODUCTORY INFORMATION**

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

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.

***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 Sec. 23-530 of this article.

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

**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.

**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 marker signs** means a sign 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.

***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.

**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.

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

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

(1) ***Banners and Wave Banners.*** Subject to the following requirement:

- a. Maximum display time limit: Each banner and/or wave banner shall be allowed on a lot for no more than a total of one 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 thirty-two (32) square feet.
- b. Sign height: If a ground sign, maximum eight (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.
- b. Sign size: This sign shall not exceed twenty-seven (27) square feet in area or shall not exceed the size limitations established by the State Historic Markers Program Administered by the Wisconsin State Historical Society, whichever is 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 §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 ten (10) days following the election.
  - b. Sign area: Election signs shall not exceed sixteen (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.
- (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 Sec. 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 Sec. 23-505.

**Secs. 23-508 – 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.

(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 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.

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

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

(a) The sign copy area shall not be larger than the maximum wall sign area restrictions in Sec. 23-523(c). The copy area shall count as part of the maximum wall sign area calculation, 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 inches (7'6") 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%) 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.
- (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 Sec. 23-523(b).
- (2) Wall Sign: One (1) wall sign will also be allowed per street frontage subject to design standards pursuant to Division 4.

(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 Sec. 23-523(b), provided a changeable copy sign does not exist as a wall sign.
- (4) Ground sign placement: A twenty (20) feet minimum setback from the public right-of-way.
- (5) Ground sign height: Maximum: Fifteen (15) feet in height.
- (6) Ground sign area: Maximum: Forty-eight (48) square feet per sign face.

(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 Sec. 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 Sec. 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**

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

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

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

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

accompanied by payment of the applicable fee to defray the cost of reviewing and processing the application.

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

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

**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 Sec. 23-67 of this Chapter provided the appeal is submitted in writing to the Inspections Supervisor in ten (10) calendar days after the receipt of his/her decision.

(b) ***Variances.*** Variances to any provisions within this Article shall follow Sec. 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.
- (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 dollars (\$50) nor more than five hundred dollars (\$500), together with the costs of prosecution. Each day a violation exists, or continues, shall constitute a separate offense.

**Secs. 23-550 – 23-559. Reserved.**

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

**Sec. 23-560. Zoning district restrictions and exemptions.**

(a) **Residential districts.** Signs not requiring a permit listed in Sec. 23-507 are signs permitted in the AG, R-1C, R-1A, R-1B, R-2, R-3 residential zoning districts. For design standard exceptions, see Sec. 23-529. For permitted and prohibited signs by type and zoning district, see Sec. 23-505 and Sec. 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 Sec. 23-507, ground, temporary, electronic message board, changeable copy, sandwich board, portable, projecting, wall, window, marquee, awning and canopy signs. For design standard exceptions, see Sec. 23-529. For permitted and prohibited signs by type and zoning district, see Sec. 23-505 and Sec. 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 Sec. 23-505 and Sec. 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 Sec. 23-529. For permitted and prohibited signs by type and zoning district, see Sec. 23-505 and Sec. 3-561.

(f) **Nature conservancy district.** Signs not requiring a permit listed in Sec. 23-507 are signs permitted in the NC Nature conservancy district. For design standard exceptions, see Sec. 23-529. For permitted and prohibited signs by type and zoning district, see Sec. 23-505 and Sec. 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.

**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
<b>Ground</b>	A <sup>a</sup>	A <sup>a</sup>	A <sup>a</sup>	P	P	P	P	P
<b>Building</b>								
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 <sup>a</sup>	A <sup>a</sup>	A <sup>a</sup>	P	P	P	P	P
Window	A	A	A	A	A	A	A	A
<i>Miscellaneous</i>								
Animated, 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
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
<b>Sign Type</b>	<b>AG</b>	<b>R-1A, R-1B, R-1C &amp; R-2</b>	<b>R-3, NC</b>	<b>P-I &amp; C-O</b>	<b>C-1 &amp; C-2</b>	<b>CBD</b>	<b>M-1</b>	<b>M-2</b>
<i>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 (§23-507).

P – Permit required.

X – Prohibited sign (§23-505).

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

**Secs. 23-562– 23-569. Reserved.**

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

**35-18**

**AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.**

(City Plan Commission 03-21-2018)

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

**Section 1:** That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone part of property tax id #31-1-7600-00 from AG Agricultural District to R-1B Single-Family Residential District. (Rezoning #1-18 – Emerald Valley Estates LLC, Robert DeBruin)

**LEGAL DESCRIPTION:**

PART OF THE SOUTHWEST 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 SOUTHEAST CORNER OF SAID SECTION 6; THENCE NORTH 88 DEGREES 19 MINUTES 36 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1031.99 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 335.09 FEET; THENCE NORTH 75 DEGREES 42 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 124.17 FEET TO THE POINT OF BEGINNING; THE FOLLOWING FIVE CALLS ARE ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 6311:

THENCE NORTH 75 DEGREES 42 MINUTES 30 SECONDS WEST, 42.07 FEET;  
THENCE SOUTH 59 DEGREES 12 MINUTES 31 SECONDS WEST, 54.59 FEET;  
THENCE NORTH 86 DEGREES 54 MINUTES 49 SECONDS WEST, 263.14 FEET;

THENCE NORTH 57 DEGREES 27 MINUTES 09 SECONDS WEST, 341.04 FEET;  
THENCE NORTH 39 DEGREES 00 MINUTES 29 SECONDS WEST, 203.23 FEET;  
THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 817.70 FEET;  
THE FOLLOWING SEVEN CALLS ARE ALONG THE WEST LINE OF THE  
THIRD ADDITION TO EMERALD VALLEY:  
THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 120.00 FEET;  
THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 61.61 FEET;  
THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 206.71 FEET;  
THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 100.00 FEET;  
THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS EAST, 107.87 FEET;  
THENCE SOUTH 45 DEGREES 11 MINUTES 26 SECONDS EAST, 53.70 FEET;  
THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS EAST, 280.05 FEET  
TO THE POINT OF BEGINNING. CONTAINING 380,700 SQUARE FEET [8.740  
ACRES].

**COMMON DESCRIPTION:**

Part of Property Tax ID 31-1-7600-00

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

**36-18**

**AN ORDINANCE AMENDING SECTION 23-114 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CBD CENTRAL BUSINESS DISTRICT.**

(City Plan Commission – 04-04-2018)

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

**Section 1:** That Section 23-114 of Chapter 23 of the Municipal Code of the City of Appleton, relating to CBD central business district, is hereby amended to read 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, 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"><li>• Assisted living or retirement homes.</li><li>• Nursing or convalescent homes.</li><li>• 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.</li></ul>	<ul style="list-style-type: none"><li>• Clubs.</li><li>• Day care, group.</li><li>• Educational institutions; college or university.</li><li>• Governmental facilities.</li><li>• Museums.</li><li>• Places of worship.</li><li>• Public park or playgrounds.</li><li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li></ul>	<ul style="list-style-type: none"><li>• Automobile maintenance shops.</li><li>• Commercial entertainment; excluding sexually-oriented establishments.</li><li>• Drive through facilities pursuant to §23-49.</li><li>• Hotel or motels.</li><li>• Multi-tenant building.</li><li>• Offices.</li><li>• Personal services.</li><li>• Printing.</li><li>• Professional services.</li><li>• Restaurants (without alcohol).</li><li>• Restaurant, fast foods.</li><li>• Retail businesses.</li><li>• Shopping centers.</li><li>• Urban farms pursuant to §23-66(h)(17)</li><li>• Veterinarian clinics.</li></ul>

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

**37-18**

**AN ORDINANCE ANNEXING TERRITORY  
TO THE CITY OF APPLETON, WISCONSIN.  
(Leona Pond Annexation)**

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

**Section 1. Territory Annexed.** In accordance with §66.0217 of the Wisconsin Statutes for 2015 – 2016 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on January 31, 2018, the following described territory in the Town of Grand Chute, Outagamie County,

Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton,

Wisconsin:

**PART OF PARCEL: 102009900**

**Owner: City of Appleton**

**AOD Document #2124074**

*Part of Lot Nine (9), Lot Ten (10) and Lot Eleven (11) of **ROWE'S SUBDIVISION**, and part of Lot One (1) of **CERTIFIED SURVEY MAP NUMBER 6101** filed in Volume 36 of Certified Survey Maps on Page 6101 as Document Number 1866751 in the Outagamie County Register of Deeds Office, located in the Fractional Southwest Quarter (SW ¼) of Section 19, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 11.3366 Acres of land m/l and being described by:*

*Commencing at the Southwest corner of said Section 19;*

*Thence North 00° 22' 42" East 1353.51 feet along the West line of the SW ¼ of said Section 19;*

*Thence North 76° 51' 35" East 33.94 feet to the Northwest corner of Lot 1 of said Certified Survey Map No.6101 and being coincident with the Southerly line of the Wisconsin Central Ltd. Railroad right of way and being the Point of Beginning;*

*Thence continue North 76° 51' 35" East 1321.82 feet along the Southerly line of the Wisconsin Central Ltd. Railroad right of way and being coincident with the Northerly line of Lot 1 of said Certified Survey Map No.6101;*

*Thence South 00° 44' 00" West 503.74 feet;*

*Thence South 66° 58' 00" West 829.60 feet;*

*Thence South 00° 47' 05" West 550.34 feet to the Northwestern line of Wisconsin Avenue (a.k.a. S.T.H. 96);*

*Thence South 65° 57' 11" West 27.55 feet and being coincident to the Northwestern line of Wisconsin Avenue to the East line of Bell Air Subdivision;*

*Thence North 00° 47' 05" East 1154.90 feet and being coincident to the East line of said Bell Air Subdivision to the Northerly line of Richard Street;*

*Thence South 76° 51' 35" West 514.22 feet and being coincident with the Northerly line of Richard Street to the East line of Ballard Road;*

*Thence North 00° 22' 42" East 51.42 feet and being coincident with the East line of Ballard Road to the Point of Beginning.*

*The current population of such territory is 0 people.*

**Section 2. Effect of Annexation.** From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

**Section 3. Ward Designation.** The territory described in Section 1 of this ordinance is hereby made a part of the Fifth (5th) Ward, attached to the Second (2nd) Aldermanic District of the City of

Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

**Section 4. Zoning Classification.** The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary AG (Temporary Agricultural District)

**Section 5. Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

**Section 6. Effective Date.** This ordinance shall take effect upon passage and publication.