



## REPORT TO CITY PLAN COMMISSION

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

**Item:** Informational Presentation of Draft Amendments to Chapter 23 of the Municipal Code, relating to the Zoning Ordinance – Signs

**Ordinance and Effective Date:** Ordinance #10-00, effective January 23, 2000

**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 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.

### 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).
- 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 “use friendliness” and “consistent administration/enforcement” of the sign regulations (but do not change current size, setbacks, and height requirements).
- In addition, 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.
- 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).

## **ATTACHMENTS**

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

The text recommended for deletion will be identified by ~~striketrough~~. 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.

- **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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Staff recommends the Plan Commission review the proposed draft text amendments attached to this report, discuss and receive public input on the proposed changes, and direct staff to make any revisions and prepare the necessary public hearing notices to repeal and recreate Chapter 23 of the Municipal Code, relating to Article XIV Signs for an informal public hearing at a future Plan Commission meeting.