



**CITY OF WAUPACA
SPECIAL CITY PLAN COMMISSION MEETING
WEDNESDAY, JULY 29, 2020 5:15 P.M.
COUNCIL CHAMBERS, CITY HALL**

CITY OF WAUPACA MISSION STATEMENT: *“The city of Waupaca’s mission is to lead creatively, plan wisely and spend prudently to provide the services that ensure a safe and vibrant community.”*

AGENDA:

1. Approve Agenda
2. ACTION ITEMS:
 - a. Review of Zoning Code Re-write, First Draft
3. Adjournment

Mayor Brian Smith, Chairperson
City Plan Commission

THIS MEETING WILL BE LOCATED IN CITY OF WAUPACA COUNCIL CHAMBERS WITH OPTIONS TO ATTEND PHYSICALLY OR VIRTUALLY VIA VIDEO/TELECONFERENCING.

PLEASE NOTIFY THE CLERK’S OFFICE IF YOU ARE UNABLE TO ATTEND.

PLEASE ADVISE THE CITY CLERK’S OFFICE IF YOU REQUIRE SPECIAL ACCOMMODATIONS. THE CITY OF WAUPACA PROVIDES EQUAL OPPORTUNITIES FOR PUBLIC MEETINGS.



Ch. 17 Comparison: Current Ordinance & Rewrite

Signs		
ISSUE	CURRENT ORDINANCE	REWRITE
Content Neutrality	<p>In <i>Reed v. Town of Gilbert</i>, 576 U.S. 155, the U.S. Supreme Court ruled that ordinances regulating the content of signs violate freedom of speech protections accorded under the First Amendment to the Constitution. According to the Court, a regulation is content-based if it “applies to particular speech because of the topic discussed or the idea or message expressed.” In plain English this means that a sign regulation is “content-based” if you have to read its message to determine which regulation applies. If that regulation is challenged under the First Amendment it must pass “strict scrutiny” the toughest legal standard, which few regulations can meet.</p>	
	<p>Content-based regulations removed from the current iteration of Chapter 17 include...</p> <ul style="list-style-type: none"> (1) Construction signs (2) Professional or announcement signs (3) Project or identification signs (4) Real estate signs (5) Name and occupation signs (6) Memorial signs (7) Directional signs 	<p>...and have been replaced with:</p> <ul style="list-style-type: none"> (1) Temporary signs (2) Wall sign, maximum face area two sq. ft. (3) Temporary signs (4) Temporary signs (5) Wall sign, maximum face area two sq. ft. (6) Integral signs, not to exceed two per structure. Integral sign defined as: ‘A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel, or aluminum, or similar materials attached to the building façade.’ (7) Signs intended to protect public safety or warn of potential hazards associated with a specific activity. Such signs shall be maintained only so long as the activity for which they are intended is ongoing.
Purpose	None provided.	See Sections 17.501 through 17.504 of Rewrite.



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Signs Not Requiring Permit	(1) Real Estate Signs. (2) Name, Occupation and Warning Signs. (3) Bulletin Boards. (4) Memorial Signs. (5) Official Signs.	See Section 17.506 of Rewrite.
Construction Standards	None provided.	See Section 17.509(1) of Rewrite.
Maintenance Standards	None provided.	See Section 17.509(2) of Rewrite.
Measurement Standards	Not clearly defined.	See Section 17.509(3) of Rewrite.
Illumination Standards	None provided.	Section 17.509(4) Illumination Standards. (a) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires, or any other type of support intended to illuminate a sign is prohibited. (b) All sign lighting shall be designed, located, shielded, or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.
Landscape Standards	Limited to 'directionals" and signs located in Interchange Zone District	All ground signs shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and compliment the sign. Species shall be consistent with the requirements of the Landscaping Section of this Chapter.
Wall Signs	Wall signs: 3% (B-1 District) or 5% (other business districts and industrial districts) of wall area.	Wall signs: One square foot of face area per lineal foot of street frontage. The maximum area of wall signage allowed is 500 square feet.
	Definition of wall area: none provided	Definition of wall area: "The signable area of a building is designated as the area of the facade of the building up to the roofline, which is free of windows and doors or major architectural detail on which signs may be



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		displayed. In computing signable area, any facade which faces or abuts a public right-of-way may be utilized. Calculations may include parapet walls, but shall exclude door and window openings.'
Awning/Canopy Signs	Prohibited by omission. However: (1) Page 2 of the Application for Sign Permit included in the City of Waupaca 'Sign Guide' includes the following language: 'Clearance between the grade of sidewalk at any point and the lowest point of any appendage or projection of any canopy/awning' (2) City of Waupaca 'Canopy and Awning Guide' includes multiple references to signs.	Awning/Canopy signs permitted in business and industrial districts and defined as: 'A sign that is mounted or painted on, or attached to an awning, canopy, or marquee.'
Multi-Tenant Signs	Not provided, potentially prohibited by omission.	See Section 17.510(6) of Rewrite.
Indemnification	Not provided.	All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify the City of Waupaca, its officers, agents, and employees against any and all claims of negligence resulting from such work insofar as this Chapter has not specifically directed the placement of a sign.
Bonds, Sureties, and Insurance	(a) Every applicant for a projecting sign permit shall, before the permit is granted, execute a surety bond in a sum to be fixed by the Building Inspection Department and it shall be of a form and type approved by the City Attorney, indemnifying the City against all loss, cost, damages or expenses incurred or sustained by or recovered against the City by reason of the erection, construction or maintenance of such	Every sign contractor shall maintain all required insurance and shall file with the City a satisfactory certificate of insurance to indemnify the City against any form of liability to a minimum of \$300,000 (per occurrence and aggregate with regard to bodily injury and property damage).



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	<p>sign. A liability insurance policy issued by an insurance company authorized to do business in the State and conforming to the requirements of this section may be permitted by the City Attorney in lieu of a bond.</p> <p>(b) The City shall be named as additional insured for any use or operation where projecting signs are utilized. The form shall be determined by the City Clerk.</p>	
<p>Removal and Disposition of Signs</p>	<p>Abandoned Signs. Abandoned signs are prohibited and shall be removed. The Zoning Administrator shall give notice to the subject property owner requiring that the sign be removed. The notice shall advise the property owner that the sign must be removed within 20 days from the date of the notice, unless the property owner files a request for an extension with the Plan Commission within that 20-day period. Thereafter, the sign must be removed:</p> <p>(a) Prior to expiration of the 20-day notice period; or</p> <p>(b) If a request for extension is timely filed with the Plan Commission and the Plan Commission denies the request, the sign must be removed within 20 days of the denial; or</p> <p>(c) If a request for extension is timely filed with the Plan Commission and if the Plan Commission grants the request, the sign must be removed prior to expiration of any extension granted.</p> <p>Failure to remove an abandoned sign as required herein shall be subject to all of the penalties and remedies described in sec. 17.463 of this chapter.</p>	<p>(1) Abandoned signs. All abandoned signs shall be removed within six months by the owner or lessee of the premises upon which an on-premise sign is located when the entity for which the sign is associated is no longer present or in operation. If the owner or lessee fails to remove the sign(s), the Zoning Administrator shall give the owner or lessee 30 days written notice to remove said sign(s). Upon failure to comply with this notice, the City of Waupaca may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.</p> <p>(2) Deteriorated dilapidated signs. The Zoning Administrator and Building Inspector shall cause to be removed any deteriorated or dilapidated signs under the provisions of Chapter 66.0413(1), Wis. Stats.</p> <p>(3) Unlawful signs. The Zoning Administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall be in writing and shall state the reasons of the</p>



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		Zoning Administrator as to why any sign owned, kept, displayed, or maintained by any person within the City is in violation of this Chapter.
Sign Nonconformities	Not provided.	See Section 15.514 of Rewrite.

Number of Signs Allowed		
Awning/Canopy	n/a	One per street facing first floor window for nonresidential uses in B-1, B-2, B-3, B-4, B-5, B-7, I-1, I-2, PUL Districts
Ground (Freestanding)	One per property for each abutting and accessible street frontage, unless in PUD	Same
Portable	Prohibited, specifically in East Gateway and by omission in all other districts	One, located in street yard only, for nonresidential uses in B-1, B-2, B-3, B-4, B-5, B-7, I-1, I-2 Districts
Projecting	Unspecified, in B-1, B-2, B-3, B-4, B-5, B-7, I-1, I-2, PUL Districts	One, for nonresidential uses in B-1, B-2, B-3, B-4, B-5, B-7, I-1, I-2, PUL Districts
Wall	Three, in B-1, B-2, B-3, B-4, B-5, B-7, I-1, I-2, PUL Districts	Three, for nonresidential uses in B-1, B-2, B-3, B-4, B-5, B-7, I-1, I-2, PUL Districts



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DISTRICT SIGN REQUIREMENTS – CURRENT ORDINANCE

Zoning District	Wall Signs (% of Wall Area)	Projecting Signs (max. Ft. ²)(1)	Maximum Single Side Area for Freestanding Signs(2)	Minimum Side Yard Setback	Minimum Front Setback(3)	Maximum Pole Sign Height(4)
R-3	n/a	n/a	20 to 30 ft. ²	3'	Equal to height	10'
B-1	3%	35	10 to 45 ft. ²	3'	Equal to height	20'
B-2	5%	55	30 to 65 ft. ²	3'	Equal to height	20'
B-3	5%	55	30 to 65 ft. ²	3'	Equal to height	20' to 30'
B-4	5%	55	30 to 65 ft. ²	3'	Equal to height	20'
B-5	5%	55	30 to 65 ft. ²	3'	Equal to height	20'
B-7	5%	55	30 to 65 ft. ²	3'	Equal to height	20'
I-1	5%	35	10 to 45 ft. ²	3'	Equal to height	20'
I-2	5%	35	10 to 45 ft. ²	3'	Equal to height	20'
PUL	5%	35	10 to 45 ft. ²	3'	Equal to height	20'



DISTRICT SIGN REQUIREMENTS – REWRITE

R-3 District.

(a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed in the R-3 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Ground	One [1]	30 sq. ft.	10 ft.	Equal to height of sign [2]	Three ft.
<p>[1] Total number of ground signs shall be limited to one per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.</p> <p>[2] Ground mounted signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line.</p>					

B-1, I-1, I-2, and PUL Districts.

(a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed for nonresidential uses in the B-1, I-2, and I-2 Districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Awning/ Canopy	One per street facing, first floor window	16 sq. ft.	[1]	[2]	n/a
Ground	One [3]	10 ft. to 45 ft. [4]	20 ft.	Equal to height [5]	Three ft.
Portable	One, in street yard only	24 sq. ft.	Four ft.	Off-street	n/a
Projecting	One	35 sq. ft.	12 ft. above grade	[6]	[6]
Wall, non-	Three	[7] [8]	n/a	n/a	n/a



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B-6 District.

(a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed for nonresidential uses in the B-6 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Ground	One [1]	30 ft. to 65 ft. [2] [3]	20 ft. [3]	Equal to height [4]	Three ft.
Projecting	One	55 sq. ft.	12 ft. above grade	[5]	[4]
Wall, non-residential	Three	[6] [7]	n/a	n/a	n/a
Window/Door	One	25% of window or door area [8]	n/a	n/a	n/a

- [1] Total number of ground signs shall be limited to one per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.
- [2] Square footage may be increased to the second number at a rate of one square foot for each additional 10 feet of lot frontage, after the first 50 feet of frontage, up to 400 feet of frontage. In addition, square footage may be increased by one square foot for every two feet additional setback up from the required setback to a maximum of a 40-foot setback from the base setback line.
- [3] See subsection (b) below.
- [4] Ground signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line.
- [5] Projecting signs may extend to a point not more than two feet in from the face of the curb, or nine feet from the building, whichever is less.
- [6] Wall signs shall not exceed one square foot of face area per lineal foot of street frontage. The maximum area of wall signage allowed is 500 square feet.



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- [7] Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building to wall surface.
- [8] Window/door graphics shall not become unsightly or illegible. Chipped or peeling areas shall be removed, repaired, or replaced.

Ground mounted signs fronting STH 10:

- 1. Maximum face area.

Lot Size	Maximum Face Area
0.5 or fewer acres	300 sq. ft.
0.51 to two acres	600 sq. ft.
More than two acres	900 sq. ft.

- 2. Maximum height.
 - a. Maximum height may exceed 20 feet by two feet for each additional foot the sign is set back from a minimum of 10 feet from the Highway 10 right-of-way. No freestanding sign shall exceed 35 feet in height.
 - b. Conditional Use Permit. The maximum height of a ground mounted sign fronting STH 10 may be increased to 60 feet with an approved Conditional Use Permit if Owner can demonstrate unique site and surrounding conditions warrant such an increase in sign height.
 - c. No sign may exceed maximum elevations noted in the 2004 Airport Height Limitation Zoning Map for the Waupaca Municipal Airport.
- 3. Design. Ground mounted signs shall:
 - a. Compliment on-building signage
 - b. Incorporate a landscaped area at the base of the sign.
 - c. A mixture of trees, shrubbery, and other decorative landscaping elements are provided at the base of the sign.
 - d. Sign poles shall be constructed of block or other decorative material.
- 4. Shared signs are encouraged.

B-7 District.

- (a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed for nonresidential uses in the B-7 District:



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Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Awning/ Canopy	One per street facing, first floor window	16 sq. ft.	[1]	[2]	n/a
Ground	One [3]	30 ft. to 65 ft. [4]	Six ft.	Equal to height [5]	Three ft.
Portable	One, in street yard only	24 sq. ft.	Four ft.	Off-street	n/a
Projecting	One	24 sq. ft.	12 ft. above grade	[6]	[6]
Wall, non-residential	One	[7] [8]	n/a	n/a	n/a
Window	One	25% of window area [9]	n/a	n/a	n/a

- [1] Awnings/canopies must maintain a minimum clearance between the bottom of the canopy and the finished grade of nine feet.
- [2] Awnings/canopies shall project a minimum of 3.5 feet to provide pedestrians protection from the elements. Awning/canopies may extend to a point not more than two feet in from the face of the curb, or seven feet from the building, whichever is less.
- [3] Total number of ground signs shall be limited to one per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.
- [4] Square footage may be increased to the second number at a rate of one square foot for each additional 10 feet of lot frontage, after the first 50 feet of frontage, up to 400 feet of frontage. In addition, square footage may be increased by one square foot for every two feet additional setback up from the required setback to a maximum of a 40-foot setback from the base setback line.
- [5] Ground signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line.



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- [6] Projecting signs may extend to a point not more than two feet in from the face of the curb, or nine feet from the building, whichever is less.
- [7] The maximum area of wall signage allowed is 12 square feet.
- [8] Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building to wall surface.
- [9] Window graphics shall not become unsightly or illegible. Chipped or peeling areas shall be removed, repaired, or replaced.



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Site Plan Review		
ISSUE	CURRENT ORDINANCE	REWRITE
Purpose & Intent	Not provided.	See Section 17.318(1) of Rewrite.
Permit Required	Section references permits required under Building Code (building permit and occupancy permits) not site plan permit.	Site Plan Permit required for: (a) Single-family and two-family development and redevelopment, issued by Zoning Administrator (b) All other development and redevelopment, issued by Plan Commission.
Site Plan Required for:	<ul style="list-style-type: none"> (1) Construction of any new building, except for single-family and 2-family dwellings and accessory structures associated with single-family and 2-family dwellings; and (2) Additions to existing buildings which increase the square footage of the existing building by 50% or more; and (3) Any addition or expansion to an existing building which does not increase the square footage of the existing building by 50% or more, but which results in a substantial modification to the property as determined by the Development Director. 	<ul style="list-style-type: none"> (1) All development and redevelopment, defined as follows: <ul style="list-style-type: none"> (a) Development. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials. (b) Redevelopment. Any substantive change to a developed site, its structures, or its uses.



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<p>Submittal requirements</p>	<p>Describes procedural requirements (i.e., site plan, location of buildings, stormwater, landscape, etc.), but provides no guidance or direction.</p> <p>Note: City of Waupaca ‘Site Plan Review Checklist’ includes an expansive list of requirements, many of which do not appear within the zoning ordinance. This is of questionable legality.</p>	<p>Includes Principles, Building Design Standards, Site Design Standards, Prohibitions, and Plan Data Requirements.</p>
<p>Process of Review</p>	<p>Site plan review shall be subject to review and approval by the Plan Commission, which shall have 30 days to consider and approve or reject the site plan with or without modifications, although this period may be extended by agreement of the parties concerned.</p>	<p>Findings. The Zoning Administrator and Plan Commission shall review the referred plans within a reasonable period of time following their submittal, but not more than 60 days. The Zoning Administrator and Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Chapter. The Zoning Administrator and Plan Commission will approve said plans only after determining the proposed site development or buildings will not substantially increase the danger of fire, traffic congestion, or otherwise endanger the public health or safety. Upon approval of a Site Plan, the Zoning Administrator shall issue a Site Plan Permit to the Applicant establishing the terms of approval and operation for said permit.</p>



Landscaping		
ISSUE	CURRENT ORDINANCE	REWRITE
Requirements	<p>Open Space.</p> <p>(1) Minimum Required. No building shall be erected, structurally altered or relocated on a lot so as to reduce the landscaped open space of such lot to less than that hereinafter specified by the regulations for that district.</p> <p>(2) How Measured. Open space shall consist of all permeable, landscaped areas that provide for the amenities and necessities of light, air, play space, drying yard, garden, lawns, etc., but shall not include parking areas and drives. Crop pasture and wooded land may be included in computing such open area.</p> <p>(3) Overlapping. No part of the open space provided for any building shall be included as part of the open space required for another building, except as hereinafter provided for planned development projects.</p> <p>Note: Landscape requirements appear in page 2 of City of Waupaca 'Site Plan Review Checklist' but are not provided in the zoning ordinance.</p>	See Section 17.319 of Rewrite.



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Fulton Street Corridor (Hillcrest Drive to just west of USH 10/STH 54 interchange)		
ISSUE	CURRENT ORDINANCE	REWRITE
Zoning	B-4 Strip Commercial District	B-4 Strip Commercial District base zone, FSC Fulton Street Corridor overlay zone.
Permitted Uses	Please see Land Use Matrix, entitled Section 17.104 Permitted Uses and Conditional Uses, appearing on pages 7-11 for Permitted Uses in B-4 District.	Permitted Uses in the B-4 District.
Conditional Uses	Please see Land Use Matrix, entitled Section 17.104 Permitted Uses and Conditional Uses, appearing on pages 7-11 for Conditional Uses in B-4 District.	Permitted and Conditional Uses in the R-1, R-2, R-3, B-1, B-2, B-3, B-5, B-7, and I-1.