



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, July 7, 2021

7:00 PM

Council Chambers

- 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. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-0922](#) Common Council Meeting Minutes of Organizational Meeting and Council Meeting on June 16, 2021

Attachments: [CC Minutes 6-16-21 Organizational Meeting.pdf](#)
[CC Minutes 6-16-21.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS

[21-0761](#) Public Hearing for proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code

Attachments: [TA 2-21 Public Hearing Notice.pdf](#)

[21-0951](#) Public Hearing for S. Oak St. and E. Kimball St. Street Vacation

Attachments: [Public Hearing - SV Oak & Kimball.pdf](#)

- J. SPECIAL RESOLUTIONS

[21-0950](#) Final Resolution for the S. Oak St. and E. Kimball St. Street Vacation

Attachments: [Oak-Kimball - Final Resolution \(FINAL\).pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[21-0863](#) **Alvin Street**, from Wisconsin Avenue to Marquette Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. Existing parking provisions within the project limits will remain unchanged.

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0864](#) **Alice Street**, from Drew Street to Union Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. Existing parking provisions within the project limits will remain unchanged.

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0865](#) **Dewey Street**, from Kernan Street to Walden Avenue, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 33' from back of curb to back of curb, which is the same width as the existing street. Existing parking provisions within the project limits will remain unchanged.

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0866](#) **Walden Avenue**, from Dewey Street to John Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 33' from back of curb to back of curb, which is the same width as the existing street. Existing parking provisions within the project limits will remain unchanged.

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0868](#) Request from Blue Sky Contractors for a street occupancy permit for four parking stalls (CAW 310, 312, 314 & 316) for the commercial development project at 318 W. College Avenue be approved from June 14, 2021 through October 29, 2021 (except for September 24th and 25th).

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0872](#) Approve update to Municipal Code Section 4-141 regarding prohibited accessory buildings.

Attachments: [Municipal Code 4-141.pdf](#)

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0873](#) Approve update to Municipal Code Section 4-392 related to electrical work by a home owner.

Attachments: [Municipal Code 4-392.pdf](#)

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0874](#) Amend 2021 Materials Testing Contract (M-21) with Westwood Professional Services from an amount not to exceed \$125,000 to an amount not to exceed \$175,000.

Attachments: [2021 Materials Testing Contract M-21.pdf](#)

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0902](#) Anticipated award for Unit Q-21, Pavement Marking Contract (paint). Bids to be opened Monday, June 24, 2021.

Attachments: [Unit Q-21 Pavement Marking Maintenance.pdf](#)

Legislative History

6/21/21 Municipal Services recommended for approval
Committee
Amendment: Award contract to Crowley Construction Corp in an amount not to exceed \$43,000. Pass 4-0-1(Fenton).

[21-0903](#) Request from U.S. Venture for a street occupancy permit for the northerly 12 feet of temporary parking lot on Lawrence Street be approved through December 31, 2022.

Attachments: [Street Occupancy-USV Temp. Parking Lot.pdf](#)

Legislative History

6/21/21 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0826](#) 2021-2022 Cigarette and Tobacco Products License application for James Holder d/b/a D8D Hemp, located at 2929 N Richmond St Suite 1.

Attachments: [D8D Hemp S&L.pdf](#)

[21-0831](#) 2021-2022 Cigarette and Tobacco Product License renewal for Andrew Thornell d/b/a Marley's Smoke Shop, located at 530 W College Ave.

Attachments: [Marley's Renewal S&L.pdf](#)

[21-0905](#) Taxicab Company & Limousine Service License Renewal for Atlas Taxi, 1125 W Main St Lot 17, Little Chute, Matthew Hyde, Owner.

Attachments: [Atlas Taxi.pdf](#)

[21-0906](#) Taxicab Company & Limousine Service License Renewal for LIR Transportation, dba Fox Valley Cab, 719 W Frances St, Appleton, Owner, Igor Leykin.

Attachments: [LIR Transportation LLC.pdf](#)

[21-0907](#) Taxicab Company & Limousine Service License Renewal for Dynasty Limousine Service, LLC, 1900 Vandenberg Ln, Kaukauna, Owner, Diana Wolters.

Attachments: [Dynasty Limousine Service LLC.pdf](#)

- [21-0916](#) Temporary Premise Amendment application for DDCT, INC d/b/a Jim's Place, Jay Plamann, Agent, located at 223 E College Ave, August 5-8, 2021, contingent upon approval from all departments.
Attachments: [Jim's Place S&L.pdf](#)
- [21-0917](#) Temporary Premise Amendment application for Wooden Nickel Restaurant and Lounge Inc d/b/a Wooden Nickel Sports Bar & Grill, Anthony Mueller, Agent, located at 217 E College Ave, August 5-8, 2021, contingent upon approval from all departments.
- [21-0918](#) Class "B" Beer License application for Fox Valley Athletics LLC, Lawrence E. Schaefer, Agent, located at Memorial Park-Jones Building, 1620 E Witzke Blvd, contingent upon approval from all departments.
Attachments: [Fox Valley Athletics.pdf](#)
- [21-0932](#) Pet Store License renewal application for Petco #1656, located at 3829 E Calumet St, contingent upon approval from all departments.
Attachments: [Petco S&L.pdf](#)

3. MINUTES OF THE CITY PLAN COMMISSION

- [21-0059](#) Resolution #1-R-21 Accessory Dwelling Units (Associated with Action Item #21-0768)
Attachments: [#1-R-21 Accessory Dwelling Units.pdf](#)

Legislative History

1/20/21	Common Council	referred to the Community & Economic Development Committee
1/26/21	City Plan Commission	referred <i>Referred to Community & Econ Dev Department for review and then report back to commission in approximately 6-8 weeks.</i>
1/27/21	Community & Economic Development Committee	presented <i>City Plan Commission referred to Community & Economic Development Department staff for review and then report back to Commission in approximately 6-8 weeks.</i>
6/9/21	City Plan Commission	recommended for approval <i>Proceeds to Council on July 7, 2021.</i>

[21-0768](#) Request to approve proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code to create Article III., Sec. 23-55 Accessory Dwelling Units (Attached and Detached) and Sec. 23-56 Junior Accessory Dwelling Units (JADU) and amend Sec. 23-43 Accessory uses, building and structures, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, and Sec. 23-96 R-3 Multifamily District, as identified in the attached documents (Associated with Action Item #21-0059)

Attachments: [StaffReport TextAmendments ADU JADU Ordinance For06-09-21.pdf](#)
[Accessory Dwelling Unit Matrix June2021.pdf](#)
[Section 23-55 & 56 Draft ADU and JADU Zoning Regs Commentary.pdf](#)
[Section 23-55 & 56 Draft ADU and JADU Zoning Regs Cleanversion.pdf](#)

Legislative History

6/9/21 City Plan Commission recommended for approval
Proceeds to Council on July 7, 2021.

[21-0855](#) Request to approve Special Use Permit #1-21 to allow alcohol sales and consumption (inside the building and outdoors on the premises) located at 141 South RiverHeath Way (Tax Id #31-4-0828-08), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport 141RiverHeathWay SUP For06-23-21.pdf](#)

Legislative History

6/23/21 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[21-0844](#) Action: Request Approval for the Trout Museum of Art to Use Houdini Plaza for a Private Event

Attachments: [Trout Museum-Made to Order.pdf](#)

Legislative History

6/21/21 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE FINANCE COMMITTEE

[21-0442](#) #5-R-21 Political Signs on City Property

Attachments: [#5-R-21 Political Signs on City Property.pdf](#)
[Finance Committee - Response to Resolution Memo \(0310\).pdf](#)

Legislative History

4/12/21 Finance Committee held

6/21/21 Finance Committee recommended for approval
Motion adopted to include the recommended language as follows:

'That upon negotiating or renegotiating lease of City-owned land, the City Attorney's Office shall endeavor to incorporate language limiting the posting of political signs by the tenant subject to any legal limitations, court decisions and the like in place at the time. A political sign shall be considered a sign erected for the purpose of soliciting support for, or opposition to, a candidate or a political party or relating to a referendum question in an election held under the laws of this state.'

[21-0875](#) Request to award the City of Appleton's 2021 Appleton Wastewater Treatment Plant Painting project contract to SDS Painting, Inc in the amount of \$181,760 with a contingency of \$6,740 for a project total not to exceed \$188,500

Attachments: [2021 AWWTP Painting.pdf](#)

Legislative History

6/21/21 Finance Committee recommended for approval

[21-0877](#) Request to approve the First Addition to Broadway Hills Estates Development Agreement

Attachments: [Broadway Hills Estates Develop Agreement.pdf](#)

Legislative History

6/21/21 Finance Committee recommended for approval

[21-0910](#) Request to approve the 2022 Special Assessment Policy

Attachments: [2022 Assessment Policy.pdf](#)

Legislative History

6/21/21 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[21-0931](#) Request to award the project for the College Avenue North Neighborhood Plan in an amount not to exceed \$100,000 to RDG Planning & Design

Attachments: [CollegeAveNorthNeighborhood PlanMemotoAwardContract.pdf](#)
[RFP_CollegeAveNorthNeighPlan_FinalDRAFT_5-19-21.pdf](#)

7. MINUTES OF THE UTILITIES COMMITTEE

[21-0859](#) Approval to single source and award 2021G Stormwater Consulting Services contract for design of the stormwater management practices for Oneida, Lawrence, Morrison, and Durkee Streets (south of College Avenue) and the YMCA parking ramp to McMahon Associates in an amount not to exceed \$40,000.

Attachments: [2021G Bluff Site Area Stormwater Design Award Memo.pdf](#)

Legislative History

6/22/21 Utilities Committee recommended for approval

[21-0860](#) Approve wastewater rate adjustment for Holding Tank waste as prepared by Trilogy Consulting, LLC.

Attachments: [June 2021 Septage Rate Adjustment Memo.pdf](#)
[Recommended holding tank rates from Trilogy.pdf](#)

Legislative History

6/22/21 Utilities Committee recommended for approval
This item was administratively changed to an Action Item during the meeting.

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

[21-0926](#) Ordinances #19-21 to #33-21

Attachments: [Ordinances Going to Council 7-7-21.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.

Remote meeting attendance may be permitted pursuant to Section 2-29 of the Appleton Municipal Code and Rules of Council.



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, June 16, 2021

6:00 PM

Council Chambers

ORGANIZATIONAL MEETING

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 6:00 p.m.

B. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska, Alderperson Chad Doran and Mayor Jake Woodford

Excused: 1 - Alderperson Joe Martin

C. REPORT OF THE INFORMAL ORGANIZATIONAL MEETING

[21-0839](#)

Creation of new rule related to virtual participation:

Rule 33. **Remote Meeting Participation** - Municipal Code Sec. 2-29 allows alderpersons to appear remotely at meetings when technology is available; however, members of the council, committees, boards or commissions shall endeavor to appear in person for the vast majority of meetings. The following shall serve as supplemental rules regarding remote attendance at Council/Committees/Commissions/Boards:

- a) At least twenty-four (24) hours in advance of the meeting, a member shall notify, in writing or by email, the City Clerk and:
 - 1) In the case of a Council meeting: the President of the Common Council and Mayor;
 - 2) In the case of a Committee/Board/ Commission meeting: the Chair and Designated Contact Person.
- b) City staff will endeavor to record a member's remote meeting attendance in the meeting minutes.
- c) A member will not be permitted to participate in the closed session portion of a meeting conducted pursuant to Sec. 19.85, Wis. Stats.
- d) The Chairperson of these respective bodies (or Council President in the case of Council meetings) shall endeavor to appear in person.

Aldersperson Meltzer moved, seconded by Aldersperson Siebers, that the Rule be amended: extend section d) to read:

The Chairperson of these respective bodies (or Council President in the case of Council meetings) shall endeavor to appear in person "or ensure that a designee is appointed to appear in person."

Roll Call. Motion carried by the following vote:

Aye: 9 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Denise Fenton, Aldersperson Matthew Reed, Aldersperson Kristin Alheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Nay: 5 - Aldersperson Katie Van Zeeland, Aldersperson Maiyoua Thao, Aldersperson Alex Schultz, Aldersperson Mike Smith and Aldersperson Joe Prohaska

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

Alderson Smith moved, seconded by Alderson Meltzer, that the Rule be amended in section a) to add that notice could be provided by telephone. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Mike Smith, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

Nay: 1 - Alderson Kristin Alfheim

Excused: 1 - Alderson Joe Martin

Abstained: 1 - Mayor Jake Woodford

Alderson Prohaska moved, seconded by Alderson Van Zeeland, that the Virtual Participation Rule be approved as amended. Roll Call. Motion Carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Mike Smith, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

Excused: 1 - Alderson Joe Martin

Abstained: 1 - Mayor Jake Woodford

[21-0882](#)**Rule 3. Order of Business**

g. Public Participation

The Council provides a 30 minute period of time to allow public participation at each Council meeting. The City Clerk or designee shall be the official time keeper. Public participation shall be limited in subject matter to issues appearing on the Council Agenda. Persons wishing to speak in person must sign the registration list prior to 7:00 p.m. on Council night. ~~and when speaking, must keep their comments to a maximum of 5 minutes per person.~~ Persons wishing to speak via remote electronic means, when that technology is available, must register with the City Clerk by 3:00 p.m. the day prior to the meeting. Public participants must keep their comments to a maximum of 5 minutes per person. Suspension of Rules will be required to allow public participation to exceed the time allotment. An extension granted by the Suspension of Rules shall be for 15 minute increments.

Alderson Prohaska moved, seconded by Alderson Smith, that the Rule 3. amendment be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Mike Smith, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

Nay: 1 - Alderson Alex Schultz

Excused: 1 - Alderson Joe Martin

Abstained: 1 - Mayor Jake Woodford

[21-0880](#)

Rule 5. **Recognition / Time Limits** - When a member desires to be heard he/she shall indicate by pressing the request to speak button on the tablet. The Chair will recognize the speakers in the order they have pressed their request to speak button. When he/she is recognized by the Chair they shall address the Chair by proper title expressing his/her desire to speak on any question. The Chair may restrict members to speak no longer more than five (5) minutes on any topic. ~~No member shall speak more than five (5) minutes on any question without permission from the Chair.~~ A non-member of the Common Council shall not be permitted to address the same, except by a majority consent of this Common Council. This rule shall not apply to any public hearing.

Aldersperson Prohaska moved, seconded by Aldersperson Meltzer, that the Rule 5. amendment be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

[21-0840](#)

Rule 16. **Amendment(s)** - Any motion for an amendment on an action item on the Council Agenda requires two votes: 1) to get the amendment accepted or declined; 2) if accepted, action to be taken on the motion as amended. Once an amendment has been proposed, that amendment ~~shall be resolved prior to the introduction of a second amendment.~~ may be amended a second time (amendment to an amendment); however, Robert's Rules does not permit a third amendment in this sequence (amendment to the third degree).

Aldersperson Smith moved, seconded by Aldersperson Prohaska, that the Rule 16. amendment be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

[21-0841](#)

Rules of Council - 2021

Attachments: [Council Rules FINAL 4-21-2021.pdf](#)
[Council Rules - Proposed updates 6-16-21-Final Draft.pdf](#)
[Council Rules - Amended 6-16-21 FINAL.pdf](#)

Aldersperson Smith moved, seconded by Aldersperson Prohaska, that the Council Rules, as amended be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

D. OTHER COUNCIL BUSINESS

E. ADJOURN

Aldersperson Smith moved, seconded by Aldersperson Alfheim, that the meeting be adjourned at 6:30 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk



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Meeting Minutes - Final Common Council

Wednesday, June 16, 2021

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Firkus

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska, Alderperson Chad Doran and Mayor Jake Woodford

Excused: 1 - Alderperson Joe Martin

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-0833](#)

Common Council Meeting Minutes of June 2, 2021

Attachments: [CC Minutes 6-2-21.pdf](#)

Alderperson Prohaska moved, seconded by Alderperson Van Zeeland, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[21-0838](#) Certificate of Recognition for Mark Burstein

[21-0837](#) Proclamations:
- Pollinator Week
- Refugee Day

Attachments: [Pollinator Week Proclamation.pdf](#)
[Refugee Day Proclamation.pdf](#)

H. PUBLIC PARTICIPATION

*The following individuals spoke regarding Item 21-0810, Alcohol License Renewals:
Amy Ross Annen, 1344 W Washington St
Joane Kizweski, 1339 W Washington St*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

21-0904 Core's Lounge Alcohol License Renewal

Aldersperson Smith moved, seconded by Aldersperson Alfheim, that the Core's Lounge Alcohol License Renewal (separated from the others below) be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Nay: 2 - Aldersperson William Siebers and Aldersperson Mike Smith

Excused: 1 - Aldersperson Joe Martin

Abstained: 2 - Aldersperson Denise Fenton and Mayor Jake Woodford

[21-0810](#)

2021-2022 Additional Alcohol License renewal applications, contingent upon approval from all departments by 12:00 p.m. on June 30, 2021.

Attachments: [2021-22 Alcohol License Renewals 3rd set.pdf](#)

Aldersperson Smith moved, seconded by Aldersperson Schultz, that the Alcohol License Renewals be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Prohaska moved, Aldersperson Van Zeeland seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[21-0798](#)

Approve street light relocation at 2313 S. Greenview Street.

Attachments: [Streetlight 2313 S Greenview St.pdf](#)

This Report Action Item was approved.

[21-0799](#)

Approve parking and traffic changes related to the Spartan Drive/ Haymeadow Avenue/ Sommers Drive roadway project.

Attachments: [Parking & Traffic related to Spartan DrHaymeadow.pdf](#)

This Report Action Item was approved.

[21-0800](#) Approve parking changes related to the Henry Street Asphalt Reconstruction Project.

Attachments: [Parking Changes to B-20 Henry St.pdf](#)

This Report Action Item was approved.

[21-0801](#) Approve installation of STOP sign on South Court at John Street. (Follow-up to six-month Trial Period.)

Attachments: [Stop Sign on South Court.pdf](#)

This Report Action Item was approved.

[21-0802](#) Anticipated Award of Unit P-21 Pavement Marking Maintenance Contract (Epoxy)

Attachments: [Unit P-21 Pavement Marking Maint.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0739](#) Updates to the Alcohol License Policy & regulations relating to licensing of convenience stores that sell gasoline

Attachments: [6-7-21 Convenience Stores Selling Gasoline- Recommendation.pdf](#)
[2021 Alcohol License Policy Updates.pdf](#)
[Memo- 2021 Alcohol Policy & Convenience Stores.pdf](#)

This Report Action Item was approved.

[21-0740](#) Pet Store License renewal application for World's Fancy Fish, Sia Y Lor, Applicant, located at 1804 S. Lawe St, contingent upon approval from all departments.

Attachments: [World's Fancy Fish S&L.pdf](#)

This Report Action Item was approved.

[21-0751](#) Class "B" Beer License application for United Sports Association for Youth, Katherine Wood, Agent, located at 3300 E Evergreen Dr, contingent upon approval from all departments.

Attachments: [United Sports Assoc for Youth.pdf](#)

This Report Action Item was approved.

[21-0752](#)

Class "A" Beer and "Class A" Liquor License Permanent Premise Amendment for Appleton Liquor LLC d/b/a Appleton Liquor, Heidi Guta, Agent, located at 2727 N Meade St., contingent upon approval from all departments.

Attachments: [Appleton Liquor S&L.pdf](#)

This Report Action Item was approved.

[21-0779](#)

Class "B" Beer and "Class B" Liquor License application for Ka Lee and Peng Xiong d/b/a Shadows Food and Spirits, located at 211 S Walter Ave, contingent upon approval from all departments.

Attachments: [Shadows Food and Spirits.pdf](#)

This Report Action Item was approved.

[21-0809](#)

2021-2022 Mechanical Amusement Device application for Ka Lee and Peng Xiong d/b/a Shadows Food and Spirit, located at 211 S Walter Ave, contingent upon approval from all departments.

Attachments: [Shadows S&L.pdf](#)

This Report Action Item was approved.

[21-0812](#)

2021-2022 Alcohol License renewal, with a special exception to the license non-use policy, for Oneida Street South LLC, Katelyn James, Agent, contingent upon approvals from all departments by 12:00 p.m. on June 30, 2021.

Attachments: [2021-22 Alcohol License Renewal Oneida St South LLC.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[21-0769](#)

Request to approve the dedication of land for public right-of-way for a portion of Lawrence Street, generally located east of the intersection of Oneida Street and Lawrence Street (part of Tax Id #31-2-0052-00), as shown on the attached maps

Attachments: [StaffReport_LawrenceEastOfOneida_StreetDedication_For06-09-21.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**[21-0777](#)

Request to approve the 2020 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program

Attachments: [CAPER memo to CEDC 6-9-21.pdf](#)
[2020-2021 CAPER Draft for Public Comment.pdf](#)

This Report Action Item was approved.

[21-0778](#)

Request to approve an adjustment to the FINAL 2021-2022PY Community Development Block Grant (CDBG) funding previously approved on March 17, 2021 as specified in the attached revised community partner allocation recommendations

Attachments: [Alloc Recs Memo to CEDC REVISED Final Award 06-09-2021.pdf](#)
[Alloc Recs Memo to CEDC Final Award 03-10-2021.pdf](#)
[REVISED FINAL 2021 CDBG Community Partner Recommendations 6-9-21.pdf](#)
[REVISED FINAL 2021 CDBG Simple Summary Recommendations 6-9-21.pdf](#)
[Appleton Revised FY21 Formula Award Letter - FO Milwaukee 5-13-21.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE[21-0794](#)

Approve update to Municipal Code Chapter 20, Article II Water Utility, creating new Section 20-42 Valving.

Attachments: [Municipal Code Chapter 20.pdf](#)

This Report Action Item was approved.

[21-0796](#)

Request Approval of the Electronic Compliance Maintenance Annual Report (eCMAR) for 2020 and Request the following Resolution be presented to the Common Council for approval:

Whereas, the City of Appleton manages, operates, and maintains a sewer collection system and wastewater treatment plant; and

Whereas, treatment efforts produce a liquid effluent and a biosolids that are returned to the environment; and

Whereas, the State of Wisconsin evaluates wastewater utilities throughout the State of Wisconsin through an electronic Compliance Maintenance Annual Report (eCMAR); and

Whereas, Appleton received the highest eCMAR score achievable; and

Whereas, the State of Wisconsin requests the Common Council pass a resolution accepting the eCMAR report;

Now, therefore, be it resolved by the City Council that the City of Appleton:

Article 1. Continue supporting the treatment and maintenance programs at the utility

Article 2. Continue planning efforts that will address and promote long term performance results at the facility.

Attachments: [2020 eCMAR UC memo .pdf](#)
 [2020 eCMAR Validated.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[21-0805](#)

Request to approve changes to Department of Public Works table of organization.

Attachments: [DPW Operations TO change.pdf](#)
 [DPW Operations TO 6.9.21.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

[21-0741](#)

Noise Variance Request - Prince of Peace Lutheran Church

Attachments: [POP Appleton.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-0857](#)

Potential amendment to Ordinance 58-20 regarding remote participation

Attachments: [Ord 58-20.pdf](#)
[Ord. 34-21 Remote Participation Ordinance 6-16-21.pdf](#)

Aldersperson Van Zeeland moved, seconded by Aldersperson Hartzheim, that the Ordinance be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Kristin Alheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

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

Aldersperson Hartzheim moved, seconded by Aldersperson Prohaska, that the meeting be adjourned at 8:10 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

NOTICE OF PUBLIC HEARING

OF THE

APPLETON COMMON COUNCIL

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the Common Council in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, July 7, 2021, at 7:00 P.M., or as soon thereafter as can be heard, for the purpose of the following proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code:

1. Create Article III., Sec. 23-55. Accessory Dwelling Units (Attached and Detached) and Sec. 23-56. Junior Accessory Dwelling Units (JADU).
2. Amend Sec. 23-43 Accessory uses, building and structures, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, Sec. 23-96 R-3 Multifamily District of Chapter 23 Zoning Ordinance of the Municipal Code.

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

This notification invites you to express your views or concerns regarding the above-described request. The Common Council meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to consider sharing any feedback with Common Council members via written letter, email or phone call instead of appearing in person. Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Common Council.

Any questions regarding the proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code should be directed to the Community and Economic Development Department at 832-6468.

June 10, 2021

KAMI LYNCH
CITY CLERK

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

NOTICE OF PROPOSED STREET VACATION

(Pursuant to Section 66.1003, Wisconsin Statutes-2013-2014)

Notice is hereby given that a written resolution has been filed with the Common Council of the City of Appleton for the discontinuance of:

LEGAL DESCRIPTION OF AREA TO BE VACATED:

All that part of Kimball Street lying East of the East line of Morrison Street and abutting Block Twelve (12) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 5,700 square feet of land more or less.

And

All that part of Oak Street lying South of a line 20 feet South of and parallel to the South line of Lawrence Street and abutting Block Twelve (12) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 8,080 square feet of land more or less.

A map is available in the City Clerk's office upon request.

COMMON DESCRIPTION:

A portion of South Oak Street generally located south of East Lawrence Street and a portion of East Kimball Street generally located east of South Morrison Street

Notice is further given that a hearing of said resolution will be held at a regular meeting of the Common Council to be held at 7:00 p.m. or as soon thereafter as can be heard, on Wednesday, July 7, 2021, in the Council Chambers at the City Hall in said City of Appleton.

By Order of the Common Council.

May 21, 2021

KAMI LYNCH
City Clerk

RUN: May 22, 2021
May 29, 2021
June 5, 2021

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WILL BE MADE UPON REQUEST AND IF FEASIBLE.

FINAL RESOLUTION

WHEREAS, the public interest requires that a part of South Oak Street and a part of East Kimball Street, that have not previously been vacated, be vacated and discontinued; and

WHEREAS, notice was given when and where the resolution would be acted on, as required by law; and

WHEREAS, hearing was had on said Resolution on the 7th day of July, 2021, at City Hall, in and for the City of Appleton, Wisconsin.

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that:

LEGAL DESCRIPTION

*All that part of Kimball Street lying East of the East line of Morrison Street and abutting Block Twelve (12) of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 5,700 square feet of land more or less.*

And

*All that part of Oak Street lying South of a line 20 feet South of and parallel to the South line of Lawrence Street and abutting Block Twelve (12) of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 8,080 square feet of land more or less.*

See also attached Exhibit "A" for illustration.

EASEMENT RELEASE

The City of Appleton hereby releases any and all rights to any existing utilities within the above described vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer and watermain within the entire length and width of the above described right of ways.

COMMON DESCRIPTION:

A part of South Oak Street and a part of East Kimball Street, generally located south of Lawrence Street and east of Morrison Street

Record and return to:

City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos.: 31-2-0166-00, 31-2-0167-00,
31-2-0165-00, 31-2-0163-00, 31-2-0161-00,
31-2-0169-00, 31-2-0170-00, 31-2-0159-00,
31-2-0174-00, 31-2-0171-00, 31-2-0168-00

FURTHER RESOLVED, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

FURTHER RESOLVED, that according to §66.1005, Wisconsin Statutes, upon vacation and discontinuance of said portion of South Oak Street and said portion of East Kimball Street, title to the above-described area shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated (as deemed necessary).

City of Appleton

By: _____
Jacob A. Woodford, Mayor

By: _____
Kami Lynch, City Clerk

Date: _____

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

The foregoing Agreement was acknowledged before me this _____ day of July, 2021 by Jacob A. Woodford, Mayor and Kami Lynch, City Clerk.

Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires 11/11/2021

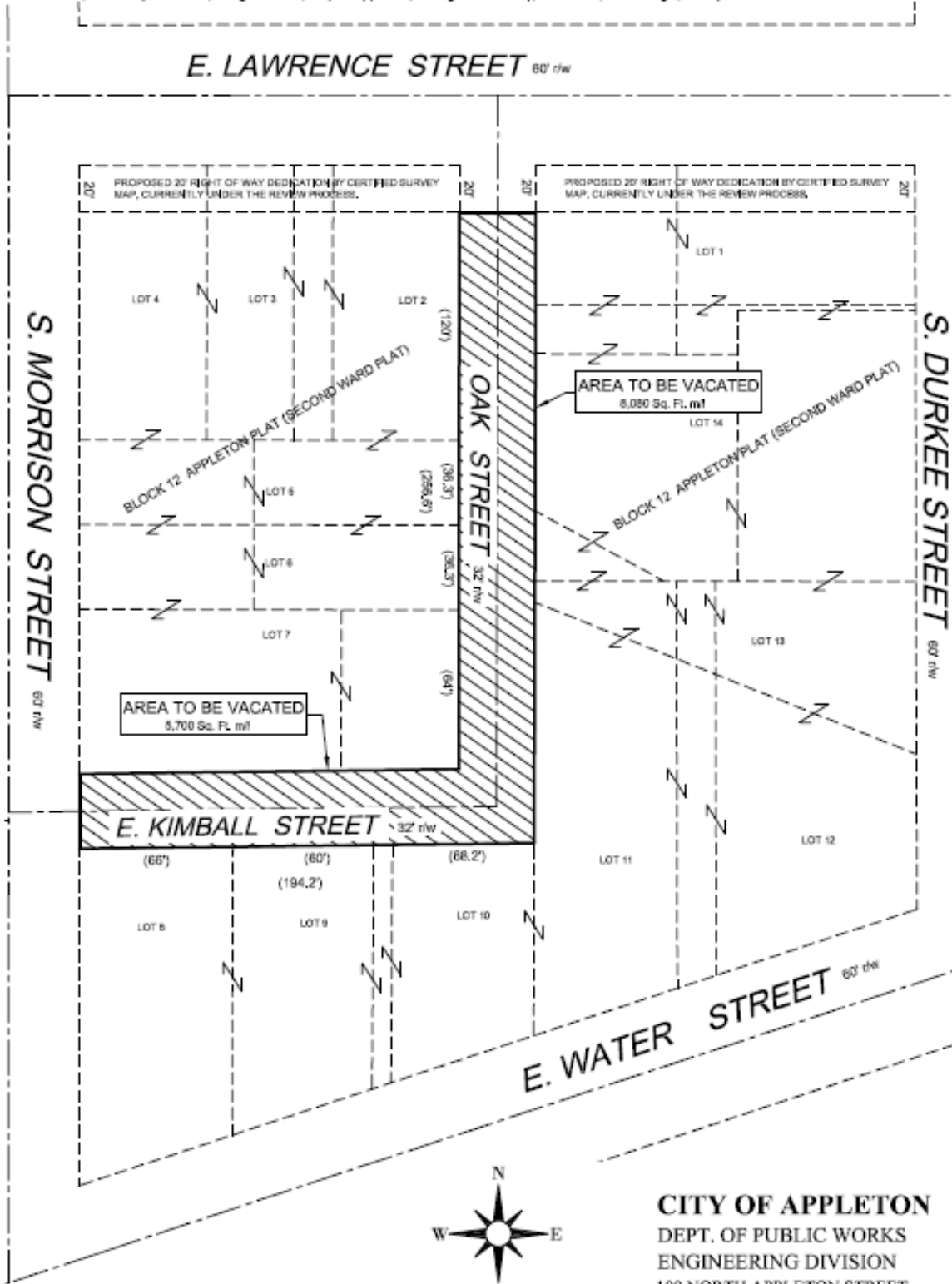
This instrument was drafted by:
City Attorney Christopher R. Behrens
City Law A21-0300

EXHIBIT "A"

All that part of Kimball Street lying East of the East line of Morrison Street and abutting Block Twelve (12) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 5,700 square feet of land more or less.

And

All that part of Oak Street lying South of a line 20 feet South of and parallel to the South line of Lawrence Street and abutting Block Twelve (12) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 8,080 square feet of land more or less.



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM

R:\Acad\Vacated Dedications\2021\Oak_Kimball_Sl_0419_2021

DEPARTMENT OF PUBLIC WORKS

100 North Appleton Street

Appleton, WI 54911

Phone (920) 832-6474

Fax (920) 832-6489

TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor *KWC*
Paula Vandehey, Director of Public Works *PVW*

SUBJECT: Update to Section 4-141 of the Municipal Code

DATE: June 21, 2021

In order to maintain the residential character of the City's neighborhoods, staff recommends the prohibition of pole buildings and metal shipping containers for use as storage sheds. These types of storage buildings are becoming an inexpensive alternative to traditional storage shed construction. Staff believes allowing these types of buildings will have a negative impact on the City's neighborhoods.

Sec. 4-141. Garages and accessory buildings.

(a) *Unattached.* Unattached one- or 2-family accessory buildings shall be constructed on concrete slabs and shall conform to UDC and American Concrete Institute (ACI) standards. No concrete slab shall be required for accessory buildings where the structure does not exceed one hundred (100) square feet in area and the building is securely anchored. Accessory buildings less than fifty (50) square feet are exempt from permits, however must comply with all zoning ordinance standards. Unattached accessory buildings shall maintain a fire separation distance that meets UDC standards. All one- or 2-family unattached buildings with overhead doors shall have at least one exit door that is a minimum of 32" in width. The overhead door shall not be used as an exit door. Accessory buildings that are 150 square feet or larger are considered a garage for the purposes of this section.

(b) *Wall brace plans.* Wall brace plans are required for accessory buildings greater in width or length than twelve (12) feet. Wall brace plans must meet UDC standards. Exterior walls and roofs shall meet UDC standards for design, structural requirements and covering. Stairs or stairways, handrails, guardrails or elevated areas inside and outside of the accessory building shall meet UDC standards.

(c) *Attached.* Attached garages, carports and shelters that are connected to a residence shall have footings and foundations to the established frost line. Attached garages with exterior siding shall be framed to meet all general requirements. Floor drains in garages shall not connect to the foundation drain tile or a clear water sump. Attached carports and unheated shelters that are designed to compensate for movement or flexing and meet all other general requirements may be erected or installed on concrete slabs without frost walls and footings, provided that detailed drawings of design and method of construction are submitted with the permit application.

(d) *Construction time frame.* Unattached garages or accessory buildings must be completed within one (1) year from the date that the building permit is issued. Failure to complete the construction of garages and accessory buildings will require a new permit. The permit fee for additional permits will be double the original permit fee.

(e) *Garage door required.* All attached and detached garages, excluding carports, must have an operating garage door.

(f) **Prohibited Accessory Buildings.** Pole buildings and metal shipping containers are prohibited in residential zoning districts.

The Department of Public Works recommends approval of the changes to Section 4-141 of the Municipal Code of the City of Appleton.

cc: Nicholas VandeCastle

DEPARTMENT OF PUBLIC WORKS

100 North Appleton Street

Appleton, WI 54911

Phone (920) 832-6474

Fax (920) 832-6489

TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor *KWC*
Paula Vandehey, Director of Public Works *PVW*

SUBJECT: Update to Section 4-392 of the Municipal Code

DATE: June 21, 2021

Staff recommends the following changes to Section 4-392 of the Municipal Code related to electrical work. In 2018, changes were made to this section to prohibit homeowners from doing their own service changes in their homes. The proposed changes below further clarify what is required in order to install a new service, as well as solar installations, by a home owner in their own home.

Sec. 4-392. Exemptions.

As allowed under Wis. Stats. §101.862(4)(a), a residential property owner may perform electrical work in his own dwelling which he owns and occupies without a license, ~~with the exception of installing or replacing of service equipment,~~ as long as the work is being conducted in a single-family dwelling. In the case of installing or replacing service equipment in a single-family dwelling, solar photovoltaic installations or electrical work performed on a residential property which is not a single-family owner occupied dwelling, the electrical work will need to shall be performed by a licensed electrical contractor, meeting all the requirements of SPS 305.41 as amended from time to time. The owner of the property must procure a permit prior to starting any electrical work. The property owner may not procure a permit on behalf of an electrical contractor or another individual.

The Department of Public Works recommends approval of the changes to Section 4-392 of the Municipal Code of the City of Appleton.

cc: Nicholas VandeCastle



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

MEMO

TO: Municipal Services Committee

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

DATE: June 14, 2021

RE: Amend 2021 Materials Testing Contract (M-21) with Westwood Professional Services (formerly OMNNI Associates, Inc.) from an amount not to exceed \$125,000 to an amount not to exceed \$175,000.

The Department of Public Works recommends amending the 2021 Materials Testing Contract with OMNNI Associates, Inc. from an amount not to exceed \$125,000 to an amount not to exceed \$175,000. Funding for work under this contract is from the various project accounts.

The Department of Public Works is requesting additional funding for the 2021 Materials Testing Contract due to testing and response needs exceeding anticipated amounts. Some examples are:

- Continued support for the Redundant Raw Water Line for contaminated materials and high groundwater along the route
- Meeting all railroad requirements for the utility crossings on Atlantic Street, Appleton Street and Weimer Court
- Addressing contaminated materials on the Meade Street sewer and water relay project
- Assisting the City with proper handling of stormwater pond sediment for NR 528 requirements
- Geotechnical testing and support associated with the Plamann Park sanitary sewer and water project
- Additional WDNR testing requirements for the Valley Road contamination just west of Oneida Street

In order to keep projects moving forward and meet WDNR requirements, staff recommends amending the 2021 Materials Testing Contract with Westwood Professional Services from an amount not to exceed \$125,000 to an amount not to exceed \$175,000.



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

DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Michael S. Hardy, Assistant City Traffic Engineer
Date: June 21, 2021
Re: Recommended award of the *Unit Q-21* Pavement Marking Maintenance Contract (Paint)
Transverse Paint Markings such as Parking Stalls, Crosswalks and Stop Lines

Quotes were opened for the *Unit Q-21* Pavement Marking Maintenance Contract on June 21, 2021, as a means of establishing unit prices for this annual maintenance contract, which generally involves the painting of parking stalls, crosswalks and stop lines in the City.

Quotes were solicited from five companies, but only one quote was received. Crowley Construction Corp. of Wauwatosa, Wisconsin, submitted the low quote in the total amount of \$36,913.95. We consider the unit prices contained in the quote to be reasonable and consistent with prices received in previous years and within industry norms, especially considering COVID-19 impacts. Crowley has completed this type of work for the City in recent years with good results.

Based on this, we recommend award of the contract to Crowley Construction Corp. in an amount not to exceed \$43,000. This dollar amount is based on available budgeted funds for pavement marking maintenance (17022 Account), as well as pavement marking maintenance to be completed for the Parking Utility (5121 & 5123 Accounts).

Paula Vandehey

From: Mike Kohlbeck <MKohlbeck@mcmgrp.com>
Sent: Wednesday, June 16, 2021 11:54 AM
To: Paula Vandehey
Cc: Patrick Ostroth; Joe Truehart; bhuss@usventure.com; Sue Olson
Subject: Temporary Street Occupancy - USV Temporary Parking Lot
Attachments: Street Occupancy Permit Exhibit.pdf

Good morning Paula,

On behalf of U.S. Venture, we are requesting a Temporary Street Occupancy Permit for the temporary parking lot that U.S. Venture is proposing to construct south of E. Lawrence Street, east of S. Morrison Street and west of S. Durkee Street. As currently proposed, the northern 30 parking stalls of the temporary parking lot encroach into the E. Lawrence Street right-of-way by 12-feet. Please see the attached Exhibit for reference.

On April 21, 2021, U.S. Venture submitted an "Application For Dedication To The Public" to dedicate the north 20 feet of parcels 312016200, 312016100, 312015900 and 312016000 to the City of Appleton for the purpose of proposed improvements to E. Lawrence Street. request for a Temporary Street Occupancy Permit is to allow the portion of the proposed temporary parking lot to occupy a portion of the recently dedicated land until the City of Appleton moves forward with the reconstruction of E. Lawrence Street which is anticipated to begin in 2023.

Please let us know if any additional information is needed for the City to consider this request.

Thank you,
Mike

Michael Kohlbeck, P.E.
ASSOCIATE/SENIOR PROJECT ENGINEER



1445 McMahon Dr | Neenah, WI 54956
O: 920.751.4200x230

[website](#) | [facebook](#) | [linkedin](#) | [twitter](#)

Confidentiality Statement

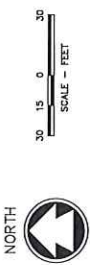
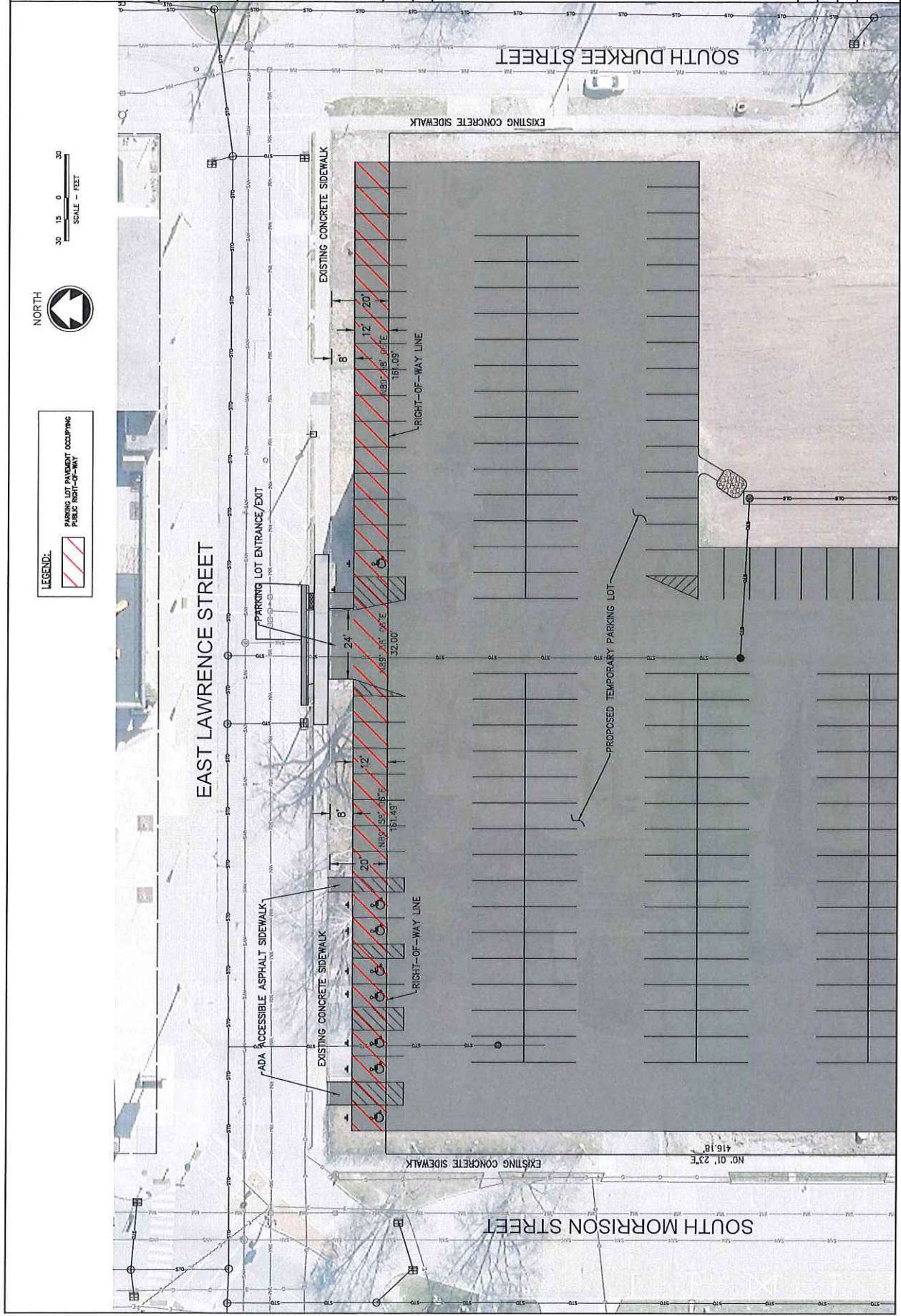
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NO.	DATE	DESCRIPTION

USV - TEMPORARY PARKING LOT SOUTH OF YMCA
 HOFFMAN PLANNING, DESIGN & CONSTRUCTION, INC.
 EXHIBIT FOR PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

PROJECT NO.	1000
DATE	05/21/2021
PROJECT NAME	USV - TEMPORARY PARKING LOT SOUTH OF YMCA
DATE	MAY 25, 2021
SHEET NO.	A



McMAHON CIVIL ENGINEERING
 1645 LAURENCE DRIVE, MERRILL, WI 53456
 414.224.4444
 www.mcmahoninc.com

NO.	DATE	DESCRIPTION

USV - TEMPORARY PARKING LOT SOUTH OF YMCA
 HOFFMAN PLANNING, DESIGN & CONSTRUCTION, INC.
 EXHIBIT FOR PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

PROJECT NO.	1000
DATE	05/21/2021
PROJECT NAME	USV - TEMPORARY PARKING LOT SOUTH OF YMCA
DATE	MAY 25, 2021
SHEET NO.	A

Tab to navigate within form. Use mouse to check applicable boxes, press spacebar or press Enter.

Save

Print

Clear

Application for Cigarette and Tobacco Products Retail License

Submit to municipal clerk.

Rec 2017-12
6-9-21

MUNICIPAL USE ONLY

Applicant's Wisconsin 15-digit Sales Tax Account Number
[Redacted]

← This must be issued in the same Legal Name of the licensee below.

License Number
Period Covered
Date of Issuance

Legal Name (corporation, limited liability company, partnership or sole proprietorship) <u>James Holder</u>		Federal Employer Identification No. (FEIN) [Redacted]
Trade or Business Name (if different than Legal Name) <u>D80 Hemp</u>		Telephone Number [Redacted]
Business Address (License Location) <u>2929 N. Richmond St Suite 1</u>	Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town of: <u>Appleton</u>	Business Telephone <u>(920) 574-3984</u>
Municipality <u>Appleton</u>	State <u>WI</u>	Zip Code <u>54911</u>
Mailing Address (if different than Business Address) <u>482 S. Ellis Ave</u>	Municipality <u>Peshigo</u>	County <u>Outagamie</u>
	State <u>WI</u>	Zip Code <u>54157</u>

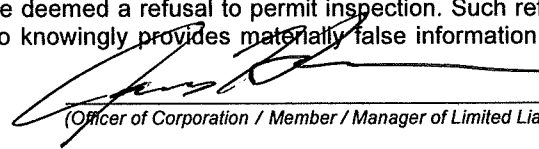
Organization (check one)

- Sole Proprietor Wisconsin Corporation – Enter date incorporated: _____
- Partnership Out-of-State Corporation – Are you registered to do business in Wisconsin? Yes No
- Other (describe) _____

- Yes No 1. Does the applicant understand that they must purchase cigarettes and tobacco products only from distributors, jobbers, or subjobbers, who hold a permit with the Wisconsin Department of Revenue?
- Yes No 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, revenue.wi.gov/dorforms/ctp-129.pdf.)
- Yes No 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- Yes No 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)
- Yes No 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?
- Yes No 6. Does the applicant understand that they may not sell single cigarettes?
- Yes No 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- Yes No 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at www.doj.state.wi.us/dls/tobacco-directory may be sold in Wisconsin?

Cigarettes / Tobacco will be sold over counter through vending machine both

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of September 19, 2019: Sections 134.65, 134.66, 139.321, 139.79, 139.76, 995.10, and 995.12, Wis. Stats.

REC 2330-2
6-10-21

Application for Cigarette and Tobacco Products Retail License

Submit to municipal clerk.

MUNICIPAL USE ONLY

License Number
Period Covered 7-1-2021 / 6-30-2022
Date of Issuance

Applicant's Wisconsin 15-digit Sales Tax Account Number

← This must be issued in the same Legal Name of the licensee below.

Legal Name (corporation, limited liability company, partnership or sole proprietorship) Andrew Thornell	Federal Employer Identification No. (FEIN) [REDACTED]
Trade or Business Name (if different than Legal Name) Marley's Smoke Shop	Telephone Number [REDACTED]
Business Address (License Location) 530 W. College Ave.	Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town
Municipality Appleton	Business Telephone 920 733-5700
State WI	County Outagamie
Zip Code 54911	of: Appleton
Mailing Address (if different than Business Address)	Municipality
	State
	Zip Code

Organization (check one)

- Sole Proprietor Wisconsin Corporation – Enter date incorporated: _____
- Partnership Out-of-State Corporation – Are you registered to do business in Wisconsin? Yes No
- Other (describe) _____

- Yes No 1. Does the applicant understand that they must purchase cigarettes and tobacco products only from distributors, jobbers, or subjobbers, who hold a permit with the Wisconsin Department of Revenue?
- Yes No 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, revenue.wi.gov/dor/forms/ctp-129.pdf.)
- Yes No 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- Yes No 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)
- Yes No 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?
- Yes No 6. Does the applicant understand that they may not sell single cigarettes?
- Yes No 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- Yes No 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at www.doj.state.wi.us/dls/tobacco-directory may be sold in Wisconsin?

Cigarettes / Tobacco will be sold over counter through vending machine both

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of September 19, 2019: Sections 134.65, 134.66, 139.321, 139.79, 139.76, 995.10, and 995.12, Wis. Stats.



FEES ARE NON-REFUNDABLE		Date Recv'd	6/10/21
License fee EACH Vehicle	\$30.00	Acct. CLLTSE	
Investigation fee	\$ 37	Acct. CLLPIF	2281-5
Total fee paid	\$ 37	Receipt	

LICENSE APPLICATION

for
TAXICAB COMPANY AND LIMOUSINE SERVICE

Original Application
 Renewal – License # _____

SECTION 1 – APPLICANT INFORMATION

Name of Company ATLAS TAXI		Business Phone	
Business Street Address 1125 W. MAIN ST LOT 17		City LITTLECHUTE	State WI
Owner's Name MATTHEW J HOPE		Date of Birth [REDACTED]	Zip 54911
Owner's Name		Date of Birth	<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation

SECTION 2 – VEHICLES TO BE OPERATED (Attach additional sheets if necessary)

Vehicle Number	Capacity	Make/Model	DOT License Plate Number
69	7	HYUNDAI ENTORAGE	AFC 2599

SECTION 3 - COMPANY HISTORY

Is the company currently licensed in any other municipality? YES NO If Yes, what municipality?

Has the company ever been denied a license by any municipality? YES NO If Yes, please explain:

Have any of the owners ever been convicted of a crime? YES NO If Yes, please explain:

Describe the basic operations of the company: **BACK UP AND DROP OFF PEOPLE ON CALL**

If the business is located in the City limits, Municipal Code requires that off-street parking is provided for. If applicable, what provisions have been made for off street parking?

SECTION 4 – INSURANCE NOTICE

Insurance Coverage:

Insurance Carrier: **PROGRESSIVE**

Insurance Agent Name and Phone Number: **HORVAC**

Policy Number:

Policy Period: **6-19-21 TO 6-19-22**

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee, or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance requirements of the City of Appleton. I hereby certify that I, or the company I represent, have insurance in the amounts required to obtain this permit/license, have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance carrier, the policy number, and policy period above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify, defend and

(over)

HORNICK INS SRVCS
801 PACKERLAND DR
GREEN BAY, WI 54303

734144 1115 3 AB 0.428 PMIDA03F 007 001115

MATTHEW HYDE
ATLAS TAXI
1125 W MAIN ST LOT 17
LITTLE CHUTE, WI 54911

PROGRESSIVE
COMMERCIAL

Policy number: 03817501

Underwritten by:
Artisan and Truckers Casualty Co
April 5, 2021
Policy Period: Jun 19, 2021 - Jun 19, 2022



Renewal bill and policy information is enclosed

Thank you for being a Progressive customer

Please review your policy documents today

We send your renewal policy information early so that you have the opportunity to review it at your convenience. Your Commercial Auto Insurance Coverage Summary lists drivers, the autos insured, the coverages selected and the premiums by coverage.

Your current policy will expire on June 19, 2021 at 12:01 a.m. If we recently sent you a Cancel Notice because the remaining balance on your current policy has not been received please pay that amount by the due date to avoid policy cancellation. **This bill does not supersede any Cancellation Notice.** If you have already sent this payment - thank you. If you do not make this payment, the offer to renew this policy is withdrawn.

If you've scheduled a payment, it is not reflected in the amount due.

Premium and payment information

Renewal policy premium	\$6,131.00
Minimum amount due	\$653.10
Due date	June 19, 2021

To renew your policy, please pay the amount shown above, or call us for other available options, by the due date. To pay with a check or credit card by phone, call Customer Service at 1-877-278-1615, or login to progressiveagent.com.

Please see reverse side for additional information.

Continued on back

Payment Coupon

Minimum amount due	\$653.10
Due date	June 19, 2021
Amount enclosed	\$

Policy number: 03817501

Policyholder:
MATTHEW HYDE

For immediate payment - go to progressiveagent.com or call 1-877-278-1615 and get instant confirmation.

If you pay by check, please allow 5 to 7 days for your payment to reach us. Write your policy number on the check and make it payable to Artisan and Truckers Casualty Co.



PROGRESSIVE
DEPT 0561
CAROL STREAM IL 60132-0561

Do not write below this section of coupon.
CA-38436 Form QTCOVLTR WI (02/16)

056103817501 48395 0109790 0659780 5000533 7171404 005006192107

Named insured

MATTHEW HYDE
ATLAS TAXI
1125 W MAIN ST LOT 17
LITTLE CHUTE, WI 54911

Policy number: 03817501

Underwritten by:
Artisan and Truckers Casualty Co
April 5, 2021
Policy Period: Jun 19, 2021 - Jun 19, 2022
Page 1 of 2

progressiveagent.com
Online Service

Make payments, check billing activity, print policy documents, update your policy or check the status of a claim.

1-920-499-3933

HORNICK INS SRVCS
Contact your agent for personalized service.

1-800-444-4487

For customer service if your agent is unavailable or to report a claim.

Commercial Auto Insurance Coverage Summary

This is your Renewal Declarations Page

This Renewal Declarations Page is effective only if the minimum amount due to renew your policy is received or postmarked by June 19, 2021.

Your coverage begins on June 19, 2021 at 12:01 a.m. This policy expires on June 19, 2022 at 12:01 a.m.

Your insurance policy and any policy endorsements contain a full explanation of your coverage. The policy limits shown for an auto may not be combined with the limits for the same coverage on another auto, unless the policy contract allows the stacking of limits. The policy contract is form 6912 (06/10). The contract is modified by forms 2852WI (05/11), 4757WI (05/11), 6870 (06/04), 1198 (07/16), 8518 (06/97), Z313 (05/07), 4852WI (04/05), 4881WI (03/11) and Z228 (01/11).

The named insured organization type is a sole proprietorship.

Outline of coverage

Description	Limits	Deductible	Premium
Liability To Others			\$5,149
Bodily Injury and Property Damage Liability	\$500,000 combined single limit		
Uninsured Motorist	\$100,000 combined single limit		321
Underinsured Motorist	\$100,000 combined single limit		332
Medical Payments	\$5,000 each person		264
Roadside Assistance			45
See Auto Coverage Schedule			
Subtotal policy premium			\$6,111
Additional Insured Fee			20
Total 12 month policy premium and fees			\$6,131
Discount if paid in full			-917
Total 12 month policy premium if paid in full			\$5,214

Rated drivers

- MATTHEW HYDE



FEES ARE NON-REFUNDABLE	Date Recv'd <u>6/11/21</u>
License fee EACH Vehicle x19 \$30.00	Acct. CLLTSE
Investigation fee \$ 7.00	Acct. CLLPIF
Total fee paid \$ <u>577</u>	Receipt <u>2031-19</u>

LICENSE APPLICATION

for
TAXICAB COMPANY AND LIMOUSINE SERVICE

<input type="checkbox"/> Original Application
<input checked="" type="checkbox"/> Renewal – License # <u>3-21</u>

SECTION 1 – APPLICANT INFORMATION

Name of Company LIR TRANSPORTATION LLC dba FOX VALLEY CAB		Business Phone 920-734-4545	
Business Street Address 719 W Frances St.		City Appleton	State WI
Zip 54914		Date of Birth [REDACTED]	
Owner's Name Igor Leykin		Individual <input type="checkbox"/>	
Owner's Name Margarita Leykin		Partnership <input type="checkbox"/>	
Date of Birth [REDACTED]		Corporation <input checked="" type="checkbox"/>	

SECTION 2 – VEHICLES TO BE OPERATED

(Attach additional sheets if necessary)

Vehicle Number	Capacity	Make/Model	DOT License Plate Number
LIST ATTACHED			

SECTION 3 - COMPANY HISTORY

Is the company currently licensed in any other municipality? YES NO If Yes, what municipality?

Has the company ever been denied a license by any municipality? YES NO If Yes, please explain:

Have any of the owners ever been convicted of a crime? YES NO If Yes, please explain:

Describe the basic operations of the company: taxi, shuttle, ADA Livery transportation

If the business is located in the City limits, Municipal Code requires that off-street parking is provided for. If applicable, what provisions have been made for off street parking? Off street parking for more than 20 vehicles outside and 15 inside.

SECTION 4 – INSURANCE NOTICE

Insurance Coverage: \$1,000,000

Insurance Carrier: FIRST CHICAGO INSURANCE COMPANY

Insurance Agent Name and Phone Number: McClure and Associates 630-241-4220

Policy Number: LVA123224

Policy Period: 4/21/21 - 4/21/22

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee, or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance requirements of the City of Appleton. I hereby certify that I, or the company I represent, have insurance in the amounts required to obtain this permit/license, have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance carrier, the policy number, and policy period above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify, defend and



CERTIFICATE OF LIABILITY INSURANCE

DATE
4/28/2021

PRODUCER McClure & Associates 4951 Indiana Avenue Lisle IL 60532 630-241-4220 Phone 630-241-4259 Fax	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
	INSURER A: First Chicago Insurance Company	
	INSURER B:	
	INSURER C:	
INSURED LIR Transportation LLC dba Fox Valley Cab 719 W Frances St, Appleton WI, 54914.	INSURER D:	
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

NSR LTR	ADD'L NSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	<input type="checkbox"/>	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC				EACH OCCURENCE	\$
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
						MED EXP (Any one person)	\$
						PERSONAL & ADV INJURY	\$
						GENERAL AGGREGATE	\$
						PRODUCTS - COMP/OP AGG	\$
							\$
A	<input type="checkbox"/>	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Comp/Coll \$1,000 deductible	LVA123224	4/21/2021	4/21/2022	COMBINED SINGLE LIMIT (Each Occurrence)	\$ 1,000,000
						BODILY INJURY (Per accident)	\$
A	<input type="checkbox"/>	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Comp/Coll \$1,000 deductible	LVA123224	4/21/2021	4/21/2022	PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/>	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/>				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
	<input type="checkbox"/>	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
							\$
	<input type="checkbox"/>	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH -ER	
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
A	<input type="checkbox"/>	OTHER UM/UIM	LVA123224	4/21/2021	4/21/2022	50,000/100,000	

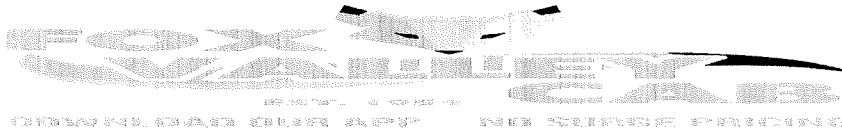
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

EFFECTIVE 4/21/2021 AUTO LIABILITY & COMP/COLL \$1,000 DEDUCTIBLE

CERTIFICATE HOLDER

CANCELLATION

	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT.
	AUTHORIZED REPRESENTATIVE <u>Brian D. McClure</u>



4/1/2019

<u>Vehicle No.</u>	<u>Make/Model</u>	<u>Passenger Capacity</u>	<u>License</u>	<u>VIN</u>	<u>Active Date</u>
1 465	2011 Chrys T & C	6	286-ZNE	2A4RR5DG7BR697977	Active as of 12/19/2016
2 466	2008 Toyota Sienna	6	262-ZNE	5TDZK23C08S169964	Active as of 01/11/2017
3 467	2008 Toyota Sequoia	6	299-ZNE	5TDBY68AX8S007001	Active as of 12/22/2016
4 469	2012 Toyota Sienna W/C Rear Entry	4	240-ZUK	5TDKK3DC0CS176556	Active as of 03/27/2017
5 470	2013 Dodge Grand Caravan	6	991-ZUJ	2C4RDGDG9DR726835	Active as of 03/14/2017
6 474	2012 Dodge Grand Caravan	7	AAY-9053	2C4RDGDG3CR341284	Active as of 9/1/2017
7 477	2011 Hyudai Sonata	4	301GJB	5NPEB4AC1BH016181	Active as of 9/1/2017
8 478	2008 Toyota Sienna	7	ABF1572	5TDZK23C48S132626	Active as of 9/1/2017
9 479	2008 Toyota Sienna	7	ADD4212	5TDZK23C68S119327	Active as of 5/4/2018
10 480	2006 Toyota Sienna	7	ADD4605	5TDZA22C86S393081	Active as of 5/21/2018
11 481	2008 Toyota Sienna	7	ADL6102	5TDZK23C98S178484	Active as of 07/13/2018
12 482	2008 Toyota Sienna	7	ADT5759	5TDZK23C58S222044	Active as of 09/05/2018
13 484	2011 Toyota Sienna	7	AED1381	5TDYK3DC0BS010482	Active as of 09/05/2018
14 485	2012 Toyota Sienna	7	ADF4993	5TDKK3DC0CS255032	Active as of 08/21/2019
15 489	2014 Nissan Altima	4	AKD6097	1N4AL3AP6EC319164	ACTIVE AS OF 6/29/19
16 500	2016 DODGE GRAND CARAVAN / REAR ENTRY W/C	4	SW2585	2C4RDGBG7GR325324	Active as of 06/09/2021
17 502	2008 Chrys T & C	7	AKZ4105	2A8HR54P18R777228	Active as of 06/01/2021
18 501	2010 T & C	7	AKZ4125	2A4RR5D18AR266641	ACTIVE AS OF 06/10/2021
19 497	2013 CHRYS T&C	7	AKZ4161	2C4RC1GG2DR681362	ACTIVE AS OF 06/11/2021

Appleton

6 10 21

FEES ARE NON-REFUNDABLE	Date Recv'd	___/___/___
License fee EACH Vehicle 31 \$30.00	Acct. 11030.4320	
Investigation fee \$ 7.00	Acct. 100.2359	
Total fee paid \$97.00	Receipt	

2236-7

LICENSE APPLICATION

for
TAXICAB COMPANY AND LIMOUSINE SERVICE

<input type="checkbox"/>	Original Application
<input checked="" type="checkbox"/>	Renewal – License # _____

SECTION 1 – APPLICANT INFORMATION

Name of Company Dynasty Limousine service LLC		Business Phone 920-954-9111	
Business Street Address 1900 Vandenberg Ln		City Kaukauna	State wi
Zip 54130		Date of Birth [REDACTED]	
Owner's Name Diana Wolters	Date of Birth [REDACTED]	<input checked="" type="checkbox"/> Individual	
Owner's Name	Date of Birth	<input type="checkbox"/> Partnership	
		<input type="checkbox"/> Corporation	
Owner's Driver License Number [REDACTED]	Owner's Driver License Number [REDACTED]		

SECTION 2 – VEHICLES TO BE OPERATED

(Attach additional sheets if necessary)

Vehicle Number	Capacity	Make/Model	DOT License Plate Number
10	10	2009 Sprinter	DNSTY10
6	5	2016 Escalade	575-XZE
7	5	2017 Escalade	ADP-2679

SECTION 3 – COMPANY HISTORY

Is the company currently licensed in any other municipality?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If Yes, what municipality?
Has the company ever been denied a license by any municipality?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If Yes, please explain:
Have any of the owners ever been convicted of a crime?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If Yes, please explain:
Describe the basic operations of the company: Carter luxury transportation			
If the business is located in the City limits, Municipal Code requires that off-street parking is provided for. If applicable, what provisions have been made for off street parking?			

SECTION 4 – INSURANCE NOTICE

Insurance Coverage: 500,000.00

Insurance Carrier: Progressive

Insurance Agent Name and Phone Number: Family Ins. Center 920-757-1010

Policy Number: 08086522-2

Policy Period: August 2020 to August 2021

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee, or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance requirements of the City of Appleton. I hereby certify that I, or the company I represent, have insurance in the amounts required to obtain this permit/license, have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance carrier, the policy number, and policy period above.

FAMILY INS CENTER
N1788 LILY OF THE VAL
GREENVILLE, WI 54942

PROGRESSIVE
COMMERCIAL

754628 1694 2 AB 0.419 PMIDA03U 012 001694
Named insured

August 27
2020/2021

Policy number: 08086522-2

Underwritten by:
Artisan and Truckers Casualty Co
August 28, 2020
Policy Period: Aug 27, 2020 - Aug 27, 2021
Page 1 of 3

DYNASTY LIMOUSINE
SERVICE LLC
1900 VANDENBERG LANE
KAUKAUNA, WI 54130

progressiveagent.com

Online Service
Make payments, check billing activity, print policy documents, or check the status of a claim.

1-920-757-1010

FAMILY INS CENTER
Contact your agent for personalized service.

1-800-444-4487

For customer service if your agent is unavailable or to report a claim.



Commercial Auto Insurance Coverage Summary

This is your Renewal Declarations Page

Your coverage began on August 27, 2020 at 12:01 a.m. This policy expires on August 27, 2021 at 12:01 a.m.

This coverage summary replaces your prior one. Your insurance policy and any policy endorsements contain a full explanation of your coverage. The policy limits shown for an auto may not be combined with the limits for the same coverage on another auto, unless the policy contract allows the stacking of limits. The policy contract is form 6912 (06/10). The contract is modified by forms 2852WI (05/11), 4757WI (05/11), Z313 (05/07), 4852WI (04/05), 4881WI (03/11) and Z228 (01/11).

The named insured organization type is a corporation.

Outline of coverage

Description	Limits	Deductible	Premium
Liability To Others			\$4,573
Bodily Injury and Property Damage Liability	\$500,000 combined single limit		
Uninsured Motorist	\$500,000 combined single limit		1,137
Underinsured Motorist	\$500,000 combined single limit		1,170
Medical Payments	See Auto Coverage Schedule		411
Comprehensive			510
See Auto Coverage Schedule	Limit of liability less deductible		
Collision			992
See Auto Coverage Schedule	Limit of liability less deductible		
Roadside Assistance			32
See Auto Coverage Schedule			
Total 12 month policy premium			\$8,825
Discount if paid in full			-979
Total 12 month policy premium if paid in full			\$7,846

Rated drivers

- 1. DIANA WOLTERS
- 2. JOHN WOLTERS
- 3. RON VOIGT
- 4. KEVIN HEITING
- 5. RAYMOND REICHEL
- 6. PATRICK E FOY
- 7. ROBERT SCHWANDT

Auto coverage schedule

1. **2009 Dodge Sprinter 2500** Stated Amount: *\$20,000 (including Permanently Attached Equip)
 VIN: WCDPE845X95356270 Garaging Zip Code: 54130 Radius: 100

Liability Premium	Liability	UM BI	UIM BI	Med Pay Limit	Med Pay Premium	
	\$1,244	\$379	\$390	\$10,000	\$139	
Physical Damage Premium	Comp Deductible	Comp Premium	Collision Deductible	Collision Premium		Auto Total
	\$1,000	\$126	\$1,000	\$122		\$2,400

2. **2016 Cadillac Escalade** Stated Amount: *\$34,000 (including Permanently Attached Equip)
 VIN: 1GYS4HKJ6GR102355 Garaging Zip Code: 54130 Radius: 100

Liability Premium	Liability	UM BI	UIM BI	Med Pay Limit	Med Pay Premium	
	\$1,739	\$379	\$390	\$10,000	\$142	
Physical Damage Premium	Comp Deductible	Comp Premium	Collision Deductible	Collision Premium		Auto Total
	\$1,000	\$178	\$1,000	\$391		
Other Coverages Premium	Roadside Limit	Roadside Premium				Auto Total
	Selected	\$18				\$3,237

3. **2017 Cadillac Escalade** Stated Amount: *\$50,000 (including Permanently Attached Equip)
 VIN: 1GYS4HKJ7HR303182 Garaging Zip Code: 54130 Radius: 100

Liability Premium	Liability	UM BI	UIM BI	Med Pay Limit	Med Pay Premium	
	\$1,590	\$379	\$390	\$10,000	\$130	
Physical Damage Premium	Comp Deductible	Comp Premium	Collision Deductible	Collision Premium		Auto Total
	\$1,000	\$206	\$1,000	\$479		
Other Coverages Premium	Roadside Limit	Roadside Premium				Auto Total
	Selected	\$14				\$3,188





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

REQUEST for Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE		Date Recv'd <u>6/17/21</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>255-8</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment	<u>Jims PEACE</u>	
Address of Establishment	<u>223 E. College</u>	
Name of Agent	<u>Jay PLAMANN</u>	Phone Number

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
A drawing/diagram of the proposed area must also be submitted with this application

WE WOULD LIKE TO USE THE AREA REQUESTED AS AN OUTDOOR BAR & CONCERT USE.

Is this change Permanent? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If this is temporary please specify the reason for the amendment: <u>WE ARE USING THE AREA FOR MILE OF MUSIC BANDS</u>
--	---

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:
AUGUST 5- AUGUST 8 2021 10am-11pm

SECTION 3 – PENALTY NOTICE

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.
Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant:

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L	Council	Date Issued	Exp. Date	License Number

Google Maps

217
219
223



Map data ©2021, Map data ©2021 20 ft

Rear Parking Lots of 217, 219 & 223

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

07/01/2021

06/30/2021

For the license period beginning: ~~6-1-2021~~ ending: ~~10-31-2021~~
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } Appleton
 Village of }
 City of }

County of Outagamie Aldermanic Dist. No. _____
 (if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number	
FEIN Number	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 100
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60
TOTAL FEE	\$ 160

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Lawrence Eric Schaefer - Fox Valley Athletics LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Schaefer</u>	<u>Lawrence</u>	<u>E</u>	<u>1139 Honey Creek Circle Oshkosh, WI</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
			<u>54904</u>
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Schaefer</u>	<u>Lawrence</u>	<u>E</u>	<u>1139 Honey Creek Cir Oshkosh 54904</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name _____ Business Phone Number 920.573.9300

2. Address of Premises 11 Memorial Park Jones Bldg Post Office & Zip Code 1620 E Witzke Blvd, Appleton 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

The Concessions stand at Appleton Memorial Park

4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No

(b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
I have taken the required tests needed for obtaining my bartenders license.
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 2019 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>Schaffe Lawrence Eric</u>	Title/Member <u>Owner - FKA</u>	Date <u>6-1-2021</u>
Signature <u>Eric Schaffe</u>	Phone Number <u>[REDACTED]</u>	Email Address <u>[REDACTED]</u>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

7. What was the previous name and primary nature of the business operating at this location?

Name: FVA Concessions

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) _____

8. Was this premise licensed for alcohol sales/consumption during the past license year?

Yes _____ If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No _____ If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

_____ months ago.

10. Seating capacity: Inside _____ Outside _____

11. Operating hours (Inside the building): 5:30pm - 10:30pm Sunday - Thursday
Operating hours (Outdoor seating areas): _____

12. Employees/Staff

Number of floor personnel 1 or 2 Number of door checkers 0

13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: _____ square feet.

b. Gross outdoor seating areas of the premises to be licensed: _____ square feet.

c. Below, identify the operational details of the proposed establishment:

Appleton Memorial Park

Signature: [Handwritten Signature]

Date: 6-1-21

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of Appleton County of Outagamie

The undersigned duly authorized officer/member/manager of Fox Valley Athletics LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Concession stand at Appleton Memorial Park
(Trade Name)

located at _____

appoints Laurence Eric Schaefer
(Name of Appointed Agent)
1139 Honey creek circle Oshkosh, WI 54904
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No
How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 2 years

Place of residence last year _____

For: Fox Valley Athletics LLC
(Name of Corporation / Organization / Limited Liability Company)
By: J. Eric Schaefer
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, L. Eric Schaefer, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

J. Eric Schaefer 5-21-21 Agent's age 33
(Signature of Agent) (Date)
1139 Honey creek circle Oshkosh, WI 54904 Date of birth 01-01-1988
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)



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

APPLICATION for the Operation of a PET STORE/KENNEL

FEES ARE NON-REFUNDABLE		Date Rec'd <u>6/28/21</u>
See SECTION 5 for Fee Schedule		
License Fee - Initial	\$ _____	Acct. 11030.4309
License Fee - Renewal	\$ <u>75.00</u>	Acct. 11030.4309
Investigation Fee	+ \$ 7.00	Acct. 100.2359
Total Amount Paid	\$ <u>82.00</u>	Receipt <u>2315-1</u>
License period July 1 to June 30		

SECTION 1 - BUSINESS LOCATION - Answer all questions completely. Please PRINT clearly

NOTE: The location of a Kennel or Pet Store is subject to applicable zoning and other regulations.

Business Name <u>Petco #1656</u>			
Business Street Address	City	State	Zip
<u>3829 E Calumet Street</u>	<u>Appleton</u>	<u>WI</u>	<u>54915</u>
Business Telephone Number			
<u>920-997-1543</u>			

SECTION 2 - APPLICANT INFORMATION

Name <u>Petco Animal Supplies Stores, Inc.</u>			
Home Street Address	City	State	Zip
<u>654 Richland Hills Dr. % License Dept.</u>	<u>San Antonio</u>	<u>TX</u>	<u>78245</u>
Date of Birth	Male	Female	Telephone Number
<u>FEIN # [REDACTED]</u>			<u>[REDACTED]</u>

SECTION 3 - SERVICES TO BE PROVIDED

Please check the type(s) of services your establishment will offer:

<input checked="" type="checkbox"/> Live animals	<input checked="" type="checkbox"/> Pet Food
<input checked="" type="checkbox"/> Pet Accessories	<input checked="" type="checkbox"/> Fish
<input type="checkbox"/> Other	

SECTION 4 - PENALTY NOTICE

Having knowledge of all governmental laws, rules or regulations governing the keeping or protection of animals, I hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant: Wendy Richards

SECTION 5 - FEE SCHEDULE

Pet Store License	Initial Fee - \$90.00	Renewal Fee - \$75.00
Kennel License	10 or less animals - \$55.00	25 or less animals - \$130.00
	50 or less animals - \$255.00	More than 50 animals - \$5.00 per animal with a minimum of \$280.00

FOR OFFICE USE ONLY

Dept.	Approve	Deny	By	Reason
Police				
Fire				
City Sealer				
Inspection				
Community Development				
S&L	Council	Date Issued	Exp. Date	
<u>7-7-21</u>	<u>7-7-21</u>			
				License Number

11-01-09 Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Return application to: City Clerk, 100 North Appleton Street, Appleton, WI 54911-4799

Spec

Resolution #1-R-21
Accessory Dwelling Units

Submitted By: Alderpersons Brad Firkus - District 3, Vered Meltzer - District 2, and Denise Fenton - District 6

Submitted Date: January 20, 2021

Referred To:

WHEREAS Accessory Dwelling Units, or ADUs offer communities a simple alternative for providing affordable housing solutions without the need for large scale redevelopment of existing neighborhoods; and

WHEREAS ADUs can provide a way for people to live closer together while maintaining their own independent and affordable living quarters that is denser than stand-alone single family properties, but less dense than are apartment or condominium complexes; and

WHEREAS construction of ADUs does not come from tax dollars, creates more work opportunities for construction workers, and can increase home values in neighborhoods where these are constructed;

THEREFORE Be It Resolved that the city of Appleton allow the construction of accessory dwelling units(ADU) on properties of all single family zoning. ADUs must meet all building and zoning codes to be inhabitable, including heating, electrical, and plumbing.

BE IT FURTHER RESOLVED that a lot may have a maximum of two accessory dwelling units. A maximum of one accessory dwelling unit may be detached or attached and a maximum of one attached junior accessory dwelling. ADUs cannot be mobile and cannot exceed the size of the principle building of the lot.

BE IT FURTHER RESOLVED that this resolution be referred to Community and Economic Development to review and amend the municipal code.



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: June 9, 2021

Common Council Public Hearing Date: July 7, 2021

Item: Resolution #1-R-21 Accessory Dwelling Units. Create Article III., Sec. 23-55. Accessory Dwelling Units (Attached and Detached) and Sec. 23-56. Junior Accessory Dwelling Units (JADU) and amend Sec. 23-43 Accessory uses, building and structures, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, Sec. 23-96 R-3 Multifamily District of Chapter 23 Zoning Ordinance of the Municipal Code.

Case Manager: Don Harp

BACKGROUND

Resolution #1-R-21 Accessory Dwelling Units was introduced at the January 20, 2021 Common Council meeting which reads as follows:

Submitted By: Alderpersons Brad Firkus - District 3, Vered Meltzer - District 2, and Denise Fenton - District 6

Referred To:

WHEREAS Accessory Dwelling Units, or ADUs offer communities a simple alternative for providing affordable housing solutions without the need for large scale redevelopment of existing neighborhoods; and

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BE IT FURTHER RESOLVED that a lot may have a maximum of two accessory dwelling units. A maximum of one accessory dwelling unit may be detached or attached and a maximum of one attached

junior accessory dwelling. ADUs cannot be mobile and cannot exceed the size of the principle building of the lot.

BE IT FURTHER RESOLVED that this resolution be referred to Community and Economic Development to review and amend the municipal code.

At the January 26, 2021 Plan Commission meeting, Resolution #1-R-21 Accessory Dwelling Units was referred to staff.

Between February 2021 and May 2021, the Community and Economic Development staff collaborated with Alderpersons Brad Firkus - District 3, Vered Meltzer - District 2, and Denise Fenton - District 6, the City Attorney, Director of Public Works, Director of Community and Economic Development, Inspection Supervisor and other City staff from the City Attorney's Office, Department of Public Works, Finance Department, and Inspection Division on the draft the Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) text amendments.

STAFF ANALYSIS (Ordinance Summary)

In response to Resolution #1-R-21 Accessory Dwelling Units, the proposed text amendments have been drafted to satisfy the intent of Resolution #1-R-21 Accessory Dwelling Units, the purpose and intent of the Zoning Ordinance, and the goals and objectives of the City's *Comprehensive Plan 2010-2030*.

The proposed text amendments include:

- Definitions.
- Permitted locations within specified zoning districts.
- Options to allow the creation of a detached, attached or junior accessory dwelling within combination limits.
- Site development standards including: height, setbacks, unit size, exterior design and lot coverage.
- Construction standards including: building and foundation design, plumbing, electrical and fire separation requirements, i.e. Uniform Dwelling Codes regulations shall be satisfied.
- Deed restriction requirement: ADUs and JADUs shall be sold together with the principal dwelling unit and on the same lot.
- Permit procedures.

ATTACHMENTS

1. Text amendment summary: Accessory Dwelling Unit (Attached/Detached) & Junior Accessory Dwelling Unit Comparison Chart.
2. Text amendments with staff commentary in *italics* to provide insight regarding the specific purpose of the proposed regulation(s). The text recommended to be added is underlined.
3. Text amendments without staff commentary for ease of reading.

RECOMMENDATION

Staff recommends, pending public comments, that the proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code, **BE APPROVED** as noted and attached to this staff report for the following Articles and Sections:

1. Create Article III., Sec. 23-55. Accessory Dwelling Units (Attached and Detached) and Sec. 23-56. Junior Accessory Dwelling Units (JADU).
2. Amend Sec. 23-43 Accessory uses, building and structures, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, Sec. 23-96 R-3 Multifamily District of Chapter 23 Zoning Ordinance of the Municipal Code.

ACCESSORY DWELLING UNIT (ATTACHED/DETACHED) & JUNIOR ACCESSORY DWELLING UNIT COMPARISON CHART

June 2021	Accessory Dwelling Unit (Detached)	Accessory Dwelling Unit (Attached)	Junior Accessory Dwelling Unit
DEFINITION	A freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including the conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.	A dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including an attached garage.	A dwelling unit that is no more than 500 square feet in size, which provides complete independent living facilities for one or more individuals and is contained within or a combination of connected to and contained within an existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. However, a junior accessory dwelling unit may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal residential dwelling unit.
ZONING DISTRICTS WHICH PERMIT THIS USE	R-1A, R-1B, R-1C, R-2, R-3 District, in conjunction with an existing or proposed single-family or two-family-zero lot dwelling.	R-1A, R-1B, R-1C, R-2, R-3 District, in conjunction with an existing or proposed single-family or two-family-zero lot dwelling.	R-1A, R-1B, R-1C, R-2, R-3 District, in conjunction with an existing or proposed single-family or two-family-zero lot dwelling.
CREATION	<ol style="list-style-type: none"> Adding onto, expanding, or converting an existing (conforming) detached accessory building. New construction of a freestanding building. Min. 10 ft. distance from all other buildings. <p>**Subject to compliance with all Municipal Codes, including but not limited to Zoning, Building, and Fire Codes.</p>	<ol style="list-style-type: none"> Adding onto, expanding, or converting an existing space in the principal dwelling. Conversion of an attached garage (as long as the required off-street parking for the principal dwelling is maintained on the site). Fire wall separation required. <p>**Subject to compliance with all Municipal Codes, including but not limited to Zoning, Building, and Fire Codes.</p>	<ol style="list-style-type: none"> Adding onto, expanding, or converting an existing space in the principal dwelling. Conversion of an attached garage (as long as the required off-street parking for the principal dwelling is maintained on the site). Fire wall separation may not be required. <p>**Subject to compliance with all Municipal Codes, including but not limited to Zoning, Building, and Fire Codes.</p>
MAXIMUM SIZE BY UNIT TYPE	Combined area with a JADU shall not exceed the total gross floor area of the principal dwelling unit.	Combined area with a JADU shall not exceed the total gross floor area of the principal dwelling unit.	500 square feet maximum. Combined area with a Detached or Attached ADU shall not exceed the total gross floor area of the principal dwelling unit.
MAXIMUM NUMBER	One (1), plus One (1) Junior Accessory dwelling unit per lot.	One (1), plus One (1) Junior Accessory dwelling unit per lot.	One (1), plus either One (1) Detached or Attached Accessory Dwelling Unit but not both.
BUILDING SETBACKS	Not Allowed in Front of the Principal Dwelling Unit. Side and Rear Yard same as Principal Dwelling Unit. Ten foot minimum separation between Buildings.	Front, Side and Rear Yard same as Principal Dwelling Unit. Ten foot minimum separation between Buildings.	Front, Side and Rear Yard same as Principal Dwelling Unit. Ten foot minimum separation between Buildings.
PARKING	Required parking spaces for principal dwelling shall be maintained.	Required parking spaces for principal dwelling shall be maintained.	Required parking spaces for principal dwelling shall be maintained.
ENTRANCE DOOR	Shared with the primary dwelling unit and/or separate. **Subject to compliance with Building and Fire Codes.	Shared with the primary dwelling unit and/or separate. **Subject to compliance with Building and Fire Codes.	Shared with the primary dwelling unit and/or separate. **Subject to compliance with Building and Fire Codes.
INTERIOR DOOR CONNECTION WITH PRINCIPAL DWELLING UNIT	N/A	Not Required	Only required, if sharing bathroom and kitchen facilities with principal dwelling unit.
BATHROOM	Must have separate bathroom.	Must have separate bathroom.	Shared bathroom in the existing/proposed principal dwelling or can have a separate bathroom in the JADU.
FOUNDATION DESIGN	Permanent frost free foundation required.	Permanent frost free foundation required.	Permanent frost free foundation required.
APPROVAL PROCESS	Inspections Div. Blding Permit review (Admin).	Inspections Div. Blding Permit review (Admin).	Inspections Div. Blding Permit review (Admin).

Comments: Accessory dwelling units (ADUs) have become an important component of the housing stock in many communities – both large and small – in the United States. By providing housing on existing lots in developed neighborhoods, ADUs are a form of land use that makes good use of land and public infrastructure investment. ADUs provide a mix of housing that responds to changing family needs. More people are aging and are “empty nesters” and desire to down-size. In addition, ADUs provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain security, friendship and services.

Comments: The City’s Comprehensive Plan encourages the creation of ADU regulations. The purpose statement of the ADU ordinance explains in general terms how Accessory Dwelling Unit regulations implement the relevant Goals and Policies of the Appleton Comprehensive Plan 2010-2030.

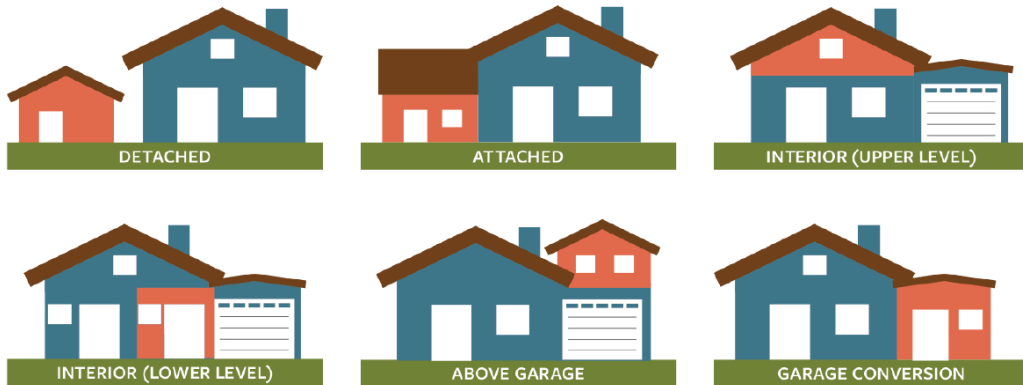
Goal 1 – Community Growth

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.

Housing and Neighborhood Chapter 5 Objectives and Policy numbers 5.3 and 5.3.1 states:

- ❖ 5.3 “Provide a range of housing styles that meet the needs and appeal to all segments of the community.”*
- ❖ 5.3.1. “Evaluate conditions under which it may be appropriate to allow accessory units in some parts of the City.”*

Accessory Dwelling Unit Type Examples



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Comments: The purpose statement explains the intent behind adopting ADU regulations and how they mesh with the City's land use goals and policies.

Section 23-55. Accessory Dwelling Units (Attached and Detached)

(a) **Purpose.**

- (1) The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting stability for established neighborhoods.
- (2) Accessory dwelling units help advance the city's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the city's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods, and
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) **Definitions.** The definitions identified in this section shall apply to this section and shall prevail in the event any inconsistency exists between these definitions and the definitions set forth in Article II of this chapter.

(1) **Accessory dwelling unit (ADU)** means an attached or a detached dwelling unit, which provides complete independent living facilities for one or more individuals and is located on a lot with a proposed or existing principal residential dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot and in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(2) **Attached accessory dwelling unit** means a dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including an attached garage.

(3) **Detached accessory dwelling unit** means a freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including the conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.

(4) **Junior accessory dwelling unit (JADU)** means a dwelling unit that is no more than 500 square feet in size, which provides complete independent living facilities for one or more individuals and is contained within or a combination of connected to and contained within an existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. However, a junior accessory dwelling unit may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal residential dwelling unit.

(5) **Independent living facilities** means a dwelling unit having permanent provisions of all of the following features: living, sleeping, eating, cooking, bathing and sanitation facilities.

(6) **Established Front Yard** means the closest distance measured from the principal building to the front lot line(s).

(7) **Convey, Conveyed or Conveyance** refers to the act of transferring property from one party to another by a written deed or an equivalent document, including condominium declarations documents. This is completed by recording the document with the County Register of Deeds.

(8) **Gross floor area** means the sum of the horizontal areas of all floors of a building measured from the exterior face of the exterior walls, or from the centerline of a wall separating two (2) dwelling units, but not including finished and unfinished basement

areas, attached and detached garages and any space where the floor-to-ceiling height is less than six (6) feet.

(9) **Cooking appliances** means including, but not limited to: ovens, convection ovens, stoves, stove top, hot plates, microwave ovens, built in grills or similar appliances.

Comments: The purpose of this standard is to identify the zoning districts where accessory dwelling units may be permitted as accessory uses when associated with the single-family dwelling. The proposed language is consistent with the Resolution #1-R-21 Accessory Dwelling Units.

- (c) **Permitted Zoning Districts.** Accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.
- (d) **Location.** Accessory dwelling units shall be located on the same lot as the single-family detached dwelling or two-family-zero lot line dwelling.

Comments: The proposed maximum number and type of ADUs allowed on a lot is consistent with the Resolution #1-R-21 Accessory Dwelling Units.

Also, the purpose of this standard is to clarify that a maximum of two (2) accessory dwelling units may be allowed to be established with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling that is located in the residential zoning districts listed in subsection (c) above.

A maximum of one (1) accessory dwelling unit (attached or detached but not both) and a maximum of one (1) junior accessory dwelling may be allowed to be established in conjunction with a single-family detached dwelling or two-family-zero lot line dwelling to provide property owners with a diversity of choices and honor the uniqueness of each lot.

(e) **Accessory Dwelling Unit Number and Type.**

- (1) Lots with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling are permitted to have a maximum of one (1) accessory dwelling unit and one (1) junior accessory dwelling unit per lot under the following options:
 - a. Option 1 (Attached ADU and JADU): A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) attached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter; or

- b. Option 2 (Detached ADU and JADU): A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) detached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter.
- c. Lots with an existing built or proposed to be built single-family detached dwelling or a two-family-zero lot line dwelling shall not be permitted to have both an attached accessory dwelling unit and a detached accessory dwelling unit.

Comments: The use regulations prescribe regulations in order to control the timing when an ADU can be constructed, future sales, maximum size limitation and off-street parking space requirements.

(f) **Use Regulations.**

- (1) **Timing of Construction:** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.

Comments: Accessory uses and buildings are always subordinate buildings of which are secondary uses to and customarily linked together by shared facilities with the principal building or use (for example, these links include, but are not limited to, off-street parking areas, utilities, land, recreation). In order for the ADU to maintain its legal status of being an accessory use, the attached or detached ADUs shall be sold together with the principal dwelling unit and on the same lot. These regulations do not prevent the ADU from being separated from the lot containing the principal dwelling unit by pursuing approval of a land division. In this case, the accessory dwelling unit becomes the primary dwelling, and all applicable Municipal Code regulations related primary dwelling units shall be satisfied.

- (2) **Sale of Property and Tax Parcel Number.** The accessory dwelling unit or junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the accessory dwelling unit.

Comments: The purpose of this standard is to clarify that all or a portion of a detached accessory building may be permitted to be converted into an ADU provided all applicable provisions (for example, location, maximum number, use, parking, design, building setbacks, lot coverage, building height requirements) of this section are all complied with.

- (3) **Detached Accessory Building Conversion.** Adding on vertically or horizontally to or converting all or a portion of an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit may be permitted, provided all of the provisions of this section are all complied with.

Comments: The proposed maximum size standard language is consistent with the Resolution #1-R-21 Accessory Dwelling Units. Also, the maximum size standard is to ensure the ADU is not the primary use of the property but rather one which is subordinate or minor in significance compared to the primary dwelling unit.

- (4) **Maximum Size of Accessory Dwelling Units.** The total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.

Comments: ADU households typically own fewer cars, making their burden on parking supply lighter than average. Adding off-street parking requirements for accessory dwelling units can significantly increase costs to the project and may remove some lots from consideration where it is impractical to add more off-street parking spaces than what is required for the principal dwelling unit.

- (5) **Off-Street Parking.** No additional off-street parking is required for an attached or detached accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

Comments: The design regulations are intended to focus on aesthetic concerns and minimize any potential visual impacts on the public and protect the character of the neighborhood. Also, the purpose of these standards is to clarify that any proposed construction and/or interior alterations to establish an ADU shall conform to all applicable Municipal Codes regulations including but not limited to Zoning, Building, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.

- (g) **Design Requirements for Attached and Detached Accessory Dwelling Units.** Attached and detached accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

- (1) **Compliance with applicable regulations.** Attached and detached accessory dwelling units, including adding on to or converting an existing detached accessory building

for the purpose of creating a detached or an attached accessory dwelling unit shall comply with all applicable Municipal Code regulations including but not limited to City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Drainage, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws, unless otherwise stated in this section.

(2) Exterior finish materials. Exterior finish materials for attached accessory dwelling units must visually be similar to the exterior finish materials of the principal dwelling unit.

a. For the purpose of this subsection the term “similar materials” means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, color, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.

(3) Orientation of Exterior Entry Doors and Stairways.

a. New (ADU) Exterior Entry Door. All new exterior entry doors constructed exclusively to serve the accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the accessory dwelling unit.

b. Shared Use of An Existing or Proposed (Primary Dwelling Unit or Detached Garage) Exterior Entry Door. Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.

c. Stairways (Interior and Corner Lots). All new stairways constructed to serve an accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.

d. Stairways (Double Frontage Lots). A new stairway constructed to serve an accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.

Comments: Resolution #1-R-21 Accessory Dwelling Units says ADUs cannot be mobile. The proposed foundation design standard language is consistent with the Resolution #1-R-21 Accessory Dwelling Units which requires ADUs to be supported by a permanent foundation.

Also, the Building Code, Chapter 4 requires dwelling units to be supported by a permanent frost free foundation.

- (4) Foundation Design. Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.

Comments: Separate water meters and service connections are optional for all ADUs. If an owner elects to install a separate water meter, the owner pays for the meter and connection costs. Also, the connection shall be made directly to the public water main per City policy.

- (5) Water Meter and Service Connection. A new separate water meter and service connection to the public water main is not required for accessory dwelling units, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

Comments: Separate electrical meters and panels are required for Detached ADUs (see PSC 113.0803) but they are optional for Attached ADUs and Junior ADUs. Occupants of Attached ADUs and Junior ADUs should have access to the electrical panel inside the principal dwelling unit to reset a tripped fuse or replace a blown fuse.

The Wisconsin Administrative Code – Public Service Commission

PSC 113.0803 Individual electric meters required for non-transient multi-dwelling unit residential buildings, mobile home parks and for commercial establishments.(1) Each dwelling in a multi-dwelling unit residential building and mobile home park constructed after March 1, 1980 shall have installed a separate electric meter for each such dwelling unit. Dwelling unit means a structure or that part of a structure which is used or intended to be used as a home, residence or a sleeping place by one or more persons maintaining a common household and shall exclude transient multi-dwelling buildings and mobile home parks: for example, hotels, motels, campgrounds, hospitals, community-based residential facilities, residential care apartment complexes or similar facilities, nursing homes, college dormitories, fraternities, and sororities.

- (6) **Separate Electrical Service.**

- a. Detached accessory dwelling units. Detached accessory dwelling units shall have a separate electric meter and electrical panel independent from the principal dwelling unit.

- b. Attached accessory dwelling units. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for an attached accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the attached accessory dwelling unit.

Comments: Minimum building setbacks for ADUs should be following the guidelines for the current setback requirements for the principal dwelling unit per the underlying zoning district for consistent administration of the Zoning Ordinance and to ensure adequate open space for light, air and fire safety is achieved. The proposed separation dimension between buildings is consistent with fire and life safety requirements established by the Wisconsin Uniform Building Code. If there are deed restrictions or building setbacks recorded on a plat or CSM, the most restrictive standards apply. The established front yard means the closest distance measured from the principal building to the front lot line(s).

(h) Setbacks.

- (1) Attached accessory dwelling units shall comply with the following setback requirements:
 - a. Minimum front lot line setback (street and alley): The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - b. Minimum side lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - c. Minimum rear lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - d. Minimum separation between all buildings: Ten (10) feet.
 - e. The minimum front, side and rear lot line setbacks for accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.
- (2) Detached accessory dwelling units shall comply with the following setback requirements:
 - a. Minimum front lot line setback (street and alley). Shall not be located in the established front yard, except for double frontage lots.
 - b. Minimum front lot line setback (double frontage lots): The minimum setback shall be what is required in the underlying zoning district for the principal dwelling unit for the yard opposite the front yard from which the principal dwelling unit is addressed.

- c. Minimum side lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- d. Minimum rear lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- e. Minimum separation between all buildings: Ten (10) feet.
- f. The minimum side and rear lot setbacks for detached accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2) and (4) of this Chapter.

Comments: Side and Rear Lot Building Setback Modification Example is as follows for nonconforming lots of record (pre-existing lots that do not meet the current minimum lot width or area requirements) per the current Zoning Ordinance:

Minimum district lot size (R-1B – 6,000 square feet.

Existing lot size – 5,400 square feet.

Minimum district yard setbacks:

Front – Twenty (20) feet

Side – Eight (6) feet

Rear – Twenty-five (25) feet

*Existing lot size is percent (90%) the size of the minimum district lot size:
(5,400/6,000) = 0.90*

Apply the (90%) to side and rear yard setback requirements of the district:

0.90 X 6' = Side Yard Minimum: 5.4 feet

0.90 X 25 = Rear Yard Minimum: 22.5 feet

Adjusted minimum side yard setback requirement is 5.4 feet and adjusted minimum rear yard setback requirement is 22.5 feet.

Comments: Maximum Lot Coverage for ADUs should be following the standards established by underlying zoning district for consistent administration of the Zoning Ordinance and to ensure adequate open space is achieved.

- (i) **Maximum Lot Coverage.** Attached and detached accessory dwelling units shall be included in the calculation of maximum lot coverage that is required in the underlying zoning district that it is located in. The maximum lot coverage percentage as established for the underlying zoning district shall not be exceeded.

Comments: The intent of this requirement is to set a height limitation on ADUs so they are distinguishable from the principal dwelling unit in appearance. Also, the maximum height standard is to ensure ADUs are subordinate or minor in significance compared to the height dimension of the primary dwelling unit.

(j) **Building Height.**

- (1) Attached accessory dwelling units shall not exceed the maximum building height limit is required in the underlying zoning district for the principal dwelling unit.
- (2) Detached accessory dwelling units shall not exceed the height of the principal dwelling unit.

(k) **Exceptions.**

- (1) Accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.
 - (2) Accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.
- (l) **Building Permit Application Process.** Application, review, and approval of an accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

Comments: The intent of this requirement is to put future landowners on notice the ADU shall not be sold separately from the principal dwelling unit per subsection (f)(2) above.

- (1) Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that: includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsection (f)(2) above.

Comments: This standard clarifies that the City assigns building addresses not the Post Office.

- (2) Addressing. Accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

Comments: Junior Accessory Dwelling Units (JADU) offer a simple and an affordable housing option. Even though a standard ADU can be created within an existing residence in much the same way as a JADU, the differences for a JADU include a size limit of 500 square feet, the ability to have shared bathroom facilities with the main unit. JADUs present no additional stress on utility services or infrastructure because they simply can repurpose a spare bedroom or other rooms in existing homes whose infrastructure needs (including water, sewer, traffic and parking) were accounted for in the original home construction. To further ensure that JADU development does not impact single-family neighborhoods, the following additional regulations are proposed: 1. A maximum of one (1) junior accessory dwelling unit shall be permitted per lot when associated with a single-family dwelling or two-family-zero lot line dwelling. 2. Exterior design standards. 3. JADUs cannot be sold separately from the primary residence. 4. A deed restriction shall be recorded prior to the issuance of a building permit.

Section 23-56 Junior Accessory Dwelling Units (JADU).

Comments: The purpose statement explains the intent behind adopting Junior Accessory Dwelling Unit (JADU) regulations and how they mesh with the City's land use goals and policies.

- (a) **Purpose.** This section provides standards for the establishment of Junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit and shall not be considered a separate dwelling unit.
- (1) Junior accessory dwelling units help advance the city's housing and land use goals and policies by:
- a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the city's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods, and
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

- (b) **Definitions.** See Section 23-55(b).

Comments: The proposed language is consistent with the Resolution #1-R-21 Accessory Dwelling Units. The purpose of this standard is to identify the zoning districts where accessory dwelling units may be permitted as accessory uses when associated with the single-family dwelling.

- (c) **Permitted Zoning Districts.** Junior accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.
- (d) **Maximum Number.** A maximum of one (1) Junior accessory dwelling unit shall be permitted per residential lot in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

Comments: The use regulations prescribe regulations in order to control the timing when a JAUD can be constructed, future sales, maximum size limitation and off-street parking spaces requirements. The following use regulations are consistent with the ADU regulations.

- (e) **Use Regulations.**

- (1) **Timing of Construction:** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.
- (2) **Sale of Property and Tax Parcel Number.** The junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the junior accessory dwelling unit.
- (3) **Maximum Size.** A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size. In addition, the total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.
- (4) **Off-Street Parking.** No additional off-street parking is required for a junior accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal

dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

Comments: The design regulations are intended to focus on aesthetic concerns and minimize any potential visual impacts on the public and protect the character of the neighborhood. Also, the purpose of these standards is to clarify that any proposed construction and/or interior alterations to establish an JADU shall conform to all applicable Municipal Codes regulations including but not limited to Zoning, Building, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.

(f) **Design Requirements for a Junior Accessory Dwelling Unit.** Junior accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

- (1) Compliance with applicable regulations. Junior accessory dwelling units shall be considered to be a part of the principal dwelling unit on the lot and shall comply with all applicable Municipal Code regulations including but not limited to City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.
- (2) Location of Junior Accessory Dwelling Unit. A junior accessory dwelling unit shall be attached to a single-family detached dwelling or two-family zero lot line dwelling, may be created in any part of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, and may be created in an addition to a single-family detached dwelling.
- (3) Orientation of Exterior Entry Doors and Stairways.
 - a. New (JADU) Exterior Entry Door. All new exterior entry doors constructed exclusively to serve the junior accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the junior accessory dwelling unit.
 - b. Shared Use of An Existing or Proposed (Primary Dwelling Unit or Detached Garage) Exterior Entry Door. Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the junior accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.
 - c. Stairways (Interior and Corner Lots). All new stairways constructed to serve a junior accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.
 - d. Stairways (Double Frontage Lots). A new stairway constructed to serve a junior accessory dwelling unit located above the first story is allowed to be built on the

exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.

(4) Entry Connections.

- a. Junior accessory dwelling units that contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will not be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Junior accessory dwelling units that do not contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Two (2) interior doors may be installed within one (1) frame for noise reduction.

(5) Foundation Design. Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.

Comments: Separate water meters and service connections are optional for all ADUs. If an owner elects to install a separate water meter, the owner pays for the meter and connection costs. Also, the connection shall be made directly to the public water main per City policy.

(6) Water Meter and Service Connection. A new separate water meter and service connection to the public water main is not required for a junior accessory dwelling unit, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

Comments: Separate electrical meters and panels are required for Detached ADUs (see PSC 113.0803) but they are optional for Attached ADUs and Junior ADUs. Occupants of Attached ADUs and Junior ADUs should have access to the electrical panel inside the principal dwelling unit to reset a tripped fuse or replace a blown fuse.

The Wisconsin Administrative Code – Public Service Commission

PSC 113.0803 Individual electric meters required for non-transient multi-dwelling unit residential buildings, mobile home parks and for commercial establishments.(1) Each dwelling in a multi-dwelling unit residential building and mobile home park constructed after March 1, 1980 shall have installed a separate electric meter for each such dwelling unit. Dwelling unit means a structure or that part of a structure which is used or intended to be used as a home, residence or a sleeping place by one or more persons maintaining a common household and shall exclude transient multi-dwelling buildings and mobile home parks: for example, hotels, motels, campgrounds, hospitals, community-based residential facilities, residential care apartment complexes or similar facilities, nursing homes, college dormitories, fraternities, and sororities.

(7) **Separate Electrical Service.**

- a. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for a junior accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the junior accessory dwelling unit.

(8) Kitchen Area. A junior accessory dwelling shall contain a kitchen area which includes a sink, cooking appliance, any size refrigerator, counter surface, and storage cabinets.

(9) Bathing and Sanitation. Junior accessory dwelling units may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal dwelling unit.

(10) Setback and Other Zoning Regulations. For purposes of setbacks and other zoning regulations, the junior accessory dwelling unit shall be considered to be a part of the principal dwelling unit of subject site and shall be subject to the requirements of the underlying zoning district.

- a. The minimum front, side and rear lot line setbacks for junior accessory dwelling units constructed or established on nonconforming lots of record, may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.

(g) **Exceptions.**

(1) Junior accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.

(2) Junior accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(h) **Building Permit Application Process.** Application, review, and approval of a junior accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

Comments: The intent of this requirement is to put future landowners on notice the ADU shall not be sold separately from the principal dwelling unit.

- (1) Prior to issuance of a building permit for the Junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that: includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsections (e)(2) above.

Comments: This standard clarifies that the City assigns building addresses not the Post Office.

- (2) Addressing. Junior accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

OTHER CODE SECTIONS TO BE AMENDED

Comments: The purpose of the proposed language is to mitigate conflicting regulations in the Zoning Ordinance.

Sec. 23-43 (d)(7) Detached accessory buildings shall not be used as a secondary dwelling, unless the provisions of Section 23-55 are met.

Comments: The purpose of the proposed language is to specify Accessory Dwelling Units and Junior Dwelling Units are Accessory Uses in Section 23-92 R-1A Single-family district, Section 23-93 R-1B Single-family district, Section 23-94 R-1C Central city residential district, Section 23-95 R-2 Two-family district and Section 23-96 R-3 Multi-family district.

Sec. 23-92(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-92(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-93(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-93(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-94(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-94(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-95(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-95(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-96(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-96(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-55. Accessory dwelling units (attached and detached).

(a) **Purpose.**

- (1) The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting stability for established neighborhoods.
- (2) Accessory dwelling units help advance the City's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the City's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods.
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) **Definitions.** The definitions identified in this section shall apply to this section and shall prevail in the event any inconsistency exists between these definitions and the definitions set forth in Article II of this chapter.

- (1) **Accessory dwelling unit (ADU)** means an attached or a detached dwelling unit, which provides complete independent living facilities for one or more individuals and is located on a lot with a proposed or existing principal residential dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot and in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.
- (2) **Attached accessory dwelling unit** means a dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including an attached garage.
- (3) **Detached accessory dwelling unit** means a freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including the

conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.

- (4) **Junior accessory dwelling unit (JADU)** means a dwelling unit that is no more than 500 square feet in size, which provides complete independent living facilities for one or more individuals and is contained within or a combination of connected to and contained within an existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. However, a junior accessory dwelling unit may include bathing and sanitation facilities or may share bathing and sanitation facilities with the principal residential dwelling unit.
- (5) **Independent living facilities** means a dwelling unit having permanent provisions of all of the following features: living, sleeping, eating, cooking, bathing and sanitation facilities.
- (6) **Established front yard** means the closest distance measured from the principal building to the front lot line(s).
- (7) **Convey, conveyed or conveyance** refers to the act of transferring property from one party to another by a written deed or an equivalent document, including condominium declarations documents. This is completed by recording the document with the County Register of Deeds.
- (8) **Gross floor area** means the sum of the horizontal areas of all floors of a building measured from the exterior face of the exterior walls or from the centerline of a wall separating two (2) dwelling units, but not including finished and unfinished basement areas, attached and detached garages, and any space where the floor-to-ceiling height is less than six (6) feet.
- (9) **Cooking appliances** means including, but not limited to: ovens, convection ovens, stoves, stove top, hot plates, microwave ovens, built in grills or similar appliances.

(c) **Permitted zoning districts.** Accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) **Location.** Accessory dwelling units shall be located on the same lot as the single-family detached dwelling or two-family-zero lot line dwelling.

(e) **Accessory dwelling unit number and type.**

- (1) **Lots with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling are permitted to have a maximum of one (1)**

accessory dwelling unit and one (1) junior accessory dwelling unit per lot under the following options:

- a. **Option 1 (attached ADU and JADU):** A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) attached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter; or
 - b. **Option 2 (detached ADU and JADU):** A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) detached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter.
 - c. Lots with an existing built or proposed to be built single-family detached dwelling or a two-family-zero lot line dwelling shall not be permitted to have both an attached accessory dwelling unit and a detached accessory dwelling unit.
- (f) **Use regulations.**
- (1) **Timing of construction.** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 Districts prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.
 - (2) **Sale of property and tax parcel number.** The accessory dwelling unit or junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the accessory dwelling unit.
 - (3) **Detached accessory building conversion.** Adding on vertically or horizontally to or converting all or a portion of an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit may be permitted, provided all of the provisions of this section are all complied with.
 - (4) **Maximum size of accessory dwelling units.** The total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.
 - (5) **Off-street parking.** No additional off-street parking is required for an attached or detached accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces

required for the principal dwelling unit shall be replaced, and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

(g) **Design requirements for attached and detached accessory dwelling units.** Attached and detached accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

(1) **Compliance with applicable regulations.** Attached and detached accessory dwelling units, including adding on to or converting an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit shall comply with all applicable Municipal Code regulations, including but not limited to, City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Drainage, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws, unless otherwise stated in this section.

(2) **Exterior finish materials.** Exterior finish materials for attached accessory dwelling units must visually be similar to the exterior finish materials of the principal dwelling unit.

a. For the purpose of this subsection, the term “similar materials” means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, color, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.

(3) **Orientation of exterior entry doors and stairways.**

a. **New (ADU) exterior entry door.** All new exterior entry doors constructed exclusively to serve the accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the accessory dwelling unit.

b. **Shared use of an existing or proposed (primary dwelling unit or detached garage) exterior entry door.** Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.

c. **Stairways (interior and corner lots).** All new stairways constructed to serve an accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.

- d. **Stairways (double frontage lots).** A new stairway constructed to serve an accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.
- (4) **Foundation design.** Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.
- (5) **Water meter and service connection.** A new separate water meter and service connection to the public water main is not required for accessory dwelling units, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.
- (6) **Separate electrical service.**
 - a. **Detached accessory dwelling units.** Detached accessory dwelling units shall have a separate electric meter and electrical panel independent from the principal dwelling unit.
 - b. **Attached accessory dwelling units.** A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for an attached accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the attached accessory dwelling unit.
- (h) **Setbacks.**
 - (1) Attached accessory dwelling units shall comply with the following setback requirements:
 - a. **Minimum front lot line setback (street and alley):** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - b. **Minimum side lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - c. **Minimum rear lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - d. **Minimum separation between all buildings:** Ten (10) feet.

- e. The minimum front, side and rear lot line setbacks for accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.
- (2) Detached accessory dwelling units shall comply with the following setback requirements:
- a. **Minimum front lot line setback (street and alley):** Shall not be located in the established front yard, except for double frontage lots.
 - b. **Minimum front lot line setback (double frontage lots):** The minimum setback shall be what is required in the underlying zoning district for the principal dwelling unit for the yard opposite the front yard from which the principal dwelling unit is addressed.
 - c. **Minimum side lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - d. **Minimum rear lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - e. **Minimum separation between all buildings:** Ten (10) feet.
 - f. The minimum side and rear lot setbacks for detached accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2) and (4) of this Chapter.
- (i) **Maximum lot coverage.** Attached and detached accessory dwelling units shall be included in the calculation of maximum lot coverage that is required in the underlying zoning district that it is located in. The maximum lot coverage percentage as established for the underlying zoning district shall not be exceeded.
- (j) **Building height.**
- (1) Attached accessory dwelling units shall not exceed the maximum building height limit is required in the underlying zoning district for the principal dwelling unit.
 - (2) Detached accessory dwelling units shall not exceed the height of the principal dwelling unit.
- (k) **Exceptions.**
- (1) Accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.

(2) Accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(1) **Building permit application process.** Application, review, and approval of an accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

(1) Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that: includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsection (f)(2) above.

(2) Addressing. Accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

Sec. 23-56. Junior accessory dwelling units (JADU).

(a) **Purpose.** This section provides standards for the establishment of Junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit and shall not be considered a separate dwelling unit.

(1) Junior accessory dwelling units help advance the City's housing and land use goals and policies by:

a. Accommodating additional housing units while preserving the character of existing neighborhoods.

b. Allowing efficient use of the City's existing housing stock and infrastructure.

c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.

d. Providing a means for residents to remain in their homes and neighborhoods, and

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

(b) **Definitions.** See Section 23-55(b).

(c) **Permitted zoning districts.** Junior accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) **Maximum number.** A maximum of one (1) Junior accessory dwelling unit shall be permitted per residential lot in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(e) **Use regulations.**

(1) **Timing of construction.** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.

(2) **Sale of property and tax parcel number.** The junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the junior accessory dwelling unit.

(3) **Maximum size.** A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size. In addition, the total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.

(4) **Off-street parking.** No additional off-street parking is required for a junior accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

(f) **Design requirements for a junior accessory dwelling unit.** Junior accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

(1) **Compliance with applicable regulations.** Junior accessory dwelling units shall be considered to be a part of the principal dwelling unit on the lot and shall comply with all applicable Municipal Code regulations, including but not limited to, City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.

- (2) **Location of junior accessory dwelling unit.** A junior accessory dwelling unit shall be attached to a single-family detached dwelling or two-family zero lot line dwelling, may be created in any part of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, and may be created in an addition to a single-family detached dwelling.
- (3) **Orientation of exterior entry doors and stairways.**
- a. **New (JADU) exterior entry door.** All new exterior entry doors constructed exclusively to serve the junior accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the junior accessory dwelling unit.
 - b. **Shared use of an existing or proposed (primary dwelling unit or detached garage) exterior entry door.** Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the junior accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.
 - c. **Stairways (interior and corner lots).** All new stairways constructed to serve a junior accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.
 - d. **Stairways (double frontage lots).** A new stairway constructed to serve a junior accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.
- (4) **Entry connections.**
- a. **Junior accessory dwelling units that contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will not be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Junior accessory dwelling units that do not contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Two (2) interior doors may be installed within one (1) frame for noise reduction.**
- (5) **Foundation design.** Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.
- (6) **Water meter and service connection.** A new separate water meter and service connection to the public water main is not required for a junior accessory dwelling unit, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

(7) **Separate electrical service.**

a. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for a junior accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the junior accessory dwelling unit.

(8) **Kitchen area.** A junior accessory dwelling shall contain a kitchen area which includes a sink, cooking appliance, any size refrigerator, counter surface, and storage cabinets.

(9) **Bathing and sanitation.** Junior accessory dwelling units may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal dwelling unit.

(10) **Setback and other zoning regulations.** For purposes of setbacks and other zoning regulations, the junior accessory dwelling unit shall be considered to be a part of the principal dwelling unit of subject site and shall be subject to the requirements of the underlying zoning district.

a. The minimum front, side and rear lot line setbacks for junior accessory dwelling units constructed or established on nonconforming lots of record, may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.

(g) **Exceptions.**

(1) Junior accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.

(2) Junior accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(h) **Building permit application process.** Application, review, and approval of a junior accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

(1) Prior to issuance of a building permit for the junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that: includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsections (e)(2) above.

- (2) **Addressing.** Junior accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

OTHER CODE SECTIONS TO BE AMENDED:

Sec. 23-43 (d)(7) Detached accessory buildings shall not be used as a secondary dwelling, unless the provisions of Section 23-55 are met.

Sec. 23-92(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-92(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-93(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-93(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-94(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-94(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-95(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-95(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-96(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-96(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 23, 2021

Common Council Meeting Date: July 7, 2021

Item: Special Use Permit #1-21 for alcohol sales and consumption at 141 South RiverHeath Way / (Tax Id #31-4-0828-08)

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Mark Geall, RH Events, LLC

Address/Parcel #: 141 South RiverHeath Way / #31-4-0828-08

Petitioner's Request: Poplar Hall is a special event center to be used for business meetings, weddings, concerts, and other special events. The Special Use Permit request is for alcohol sales and consumption (inside the building and outdoors on the premises) at 141 South RiverHeath Way / (Tax Id #31-4-0828-08).

BACKGROUND

The owner/applicant applied for a Reserve "Class B" Liquor and Class "B" Beer License application and received approval from the Common Council on June 2, 2021.

On April 30, 2020, Site Plan #4-20 was approved by City staff. Building Permit #B20 was issued on May 1, 2020, to allow for the construction of Poplar Hall, including the ice rink and a parking lot expansion.

On July 22, 2016, Implementation Plan Document Number 2078822 was recorded in the Outagamie County Register of Deeds' office. Implementation Plan Document Number 2078822 establishes the development guidelines and zoning district standards for the subject site and Planned Development District #1-11.

On May 4, 2011, the Common Council approved Planned Development (PD) Rezoning #1-11, which repealed (PD) rezoning #12-08.

On August 20, 2008, the Common Council approved Planned Development (PD) Rezoning #12-08 which rezoned the RiverHeath development from M-2 General Industrial District to PD/C-2 Planned Development General Commercial District.

STAFF ANALYSIS

Project Summary: The building area is 8,400 square feet with a 3,000 square foot outdoor space, which includes a patio and an ice rink.

Zoning Ordinance Requirements: The subject site is located in the PD/C-2 Planned Development General Commercial District, and the proposed use may be permitted by special use permit within this overlay zoning district pursuant to the RiverHeath PD #1-11, Document Number 2078822 and subsequent amendment. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Operational Information: The plan of operation is attached to the staff report.

Outdoor Area: The applicant proposes to utilize the outdoor area for alcohol sales and consumption, as is shown on the development plan (green highlighted area).

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 commercial and residential in nature.

North: M-2 General Industrial District. The Fox River is immediately north of the subject property.

South: PD/C-2 Planned Development General Commercial District. The adjacent land to the south is an off-street parking lot associated with the RiverHeath Planned Development.

East: PD/C-2 Planned Development General Commercial District. The adjacent land to the east is the Appleton Marriott Courtyard Riverfront Hotel.

West: PD/C-2 Planned Development General Commercial District. The adjacent land to the west is the RiverHeath Willow Building (Commercial and Residential uses).

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Mixed Use designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

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.

Special Use Permit #1-21
June 23, 2021
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Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 9.6 Economic Development:

Create a vibrant environment that is conducive to attracting and retaining talented people.

Policy 9.6.2 Encourage the creation of vibrant mixed-use urban areas in the downtown and along the Fox River that are both walkable and bicycle-friendly.

Technical Review Group (TRG) Report: This item appeared on the June 1, 2021 TRG Agenda. No negative comments were received from participating departments.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant’s proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #1-21 for alcohol sales and consumption (inside the building and outdoors on the premises) at 141 South RiverHeath Way, also identified as Parcel Number #31-4-0828-08, as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - **Substantial Evidence:** This condition provides notice to the applicant that they are required to receive a liquor license from the City Clerk's office prior to serving alcohol inside the building located at 141 South RiverHeath Way in order to comply with Municipal Code and General Policy Statement on Beer/Liquor Licensing.
2. The applicant shall comply with the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
 - **Substantial Evidence:** This condition provides notice to the applicant that they are required to follow the standards for serving alcohol in the City of Appleton in order to promote the health, safety and general welfare of the City.
3. The premises shall be kept free of litter and debris.
 - **Substantial Evidence:** This requirement assures the applicant understands they must keep the premises free of litter and debris at all times in order to promote the health, safety, comfort and general welfare of the City.
4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - **Substantial Evidence:** This condition assures the applicant understands they must follow the City's Municipal Code and all applicable State and Federal laws which they are required to follow while conducting business in the City; failure to follow City, State and Federal regulations may result in revocation of their Special Use Permit to serve alcohol.
5. The applicant shall have twelve (12) months from the issuance of the Special Use Permit to obtain an occupancy permit for the proposed building located at 141 South RiverHeath Way, or Special Use Permit #1-21 will expire.
 - **Substantial Evidence:** Standardized condition to ensure the use is established in a timely manner.

6. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
 - **Substantial Evidence:** Standardized condition that establishes a process for review and approval of future changes to the special use in order to promote the health, safety and welfare of the City.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #1-21

WHEREAS, Mark Geall, owner of the Event Center known as Poplar Hall has applied for a Special Use Permit to allow alcohol sales and consumption on the premises (inside the building and outdoors on the premises) located at 141 South RiverHeath Way, and also identified as Parcel Number 31-4-0828-08, and

WHEREAS, the premises is located in the PD/C-2 Planned Development General Commercial District, and the proposed use may be permitted by special use within this overlay zoning district pursuant to the RiverHeath PD #1-11, Document Number 2078822 and subsequent amendment; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 23, 2021 on Special Use Permit #1-21 at which all those wishing to be heard were allowed to speak or present written comments and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation and other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) and 23-66(h)(6) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #1-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on July 7, 2021.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed in Sections 23-66(e)(1-8) are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #1-21 for alcohol sales and consumption on the premises (inside the building and outdoors on the premises) located at 141 South RiverHeath Way, also identified as Parcel Number #31-4-

0828-08 based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #1-21 for alcohol sales and consumption on the premises (inside the building and outdoors on the premises) located at 141 South RiverHeath Way, also identified as Parcel Number #31-4-0828-08 subject to the following conditions:

CONDITIONS OF SPECIAL USE PERMIT #1-21:

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The applicant shall comply with the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
 - C. The premises shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. The applicant shall have twelve (12) months from the issuance of the Special Use Permit to obtain an occupancy permit for the proposed building located at 141 South RiverHeath Way, or Special Use Permit #1-21 will expire.
 - F. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk's Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this 7th day of July 2021.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: RH Events LLC dba Poplar Hall

Years in operation: 0

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other special event center

Detailed explanation of proposed business activities:

Poplar Hall is a special event center, to be used for business meetings, weddings, concerts, and other special events. Other than special events, it will not be open.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) New construction

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) 11,400sf total

Occupancy limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 1015 (IBC) persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	8am	11pm special events only, no regular schedule
Friday	8am	11pm special events only, no regular schedule
Saturday	8am	11pm special events only, no regular schedule
Sunday	8am	11pm special events only, no regular schedule

Production/Storage information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: _____ U.S. gallons per year
- Proposed production of fermented malt beverages: _____ U.S. gallons per year
- Current production of wine: _____ U.S. gallons per year
- Proposed production of wine: _____ U.S. gallons per year
- Current production of intoxicating liquor: _____ proof gallons per year
- Proposed production of intoxicating liquor: _____ proof gallons per year

None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Outdoor Space Uses:

(Check applicable outdoor space uses)

Patio

Deck

Sidewalk Café

Other _____.

None. If none, leave the following questions in this section blank.

Size: **3000** _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

Fencing Landscaping Other _____ Height **four** feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes ___ No ___

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes ___ No ___

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes ___ No ___

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday	8am	8pm, special event use only
Friday	8am	8pm, special event use only
Saturday	8am	8pm, special event use only
Sunday	8am	8pm, special event use only

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:
Outdoor, the noise would be from a wedding ceremony, so vows and hymns.
Indoors, we plan to host concerts as well as weddings, so amplified music from speakers.

Describe how the crowd noise will be controlled inside and outside the building:
Outdoors, there will be no amplified music beyond wedding ceremonies. Those ceremonies will be complete by no later than 7pm to accommodate a dinner afterwards. For indoor noise control, Poplar Hall is dug into the hill, with three

Off-Street Parking:

Number of spaces existing on-site: 114.00

Number of spaces proposed on-site: 114.00

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is adequate. We have proposed no new street improvements. Including the hotel, RiverHeath has 290 off street surface parking stalls. Residents have 238 indoor secured parking stalls. Outside RiverHeath, there are over 1000 available surface parking stalls within a five minute walk. See the Parking Study, 01/24/2020.

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

- Appleton Courtyard Riverfront Marriott hotel, adjacent to the north.
- Tempest Coffee Collective, in the Prairie Building, 400 feet south.
- Mr. Brew's Taphouse, in the Evergreen Building, 600 feet south.

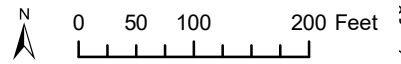
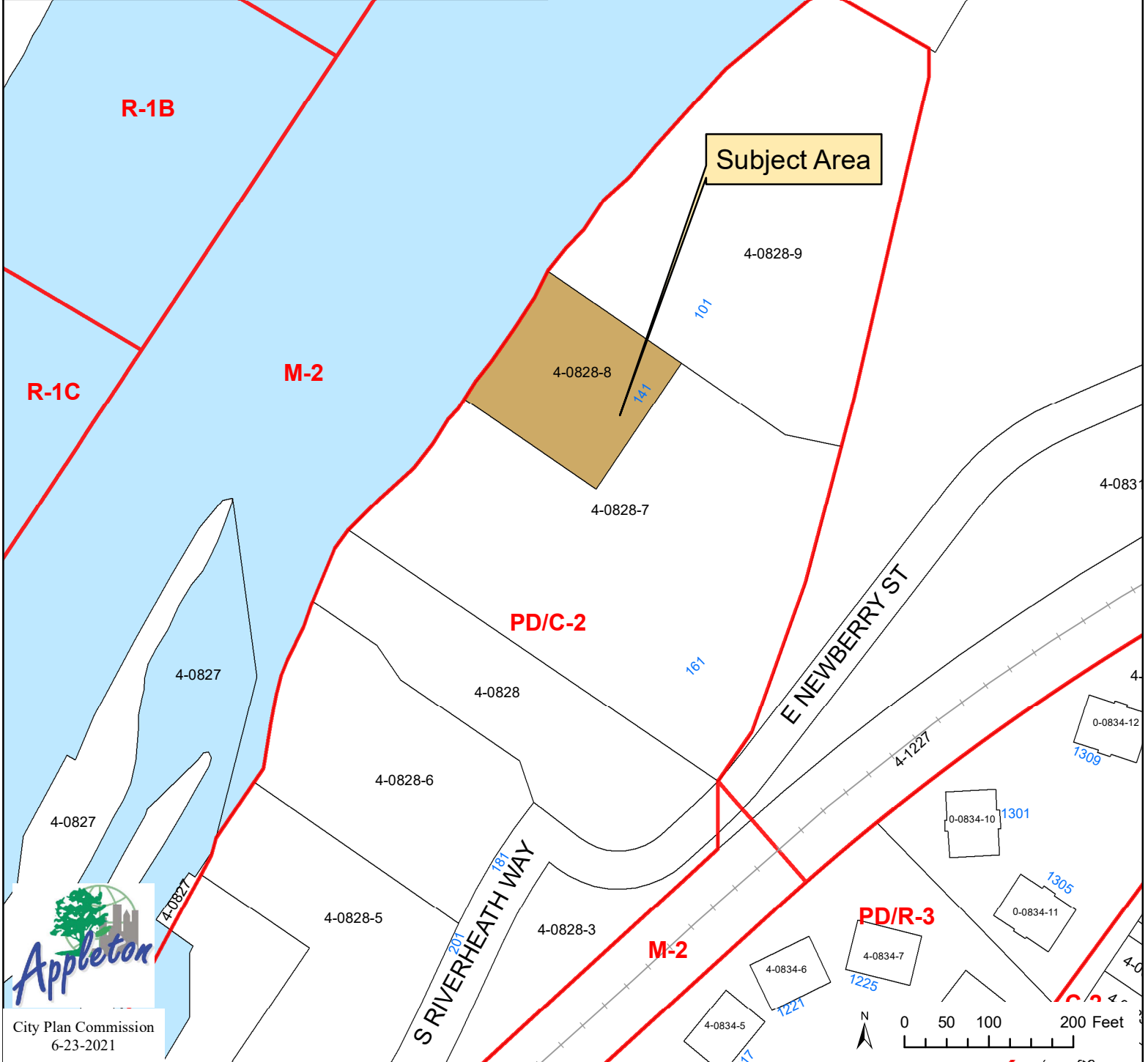
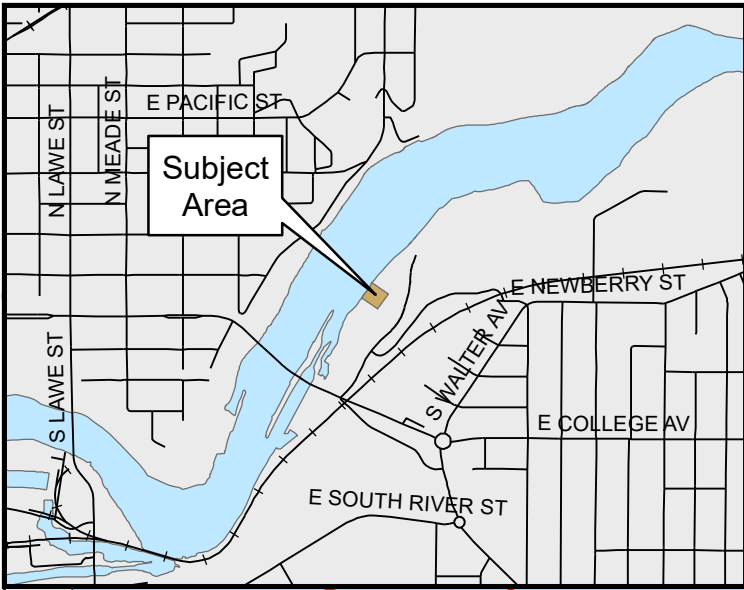
Number of Employees:

Number of existing employees: 1.00

Number of proposed employees: 25.00

Number of employees scheduled to work on the largest shift: 25.00

Special Use Permit
Alcohol Sales and Consumption
Poplar Hall
141 S Riverheath Way
Zoning Map



Special Use Permit
Alcohol Sales and Consumption
Poplar Hall
141 S Riverheath Way
Aerial Map

Subject Area

4-0828-8

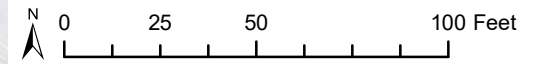
747

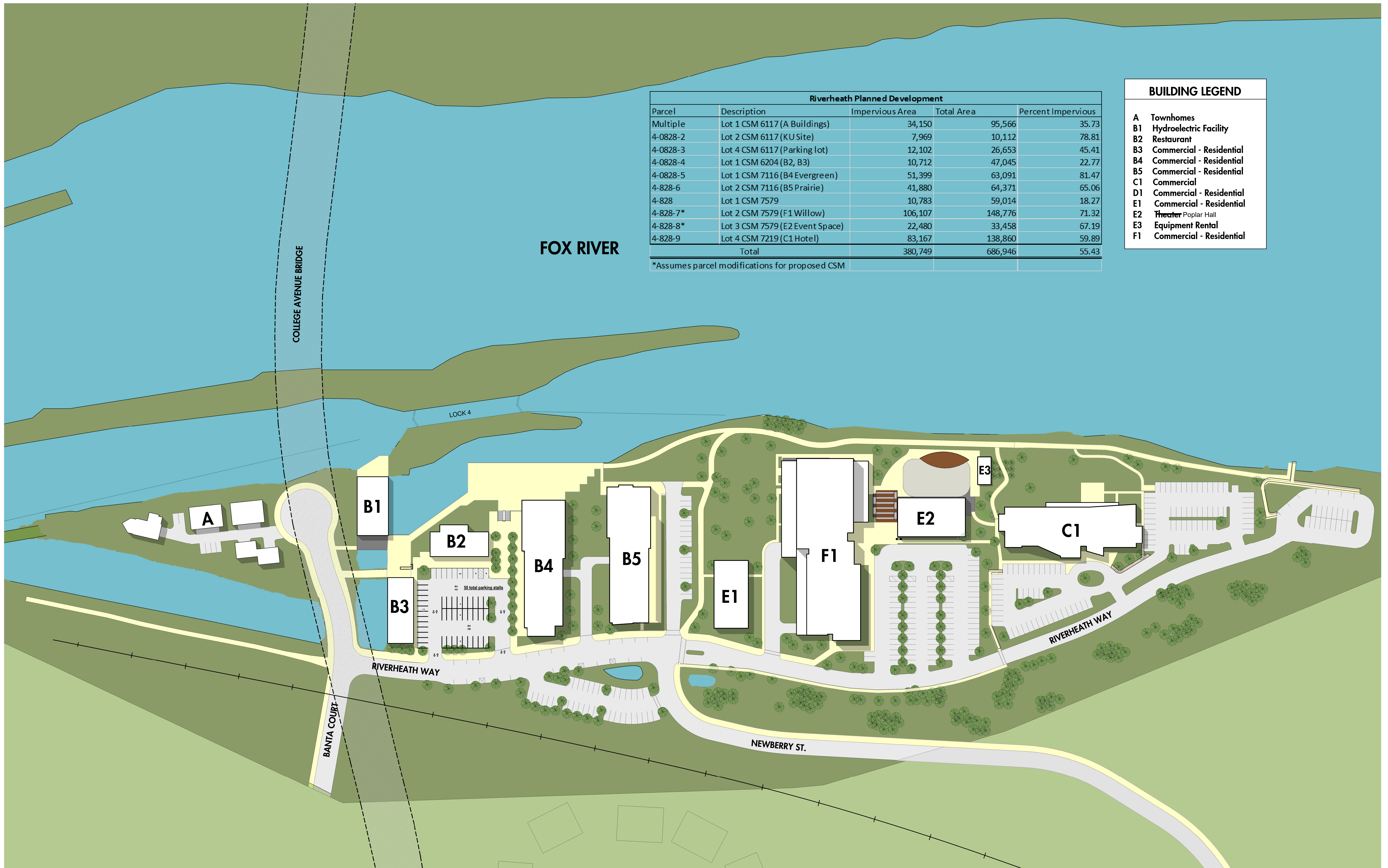
107

4-0828-7



City Plan Commission
6-23-2021





Riverheath Planned Development				
Parcel	Description	Impervious Area	Total Area	Percent Impervious
Multiple	Lot 1 CSM 6117 (A Buildings)	34,150	95,566	35.73
4-0828-2	Lot 2 CSM 6117 (KU Site)	7,969	10,112	78.81
4-0828-3	Lot 4 CSM 6117 (Parking lot)	12,102	26,653	45.41
4-0828-4	Lot 1 CSM 6204 (B2, B3)	10,712	47,045	22.77
4-0828-5	Lot 1 CSM 7116 (B4 Evergreen)	51,399	63,091	81.47
4-828-6	Lot 2 CSM 7116 (B5 Prairie)	41,880	64,371	65.06
4-828	Lot 1 CSM 7579	10,783	59,014	18.27
4-828-7*	Lot 2 CSM 7579 (F1 Willow)	106,107	148,776	71.32
4-828-8*	Lot 3 CSM 7579 (E2 Event Space)	22,480	33,458	67.19
4-828-9	Lot 4 CSM 7219 (C1 Hotel)	83,167	138,860	59.89
Total		380,749	686,946	55.43

*Assumes parcel modifications for proposed CSM

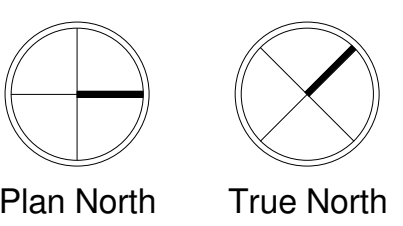
BUILDING LEGEND	
A	Townhomes
B1	Hydroelectric Facility
B2	Restaurant
B3	Commercial - Residential
B4	Commercial - Residential
B5	Commercial - Residential
C1	Commercial
D1	Commercial - Residential
E1	Commercial - Residential
E2	Theater Poplar Hall
E3	Equipment Rental
F1	Commercial - Residential

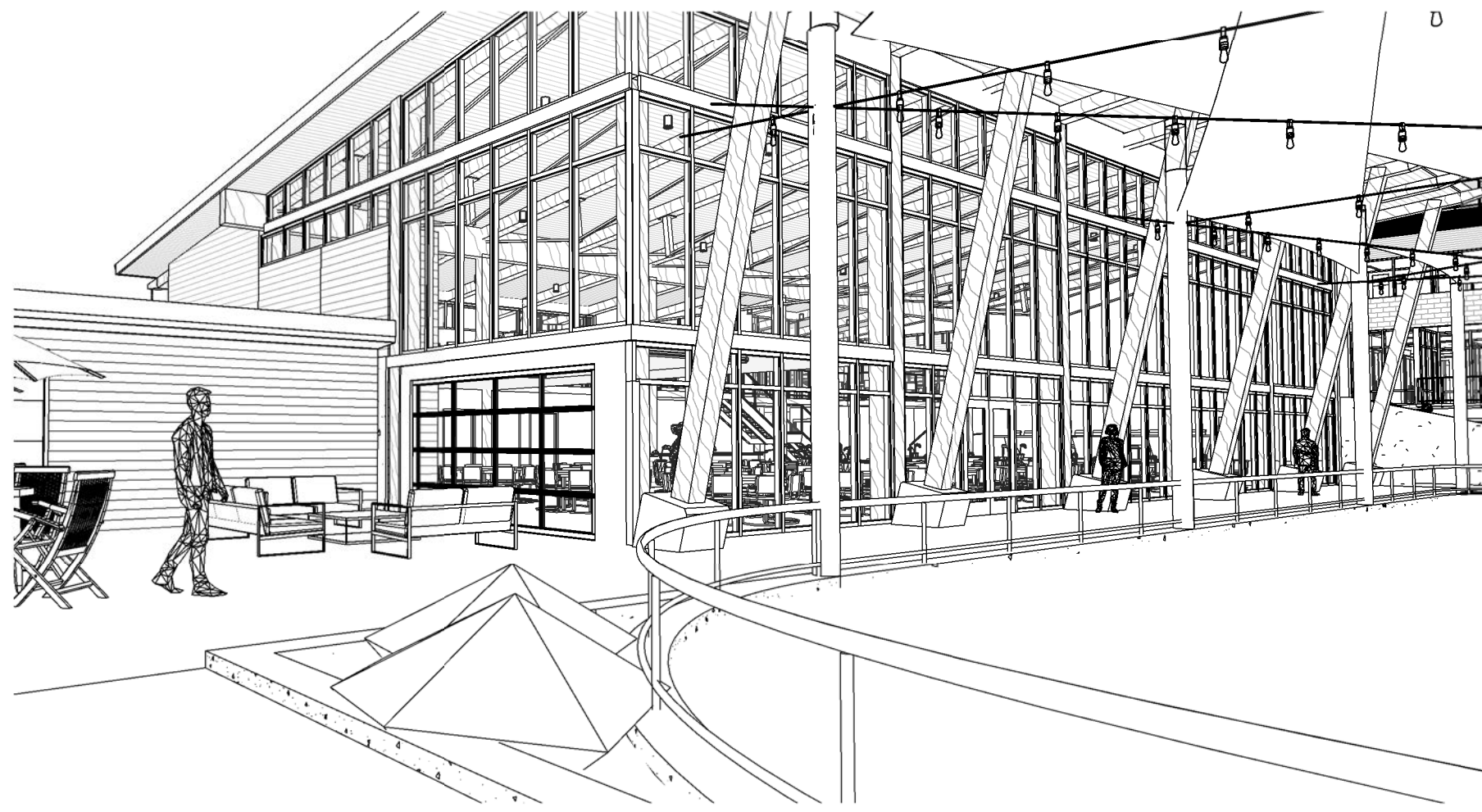
RIVERHEATH - APPLETON WISCONSIN



MASTER PLAN
SCALE: 1" = 60'-0"

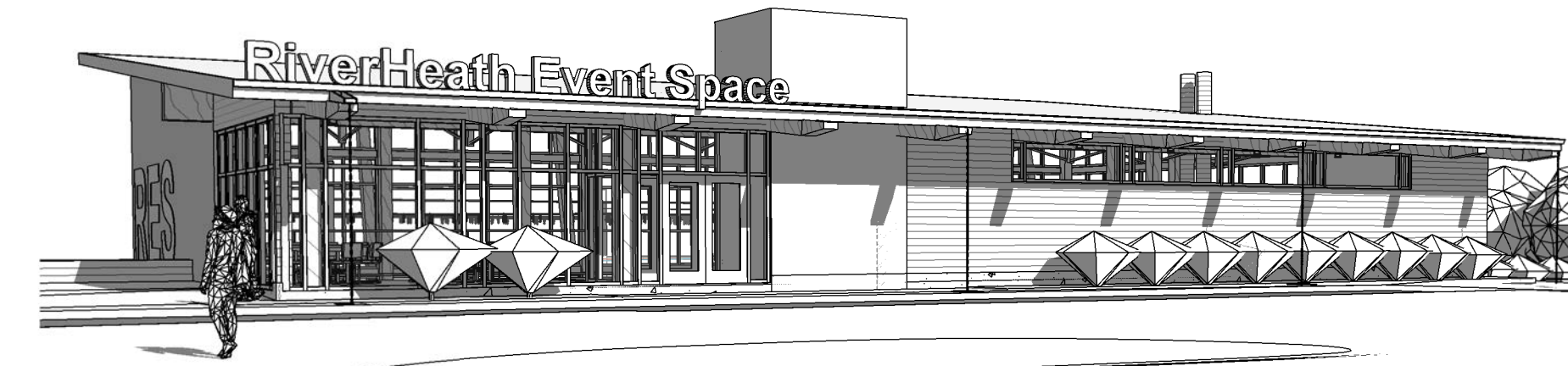
Engberg Anderson Project No. 071711





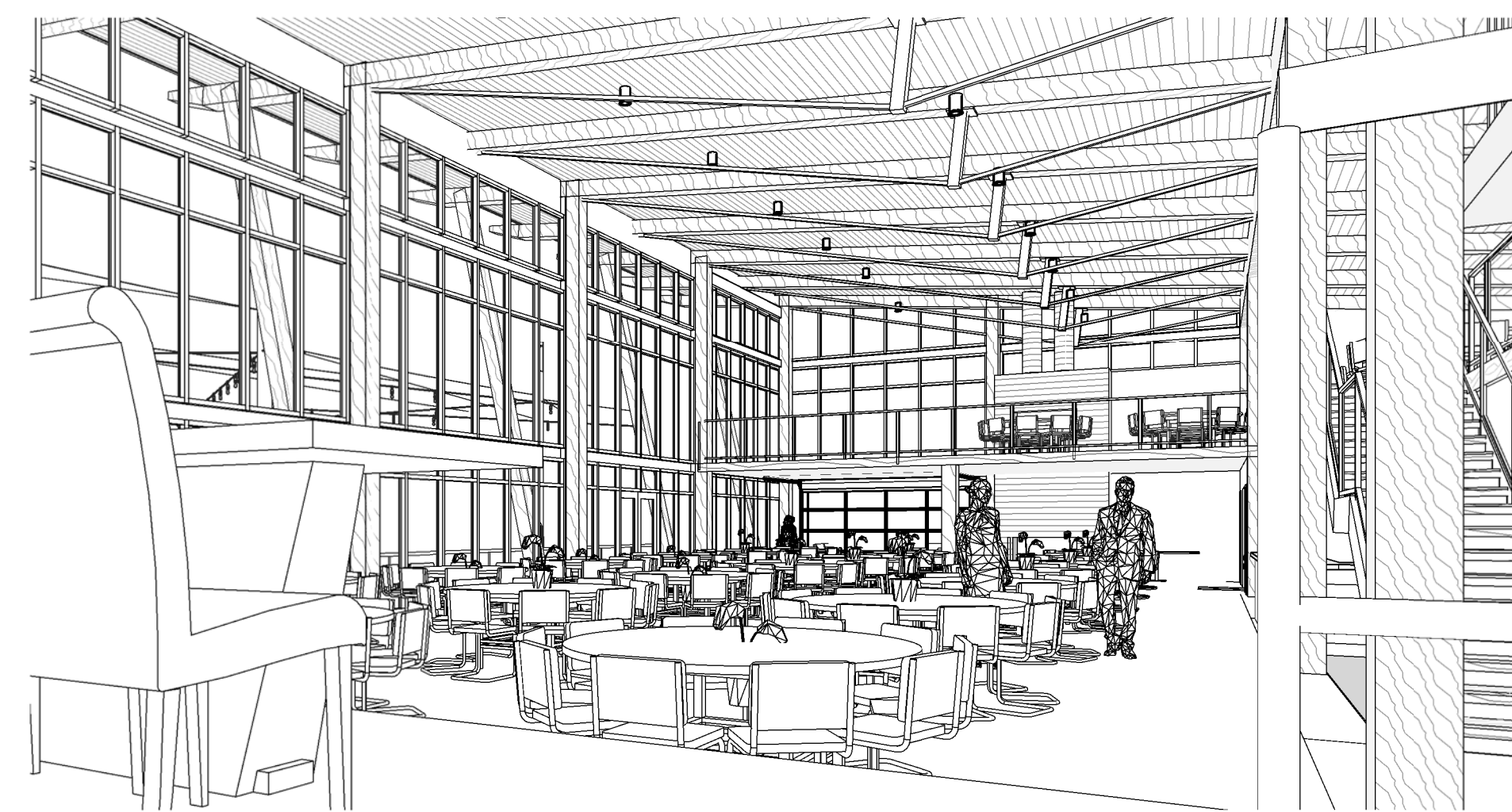
3 RES - PERSPECTIVE 01

SCALE:



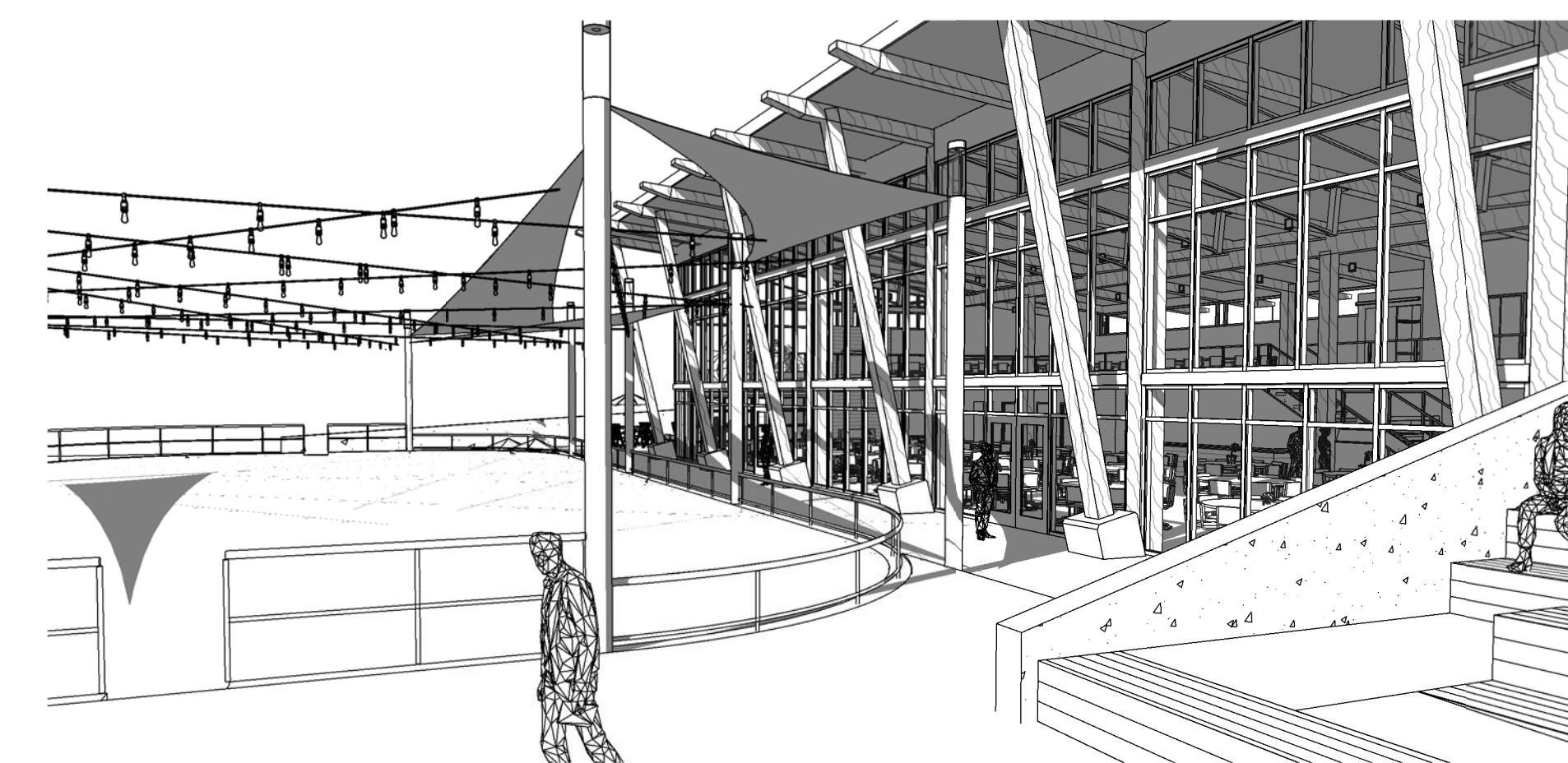
4 RES - PERSPECTIVE 02

SCALE:



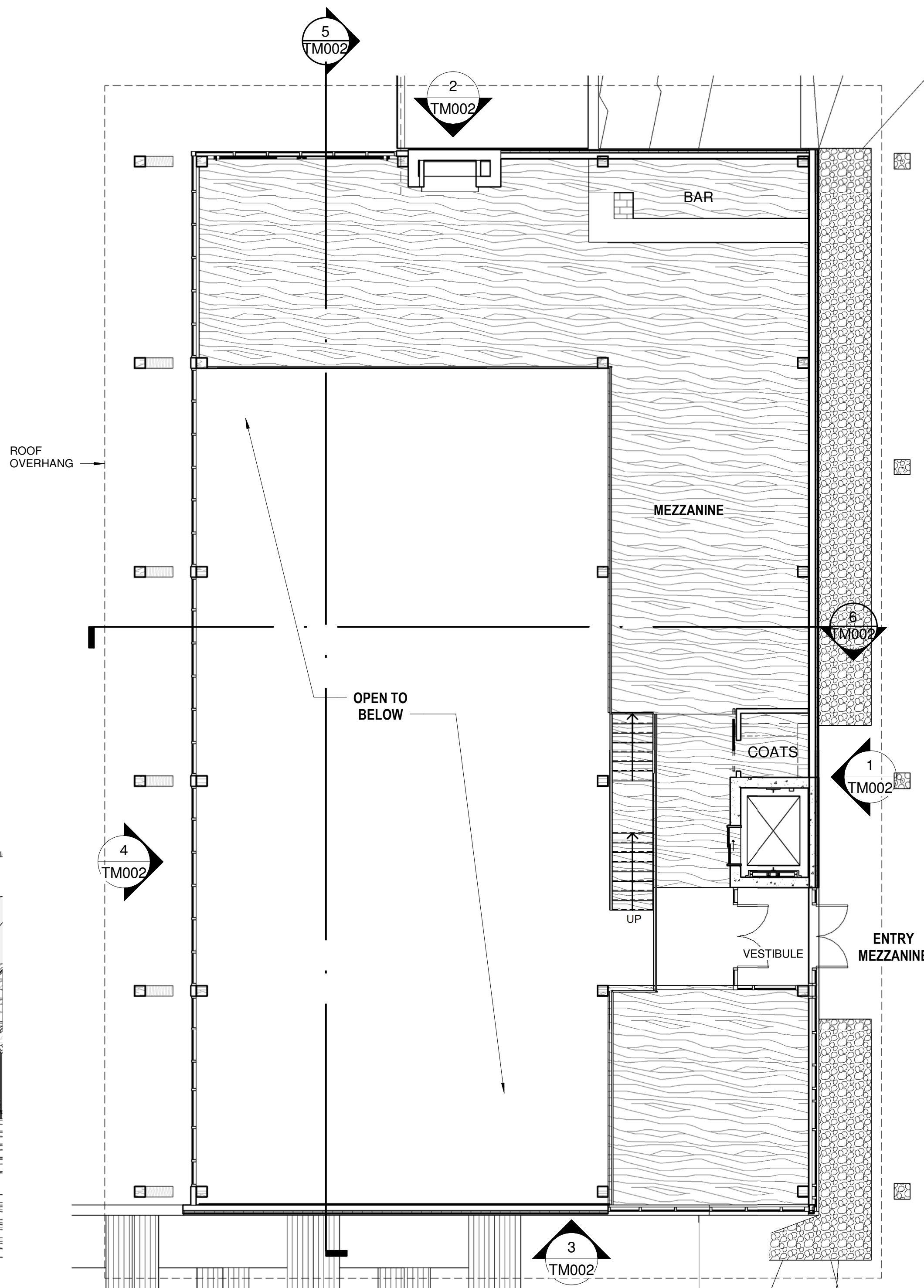
5 RES - PERSPECTIVE 03

SCALE:



6 RES - PERSPECTIVE 04

SCALE:

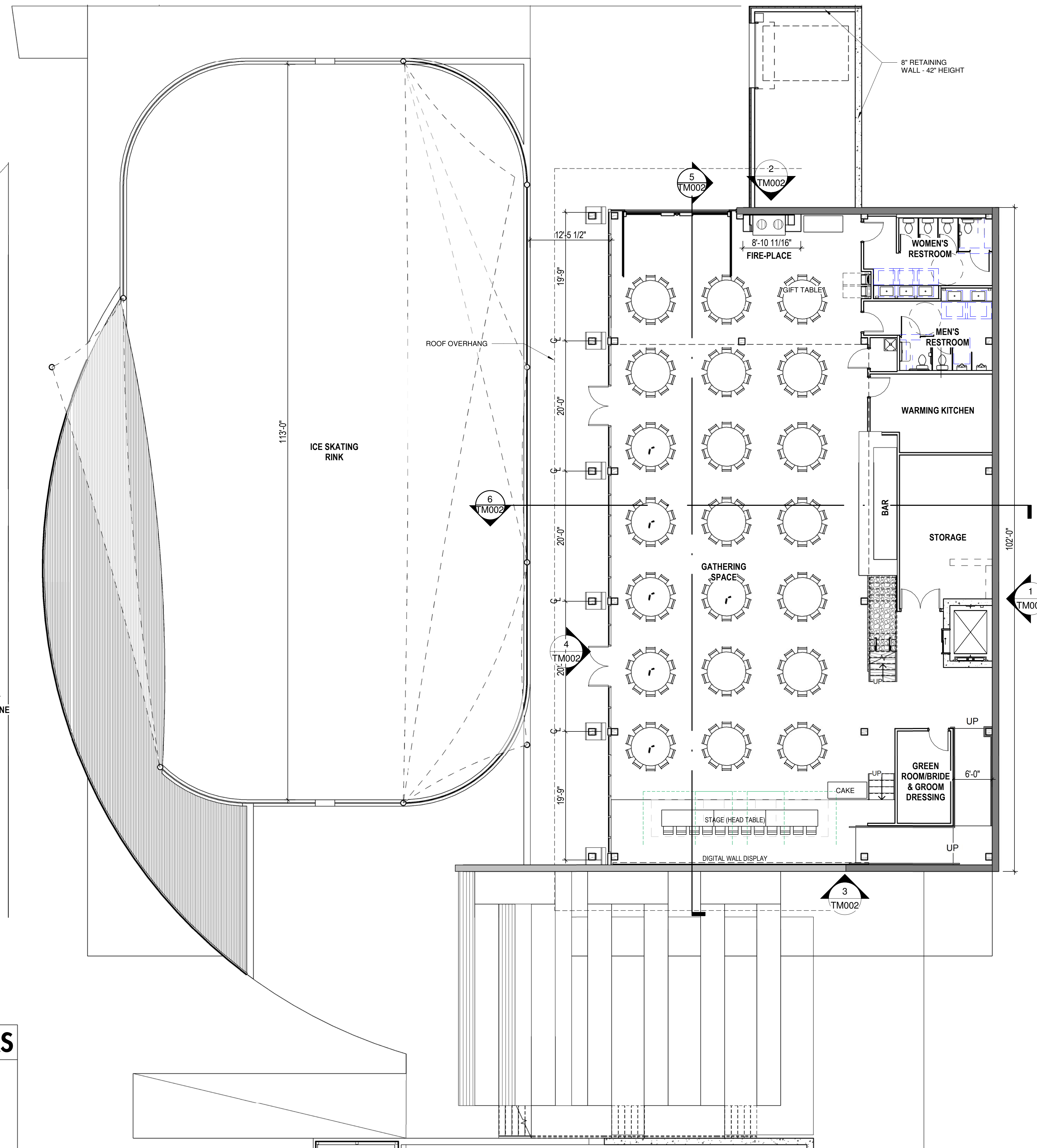


2 RIVERHEATH EVENT CENTER - MEZZANINE

SCALE: 1/8" = 1'-0"

RIVERHEATH EVENT CENTER - BUILDING AREAS

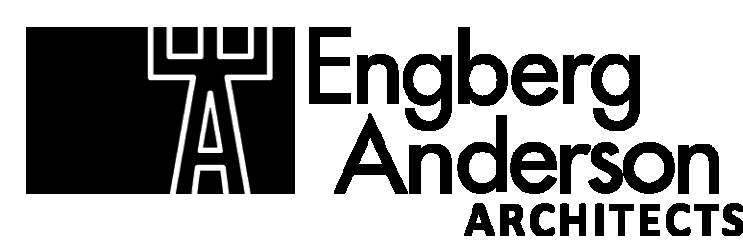
MAIN LEVEL	6,000 SF
MEZZANINE	2,400 SF
TOTAL BUILDING	8,400 SF
SIT DOWN CAPACITY	
MAIN LEVEL	200
MEZZANINE	50



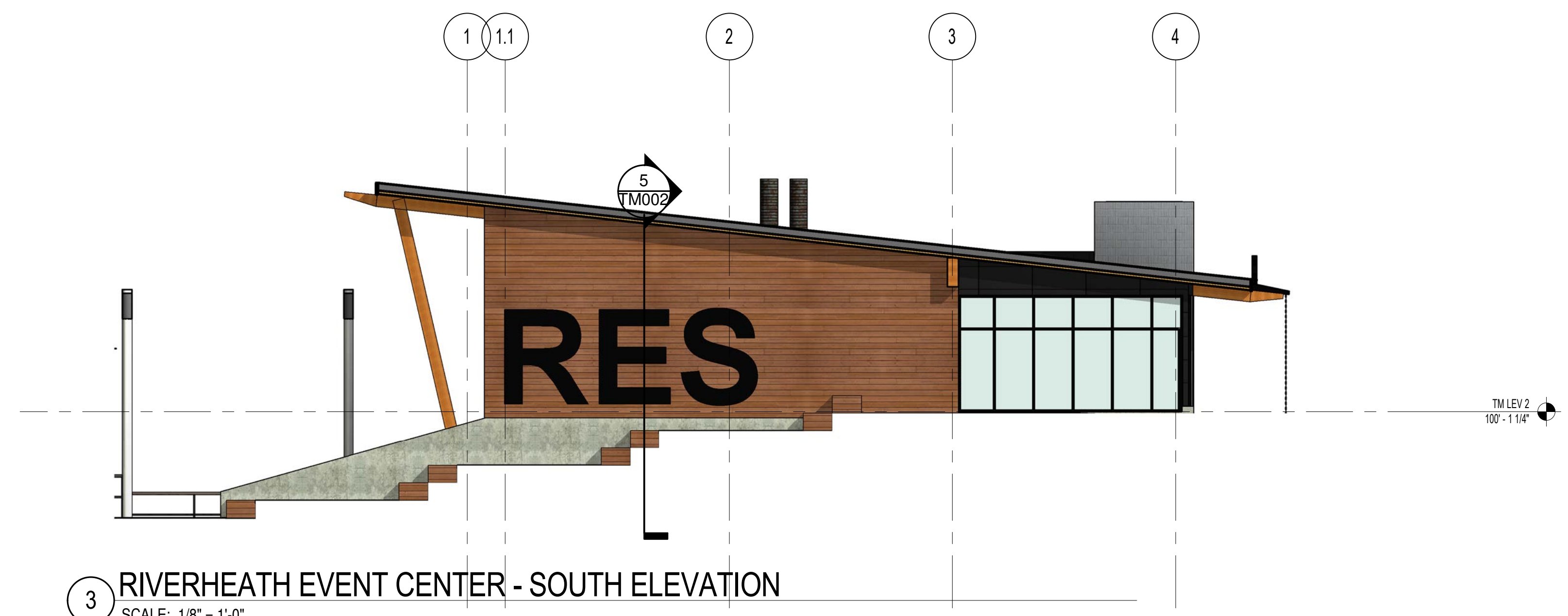
1 RIVERHEATH EVENT CENTER - FIRST FLOOR

SCALE: 1/8" = 1'-0"

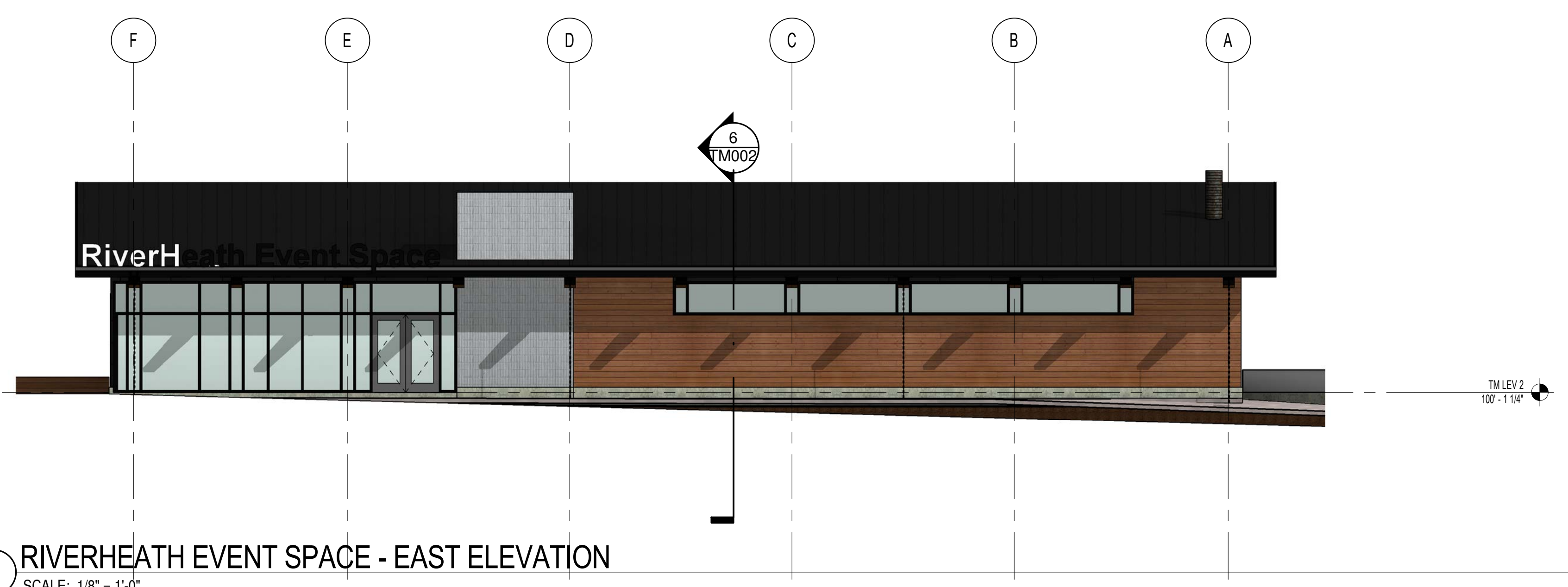
RIVERHEATH EVENT SPACE



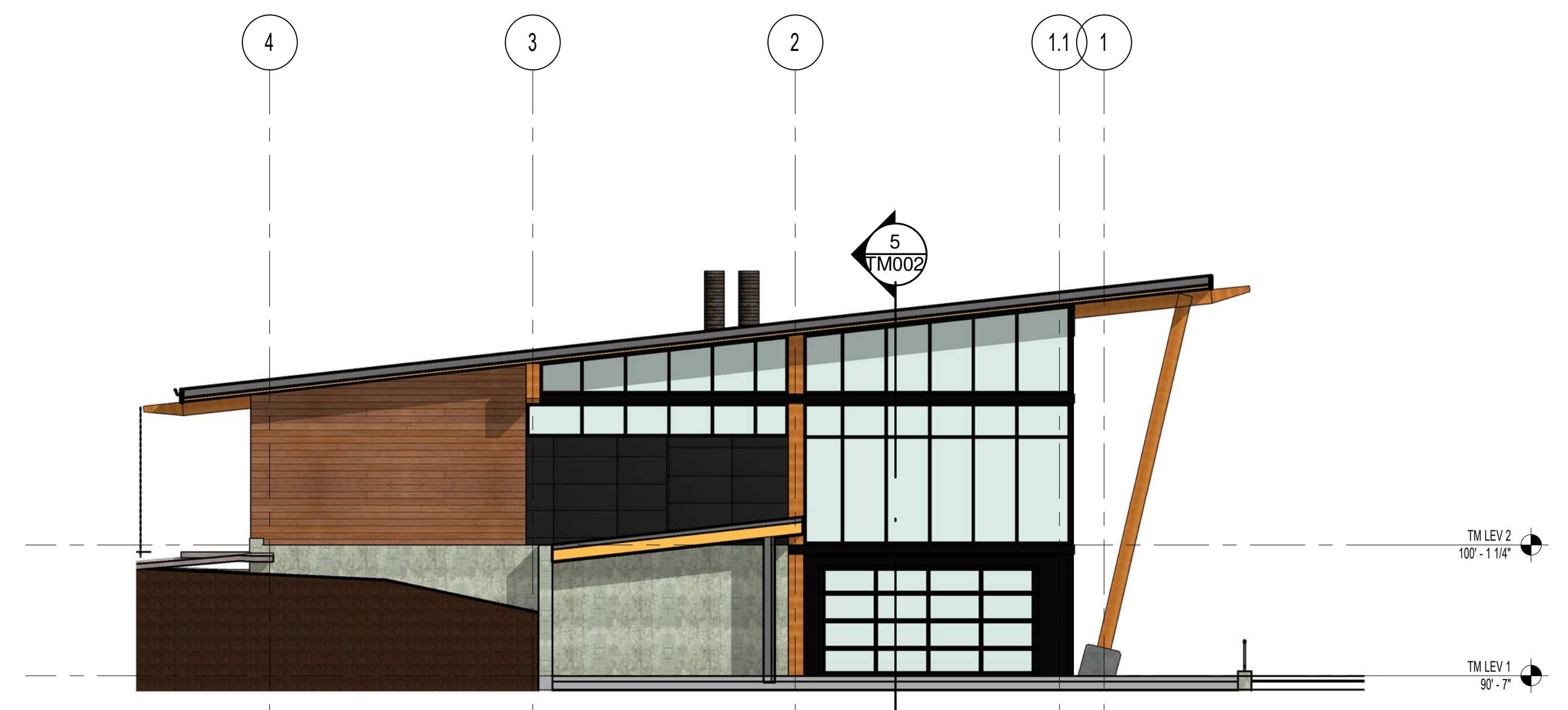
FLOOR PLANS & 3D VIEWS
SCALE: As indicated



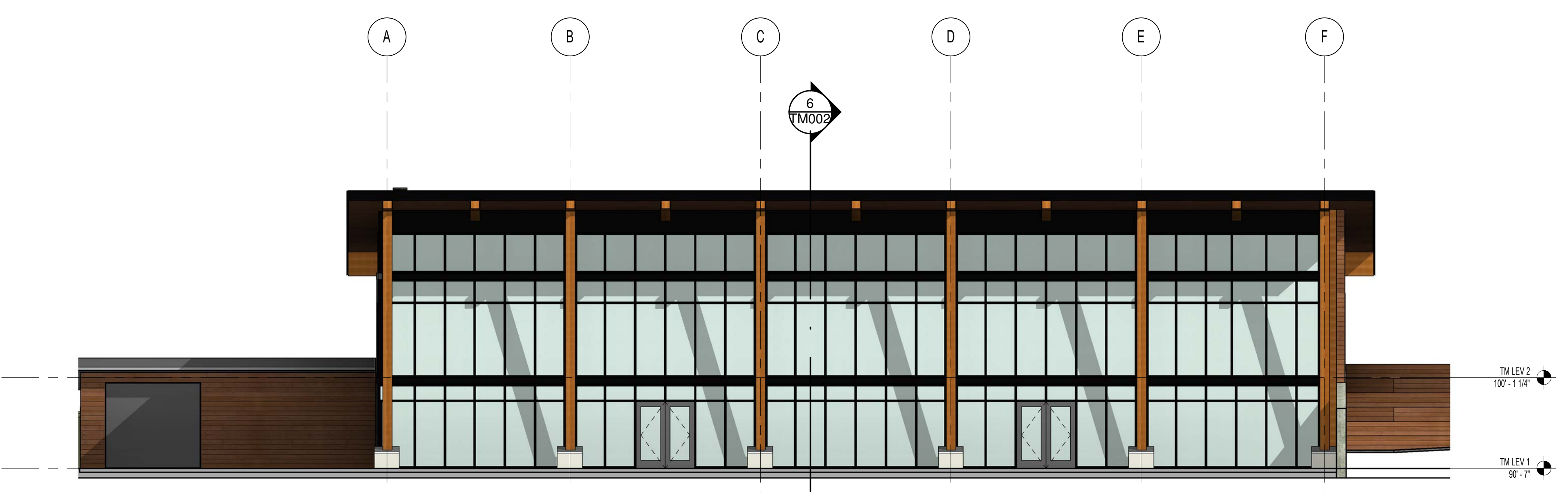
3 RIVERHEATH EVENT CENTER - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



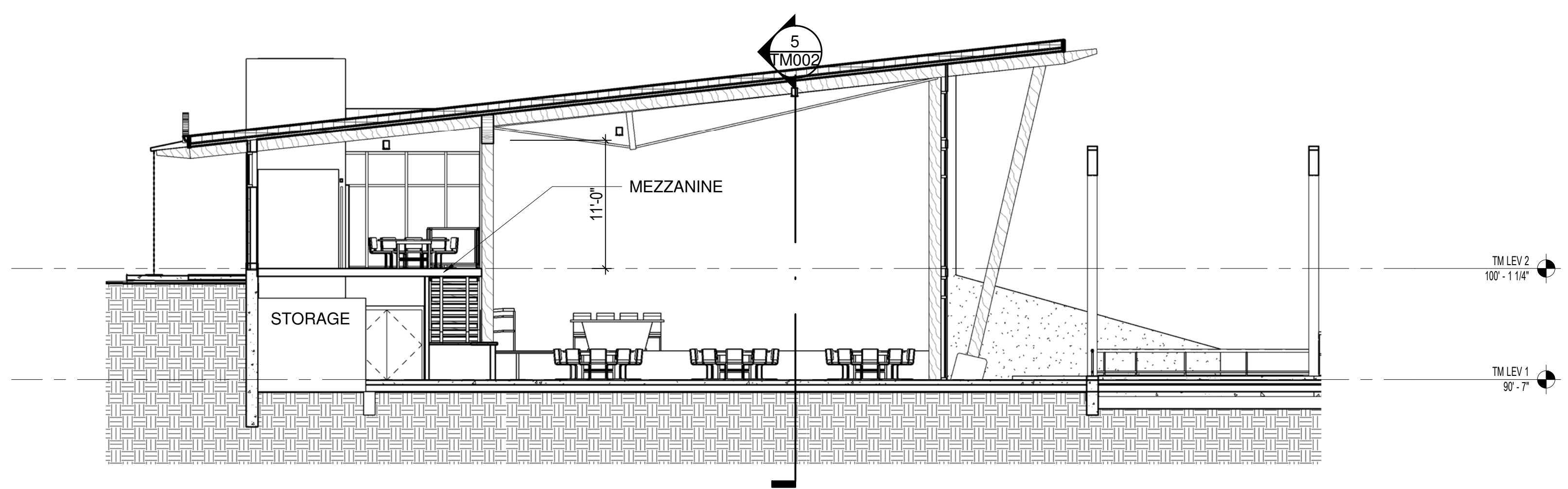
1 RIVERHEATH EVENT SPACE - EAST ELEVATION
SCALE: 1/8" = 1'-0"



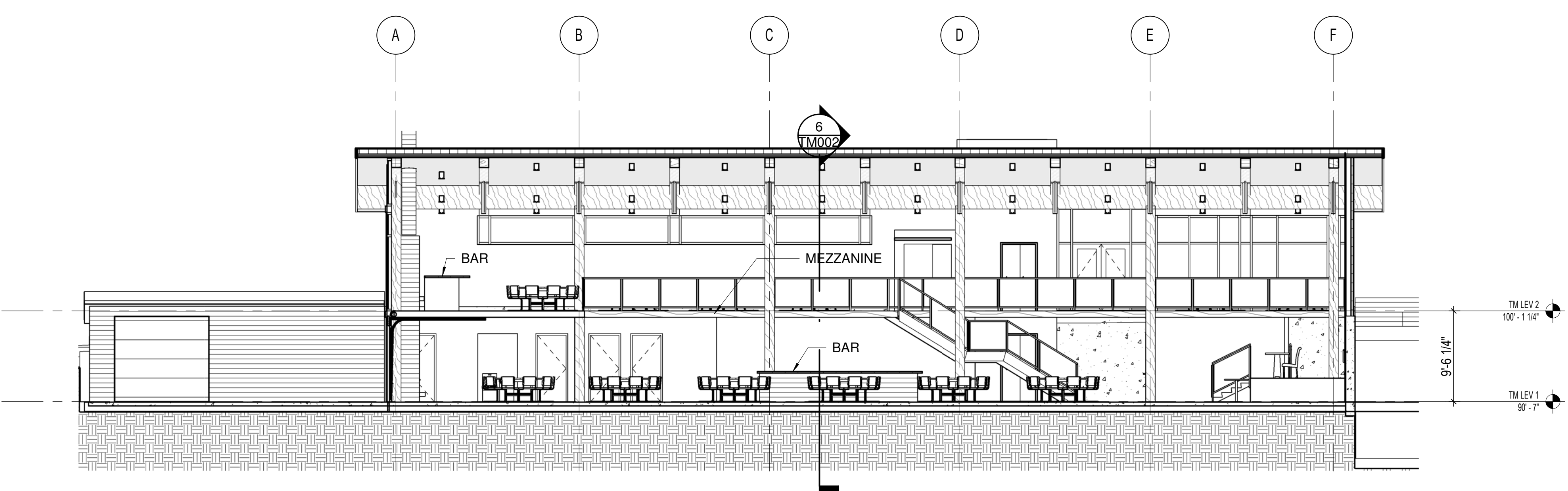
2 RIVERHEATH EVENT SPACE - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



4 RIVERHEATH EVENT SPACE - WEST ELEVATION
SCALE: 1/8" = 1'-0"

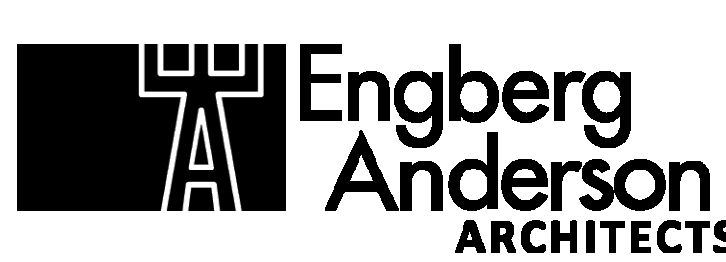


6 RIVERHEATH EVENT SPACE - SECTION B
SCALE: 1/8" = 1'-0"



5 RIVERHEATH EVENT SPACE -SECTION A
SCALE: 1/8" = 1'-0"

RIVERHEATH EVENT SPACE



SECTIONS & ELEVATIONS
SCALE: 1/8" = 1'-0"

TMA TROUT MUSEUM OF ART

111 W College Ave, Appleton, WI 54911

To: Members of COA Parks and Recreation Committee
From: Trout Museum of Art Staff
Regarding: Request for Event in Houdini Plaza

The Trout Museum of Art is planning a special event to be held on Friday, August 27, 2021, in Houdini Plaza. This is the opening reception for Trout Museum of Art's Made to Order exhibition.

Made to Order is an opportunity for any interested party to commission artwork to be custom made by their selected artist, which is then put on display in our gallery before going home with the commissioner. This gives artists, an opportunity to sell their work with the Trout Museum of Art acting as their agent.

The opening event on August 27 is also a fundraiser for our non-profit art museum. Anyone is welcome to attend if they buy a ticket, which will be priced at \$200 per person, in line with our fundraising goal. We estimate a maximum attendance of 300.

The exhibition will be held within our museum, but food, drinks, music, and some seating will be offered in the plaza. We applied for an addendum to our liquor license since Houdini Plaza is not on but adjacent to our property.

Setup and take down of this event will all occur on August 27th. In Houdini Plaza we will set up two 10x10 foot bar tents and one other 10x20 foot tent. In addition, there will be tables, chairs, and couches for about 100 people. Décor in the plaza will also include some lighting and multiple artworks for sale the night of the event. During the event guests will be inside on the three floors of our building, as well as outside.

We have filed a Special Event permit with the City Clerk's office, including a COVID-19 mitigation plan.

There will be live music on the stage in Houdini Plaza from 9:00 p.m. until 10:30 p.m. to end the event. We have been granted a noise variance for this music. Passersby are welcome to listen to the music without buying a ticket, as the area will not be fenced off.

Appleton Police Officers will be contracted to provide security in Houdini Plaza.

#5-R-21

Political Signs on City-Owned Property

Date: April 7, 2021

Submitted By: Alderperson Lobner – District 13

Referred To: Finance Committee

WHEREAS municipal governments are responsible for administering local elections and must remain neutral in that process.

AND WHEREAS political signs posted on municipal property may create the impression that the municipality is not neutral in the election process.

THEREFORE BE IT RESOLVED that political signs shall not be posted on any city-owned property, including property leased from the city.



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Members of the Finance Committee

FROM: Christopher R. Behrens, City Attorney

DATE: June 2, 2021

RE: Resolution #5-R-21/Lobner
Our File No. A21-0310

On April 7, 2021 former alderperson Kyle Lobner submitted Resolution # 5-R-21 that stated in part:

Therefore be it resolved that political signs shall not be posted on any City-owned property, including property leased from the City.

Addressing the first part of the above directive, any unauthorized sign, regardless of its content, that is posted on City property is subject to automatic removal.

The second part of the above extends this prohibition of political signs displayed on property leased from the City. In most cases, the government is very limited with regard to regulating the content of signs displayed pursuant to the First Amendment. This is an area of law that is constantly evolving, and currently, it appears that such restrictions may be permissible as long as they are contractual in nature, i.e., within a lease, where both parties agree to the condition. There are a limited number of properties presently under lease from the City with the terms of those leases expiring at different times including the following:

Basil's (Patio)

Expires: 12/31/2022

Appleton Yacht Club

Expires: 1/31/2023, automatically renewing every 5 years thereafter

Supple Group (Heritage Park)

Expires: 10/2025

USA Youth

Expires: 4/30/2026, automatically renewing for 15 years

Appleton Family Ice Center

Expires: 6/30/2038

The most appropriate time to negotiate the addition of terms and restrictions with regard to posting signs for any existing leases is at the time of renewal. In addition, it will be necessary to conduct a legal analysis each time to ensure that such a provision is still legally permissible. Accordingly, if the Finance Committee, and ultimately Common Council, wish to approve and carry out the intent of this resolution, I respectfully that the following be approved:

That upon negotiating or renegotiating lease of City-owned land, the City Attorney's Office shall endeavor to incorporate language limiting the posting of political signs by the tenant subject to any legal limitations, court decisions and the like in place at the time. A political sign shall be considered a sign erected for the purpose of soliciting support for, or opposition to, a candidate or a political party or relating to a referendum question in an election held under the laws of this state.

If you have any questions or concerns, please do not hesitate to contact our office.

CRB;jlg



"...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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 6/21/2021

RE: Action: Award the City of Appleton's "2021 Appleton Wastewater Treatment Plant Painting Project" contract to SDS Painting, Inc. in the amount of \$181,760 with a contingency of \$6,740 for a project total not to exceed \$188,500.

The 2020 Capital Improvement Plan includes \$200,000 for interior painting at the Wastewater Treatment Plant. Of that amount, \$11,500 was spent on design leaving a balance of \$188,500 for preparation and painting. Due to the size of the Wastewater Plant and environment within the buildings, PRFMD budgets funds every year for painting projects at Wastewater.

The bids were received as follows:

SDS Painting, Inc. (low bid)	\$181,760
Osseo Construction, Co., LLC.	\$194,000
MV Klinger, Co., Inc.	\$198,566
TMI Coatings, Inc.	\$243,500

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to SDS Painting, 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 SDS Painting, Inc. in the amount of \$181,760 plus a contingency of \$6,740 only to be utilized as needed.

Please contact me at 832-5572 or at dean.gazza@appleton.org with any questions.

FIRST ADDITION to BROADWAY HILLS ESTATES DEVELOPMENT AGREEMENT

THIS AGREEMENT, made by and between the **City of Appleton** by its City Council, a body politic and municipal corporation with a mailing address of 100 North Appleton Street, Appleton, WI 54911 (“City”) and **North Appleton Properties LLC**, a corporation with a business address of 4226 E. Appleseed Drive, Appleton, WI 54913, the owner and developer (“Developer”) of property lying within the City of Appleton:

WHEREAS, Section 17-3 of the Appleton Municipal Code provide for the installation of required improvements in new subdivisions; and

WHEREAS, the Developer has proposed to develop the First Addition to Broadway Hills Estates residential subdivision on property within the corporate limits of the City (“Proposed Development”), described in *Exhibit 1* (Legal Description provided by Developer) attached hereto; and

WHEREAS, the Final Plat of the First Addition to Broadway Hills Estates Subdivision, shown in *Exhibit 2* (provided by Developer) attached hereto, has been conditionally approved by the City; and

WHEREAS, a series of meetings and negotiations have taken place between the City and the Developer to determine various development and financial responsibilities as between the City and the Developer for on-site and off-site public improvements and fees in connection with the Proposed Development; and

WHEREAS, the City and the Developer, for their mutual benefit, have mutually agreed as to development and financial responsibilities for public improvements and fees in connection with the Proposed Development;

NOW THEREFORE, it is mutually agreed as follows:

1. The Developer shall be responsible for the installation of all the following in the Proposed Development, to the standards set forth by the City, pursuant to paragraph 4 below:
 - a. Sanitary sewer mains, manholes and laterals
 - b. Water mains, valves, hydrants, hydrant leads, fittings, and services
 - c. Storm sewer mains, manholes, catch basins, inlet leads, overland flow paths, yard drains and associated piping and laterals
 - d. Street excavation and graveling, terrace seeding, lot filling, grading and seeding and all associated construction site erosion control measures, with fill to consist of clay fill in the streets.
 - e. Street Lights
 - f. All other infrastructure required for the developments not specifically set forth in this agreement

2. The Developer shall provide the City an estimate for items 1a – 1f prior to the installation of the items for the development.

3. The Developer shall provide fully executed and signed *Waivers of Special Assessment Notices and Hearing* (shown in **Exhibit 3**) for the development, acknowledging consent to pay Special Assessments levied by the City for the following items to be furnished and/or installed by the City:

- a. City Administrative Fees
- b. Temporary Asphalt Street Surface
- c. Sanitary Area Assessment
- d. Televising of sanitary and storm sewer lines
- e. Street Name Signs
- f. Traffic Control Signs
- g. Concrete Pavement abutting lots owned by the Developer at the time of concrete paving
- h. Sidewalks installed on lots owned by the Developer at the time of concrete paving

Estimates of up-front City costs and associated special assessments to be paid by the Developer for items 3a – 3h for the development are attached hereto as **Exhibit 4**. The actual final costs for items 3a-3h will be used as the basis for the special assessments billed to the Developer.

4. The Developer shall provide the City with copies of all final costs, invoices, labor costs, the contract documents and specifications, design documentation, all contract administration supporting documentation, an itemized list of all expenses for the installation of sanitary sewer, storm sewer, water main, street excavation and graveling and street lights for the Proposed Development. Said information provided by Developer shall be provided within 60 days of installation and shall meet City's Infrastructure Adjustment Form requirements. The Developer's design engineer shall perform the construction staking and the City shall inspect the same.

5. The Developer's contractor shall perform the testing of the water main, sanitary sewer, storm sewer and compaction of fill material placed in future roadway areas in the Proposed Development under the supervision of City inspectors.

6. The Developer shall provide lien waivers to the City from prime contractor, subcontractors, suppliers and consultants within 60 days of the installation of the items in paragraph 1.

7. The Developer agrees to convey by deed, dedication, or other appropriate means, to the City all the streets, roads, courts, avenues, drives, public ways, sanitary sewer, storm sewer, water main, and storm water facilities in the Proposed Development. Developer further agrees to convey any public access ways by dedication or easement to the City. All public improvements contemplated in the final plat shall be constructed within areas to be dedicated to the City either by deed, dedication or easement as contemplated in the Proposed Development and this agreement.

8. The City agrees to accept the dedication of all the Public Improvements in the Proposed Development, whether by deed, dedication or easement subject to the City's Acceptance of the Public Improvements in accordance with and subject to the terms of the City's Subdivision Ordinance.

9. The Developer shall repair or replace, as directed by the City and to the City's satisfaction, at its own cost, any damage caused to City property by the installation of the improvements in the Proposed Development. Repairs shall be completed within six (6) months of notification from the City to the Developer of the need to repair or replace such damage.

10. The Developer shall pay the cost of all items listed under Paragraph 1 above. Concrete Paving and sidewalks will be assessed to the abutting property owners and the Developer will be assessed for only the cost of those lots owned by the Developer. Concrete streets shall be installed only after 75% of the lots in the Proposed Development have been issued building permits or after a 7-year period from the date of official street opening, whichever comes first.
11. The schedule for the Proposed Development shall be as follows:
 - a. Infrastructure installation may commence after City approval of the Final Plat, Drainage Plan, Established Grades, Storm Water Management Plan, Construction Plans, Construction Specifications and procurement of all necessary City and Regulatory Agency permits, unless an Early Start is approved by the City Engineer.
 - b. Building permits may be issued upon City approval and acceptance of all infrastructure. Streets must be officially opened to the public by the City Engineer prior to the issuance of building permits.
12. The developer shall pay any required parkland fees pursuant to Chapter 17 of the Appleton Municipal Code, not to exceed \$300 per lot.
13. The City agrees to include the installation of watermain in French Road adjacent to this Development in the 2022 Capital Improvement Budget.
14. The City represents that this Agreement and the terms and conditions contained herein are consistent with adopted ordinances and resolutions on the subject matter.
15. The Developer shall pay the entire cost associated with installation of underground gas, electric, telephone and cable TV utilities and streetlights in the Proposed Development. The City shall review the proposed locations and have approval authority over any utilities proposed within the public right-of-way, prior to installation. The City standard for streetlights is wooden poles. The street lighting plan shall be designed by We Energies and approved by the City. The City shall pay We Energies the monthly electrical charge for street lighting. If the Developer desires decorative streetlights, then the Developer shall be responsible for all costs associated with the decorative streetlights, above the standard wood pole equivalent costs. The Developer shall be responsible for requesting said decorative lights from WE Energies. The Developer must also sign a Waiver of Special Assessments document for the annual assessments associated with decorative lighting.
16. The City represents and warrants to Developer that they have the power, authority and legal right to enter into all of the transactions and to perform all of the covenants and obligations required to be entered into or performed by the City under this Agreement.
 - a. The City represents and warrants to Developer that they are empowered and authorized to execute and deliver this Agreement and other agreements and documents, if any, required hereunder to be executed and delivered by the City. This Agreement has been, and each such document at the time it is executed and delivered, will be duly executed and delivered on behalf of the City.

- b. When executed and delivered to Developer, all such agreements shall constitute a legal, valid and binding obligation of the City, enforceable in accordance with their terms.

17. The Developer represents and warrants to the City that Developer is a Limited Liability Company, duly organized and existing under the laws of the State of Wisconsin, and that all proceedings of Developer necessary to authorize the negotiation and execution of this Agreement and the consummation of the transaction contemplated by this Agreement have been taken in accordance with applicable law.

18. The Developer represents and warrants to the City that the execution and delivery of this Agreement, the consummation of the transactions contemplated in this Agreement and the execution and delivery of the documents required to be executed, delivered or acknowledged by Developer at the closing will not violate any provision of Developer's operating agreement or any applicable statute, rule, regulation, judgment, order or decree of the State of Wisconsin or a court having jurisdiction over Developer or its property.

19. The Agreement shall be effective as of the date of execution thereof and remain in effect until the earliest of: (a) the Developer notifies the City that the Proposed Development has been terminated, (b) upon the mutual agreement of the Parties to terminate the Agreement, or (c) if one (1) year after the date of execution the Developer not take any further action on the Proposed Development.

20. This Agreement, along with *Exhibits 1 through 4* sets forth the entire understanding of the parties relative to its subject matter and supersedes and merges any and all prior communications, negotiations and agreements, oral or written.

21. It is understood and agreed that the provisions of this Agreement shall be deemed severable and the invalidity or unenforceability of any one or more of the provisions contained herein shall not affect the validity and enforceability of the other provisions contained herein.

22. This Agreement may not be modified or amended, except when placed in writing, with the written consent of the City and the Developer.

[SIGNATURE PAGE TO FOLLOW]

North Appleton Properties, LLC

By: [Signature]

By: _____

Printed Name: GREG GAVENKE

Printed Name: _____

Title: OWNER

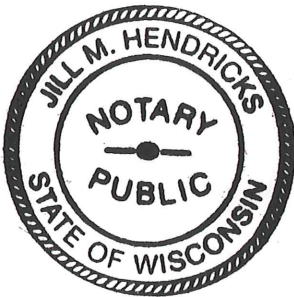
Title: _____

STATE OF WISCONSIN)

OUTAGAMIE COUNTY)

: ss.

Personally came before me on this 15 day of JUNE, 2021, the above-named persons, Greg Gavenke and _____, to me known to be the persons who executed the foregoing instrument and acknowledge the same.



[Signature]

Notary Public, State of Wisconsin

My commission is/expires: 10/19/2023

First Addition to Broadway Hills Estates Subdivision

**EXHIBIT
4**

Number of Lots : 7
 Total Lot Area (SF) : 666,639
 Total C/L Footage (LF) : 460
 Total Pavement Area (SF) : 22,692

NOTES / COMMENTS

Administrative Fees (Engineering, Inspection, Survey)	\$6,900.00	\$15.00 per c/l foot
Temporary Asphalt Pavement	\$37,820.00	\$15.00 per square yard
Sanitary Sewer Area Assessment	\$15,899.34	\$23.85 per 1000 s.f.
Sanitary & Storm Sewer Televising	\$1,095.00	\$1.50 per c/l foot (plus easement)
Street Name / Traffic Control Signs	\$690.00	\$1.50 per c/l foot
Concrete Pavement	\$11,040.00	\$60.00 per front ft. (for 20% of lots)
Sidewalks - at time of Concrete Pavement	\$5,520.00	\$30.00 per front ft. (for 20% of lots)
SUBTOTAL	\$78,964.34	

**City of
Appleton
Costs
(Assessed)
Estimated**

Mobilization, Misc. Construction, Topsoil Stripping, Erosion Control		
Sanitary Sewer		
Storm Sewer		
Water Main		
Sanitary Laterals		
Storm Laterals		
Water Services		
Grading & Graveling		
Street Lights		
Private Electric		
Private Gas		
SUBTOTAL	\$0.00	
SUBTOTAL	\$78,964.34	

**Developer
Costs
And
Responsibility
Estimated**

PROJECT TOTALS

**CITY OF APPLETON, WI
POLICY FOR SPECIAL ASSESSMENTS 2022**

I. STREET CONSTRUCTION AND RECONSTRUCTION

Adopted:

A. General Information

CONCRETE PAVEMENT		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		New	Rural to Urban Conversion	New	Rural to Urban Conversion	New	Rural to Urban Conversion
	Max. Width	33'	33'	33'	33'	49'	49'
	Max. Thickness	7"	7"	7"	7"	9"	9"
	Assessed at (%)	75%	75%	100%	100%	100%	100%
	Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None
	Base Assessment Rate	Calculated on an individual street basis using actual bid prices					
(Y=Assessed N=Not Assessed)							
Construction Items		New Concrete	Rural to Urban Conversion	Direct Assessments (in addition to Base Rate)			
Administrative Fees		Y	Y	-			
Property Owner Notification		Y	Y	-			
Concrete Pavement		Y	Y	-			
Curb & Gutter (Integral)		Y	Y	-			
Sawcutting		Y	Y	-			
Fine Grading		Y	Y	-			
Seed & Mulch/Sod		Y	Y	-			
Terrace Restoration		Y	Y	-			
Concrete Driveway Apron		Y	N *	Per bid price			
Trees		Y	Y	\$1.00/front foot			
Miscellaneous Asphalt		N	N	-			
Asphalt - Milling		N	N	-			
Curb & Gutter (miscellaneous)		N	N	-			
Geotextile Fabric		N	N	-			
Stone Base		N	N	-			
Unclassified Excavation		N	N	-			
Erosion Control		N	N	-			
Adjust MH/Inlet Tops		N	N	-			
Asphalt - Miscellaneous		N	N	-			
Asphalt Transitions		N	N	-			
Curb Thimbles		N	N	-			
Drill-in Tie Bars/Dowels		N	N	-			
Driveway Closure		N	N	-			
Inlet Leads		N	N	-			
Maintenance Hole / Inlet Reconstruction		N	N	-			
Maintenance Hole/Inlet Castings		N	N	-			
MH Chimney Seals		N	N	-			
Pavement Marking		N	N	-			
PVC Pipe for sump pumps		N	N	-			
Reinforcing Rods		N	N	-			
Removal - Asphalt		N	N	-			
Removal - C&G		N	N	-			
Removal - Concrete		N	N	-			
Removal - DW Aprons (Conc. & Asp.)		N	N	-			
Removal - Sidewalk		N	N	-			
Repair work from permits		N	N	-			
Repair work from Utility Permits		N	N	-			
Traffic Signals		N	N	-			

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

ASPHALT PAVEMENT (Not including New Subdivisions)		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		After G&G	Rural to Urban Conversion	After G&G	Rural to Urban Conversion	After G&G	Rural to Urban Conversion
	Max. Width	33'	33'	33'	33'	49'	49'
	Max. Thickness	3"	3"	3"	3"	6"	6"
	Assessed at (%)	25%	0%	25%	0%	25%	0%
	Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None
	Base Assessment Rate	Calculated on an individual street basis using actual bid prices					

(Y=Assessed N=Not Assessed)				
Construction Items	Asphalt following G&G	Rural to Urban Conversion	Asphalt Reconstruct / Overlay	Direct Assessments (in addition to Base Rate)
Administrative Fees	Y	Y	N	-
Property Owner Notification	Y	Y	N	-
Asphalt Pavement	Y	Y	N	-
Milling	N	Y	N	-
Sawcutting	N	Y	N	-
Curb & Gutter (New/repair)	N	Y	N	-
Fine Grading	Y	Y	N	-
Seed & Mulch/Sod	N	Y	N	-
Terrace Restoration	N	Y	N	-
Concrete Driveway Apron	N	N *	N *	per bid price
Asphalt (miscellaneous)	N	N	N	-
Geotextile Fabric	N	N	N	-
Stone Base	N	N	N	-
Trees	N	N	N	-
Unclassified Excavation	N	N	N	-
Erosion Control	N	N	N	-
Adjust MH/Inlet Tops	N	N	N	-
Curb Thimbles	N	N	N	-
Drill-in Tie Bars/Dowels	N	N	N	-
Driveway Closure	N	N	N	-
Inlet Leads	N	N	N	-
Maintenance Hole / Inlet Reconstruction	N	N	N	-
Maintenance Hole/Inlet Castings	N	N	N	-
MH Chimney Seals	N	N	N	-
Pavement Marking	N	N	N	-
Removal - Asphalt	N	N	N	-
Removal - C&G	N	N	N	-
Removal - Concrete	N	N	N	-
Removal - DW Aprons (Conc. & Asp.)	N	N	N	-
Removal - Sidewalk	N	N	N	-
Repair work from permits	N	N	N	-
Repair work from Utility Projects	N	N	N	-
Traffic Signals	N	N	N	-

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

GRADING & GRAVELING (not including New Subdivisions)	R-1 Zoning		R-2 Zoning		All Other Zoning**		
	New Street	Rural to Urban Conversion	New Street	Rural to Urban Conversion	New Street	Rural to Urban Conversion	
Max. Width	35'	35'	35'	35'	51'	51'	
Max. Thickness	-	-	-	-	-	-	
Assessed at (%)	100%	0%	100%	0%	100%	0%	
Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None	
Base assessment Rate	Calculated on an individual street basis based upon bid prices						
(Y=Assessed N=Not Assessed)							
Construction Items		New Street		Rural to Urban Conversion		Direct Assessments (in addition to Base Rate)	
Administrative Fees		Y		N		-	
Property Owner Notification		Y		N		-	
Fine Grading		Y		N		-	
Seed & Mulch/Sod		Y		N		-	
Erosion Control		Y		N		-	
Sawcutting		Y		N		-	
Unclassified Excavation		Y		N		-	
Stone Base		Y		N		-	
Geotextile Fabric		Y		N		-	
Removal - Asphalt		Y		N		-	
Removal - C&G		Y		N		-	
Removal - Concrete		Y		N		-	
Removal - Sidewalk		Y		N		-	
Miscellaneous Asphalt		N		N		-	
Miscellaneous Curb & Gutter		N		N		-	
Adjust MH/Inlet Tops		N		N		-	
Street Lighting		Y		N		-	
Traffic Signals		N		N		-	

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

B. Calculation Guidelines – Street Construction and Reconstruction

1. Assessments will be levied according to the front foot dimensions of abutting property except as noted.
2. The assessment rate will be the portion (%) of assessable construction costs in accordance with the charts above. Assessments will be reduced proportionately for pavements constructed less than the maximum widths.
3. Public owned property, including lands under the jurisdiction of the Board of Education, Parks and Recreation Committee and other branches of city, churches and private schools and other exempt properties will be assessed 100% of the “all other zoning” assessment rate regardless of the zoning. (BPW 2/2/94) All county, state and federal governments will be exempt from assessment charges. (City Attorney 1/23/14)

4. The assessment rate for alley pavement will be based on the full width of the pavement.
5. The City assumes the entire cost of permanent pavement for all intersections on new construction in areas platted prior to 1/1/04 or after 12/31/14.
6. Driveway approaches shall be constructed at property owner's expense when:
 - a. When permanent street surfaces are constructed.
 - b. Where a street has been permanently improved, driveway approaches shall be installed within six months of the completion of the adjacent structure.
 - c. When ordered installed by the Common Council.
 - d. When a property owner requests approach to be widened, rebuilt or closed.
7. The costs of closing unused driveway openings that are closed in conjunction with the paving program are not directly assessed to the property owner.

Any driveway approach without improved surface shall be paved with a permanent surface in conjunction with a street-paving project. The cost will be assessed to the property.
(S&S 3/3/93 and MSC 9/3/97)

8. The cost of the initial asphalt surface application on a new subdivision gravel street will be billed at the time of official street opening.
9. All asphalt maintenance exclusive of the initial application will be done as general maintenance and at no cost to the abutting property.
10. Assessments for asphalt pavements that are constructed without curb and gutter (City standard) will be calculated by dividing total project cost by assessable frontage.
11. Assessments for trees will be included with paving assessments.
12. If one person owns an entire block as one parcel and the block is zoned R-1 or R-2, the shortest side shall be assessed in full. The remaining sides shall receive up to a 120' discount.
13. On paving projects where there are other contributing sources of funding such as federal, state, or from other units of government, the City rates will be applied. If projected revenue (using the City rates) exceeds the City's share of project costs, then assessment rates will be reduced proportionately so that revenue equals City share of project cost. "City share" of project cost will include, in addition to normal construction costs, items such as right-of-way acquisition, relocation costs, consultant cost, all Department of Transportation administrative and review costs, and any other fees charged by the other participating units of government.
(BPW 1/7/97)
14. When the long side of a corner lot falls on the "bulb" or "mouse ear", the assessment shall be calculated as follows:
 - a. Determine a rate per foot by dividing the lump sum per lot charge by the actual footage of the long side.
 - b. The first 120 feet will be charged 25% of the rate calculated in "a" above. The balance of the frontage will be assessed at 100% of the rate calculated in "a" above. (BPW 1/21/98)

15. The requesting property owner, where permitted, shall pay all additional cost for indented parking.
16. When additional pavement width is required to accommodate on street bike lanes, the extra width beyond what would be required for a standard street design, will not be assessed.
17. Assessments will only be levied on partial or total street reconstruction for those streets that do not meet current City Street or Drainage standards prior to their reconstruction.
18. Calculation Guidelines:
 - a. On multiple frontage lots zoned R-1 or R-2, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 25% (R-2, 50%) of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. On lots having multiple frontages, there will be NO assessment for the frontage to which access is legally precluded or fronts on a naturally occurring access barrier such as a steep incline.
 - c. On inside corner or multiple frontage lots, the side or sides precluded from access are not included in the assessment frontage determination.
 - d. On multiple frontage lots where all sides have equal frontage, the side to be considered the short side is the “Addressed” side.
 - e. On cul-de-sac lots, the abutting property owner shall be responsible for cul-de-sac pavement, overbuild costs including the straightaway portion of the affected property. The assessment will be calculated using total assessable cost divided by the number of properties fully or partially abutting the “bulb” according to the number of originally platted lots.
 - f. On “mouse ear” lots, defined as abutting lots to a widening in the road around a curve but not including lots on a cul-de-sac, the front foot dimensions for assessment calculation will be determined by dividing the square footage of the property by the average depth of the lots in the block.
 - g. For work abutting only part of a parcel’s total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage.
 - h. Definition of “addressed” side: The street with the house number.
 - i. No corner lot exception will be provided for combined properties that did not meet the corner lot criteria prior to their combination.
19. The Wheel Tax is used for reconstructed asphalt and concrete streets only. Not for rural to urban conversion to concrete pavement.
20. Portions of projects funded by TIF and IPLF are not assessable.

II. SIDEWALKS

A. General Information

		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		New	Recon.	New	Recon.	New	Recon.
SIDEWALKS (Not including New subdivisions)	Max. Width	5'	5'	5'	5'	5'	5'
	Max. Thickness	5"	5"	5"	5"	7"	7"
	Assessed at (%)	100%	125%	100%	125%	100%	125%
	Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None
	Base Assessment Rate	Calculated annually based upon the average bid prices for the sidewalk reconstruction, concrete paving reconstruction and asphalt paving reconstruction contracts.					
(Y=Assessed N =Not Assessed)							
Construction Items		New and Reconstruction not meeting replacement criteria		Reconstruction meeting replacement criteria		Individual Rates (if not included in current Rate above)	
Administrative Fees		Y		N		-	
Property Owner Notification		Y		N		-	
Concrete Sidewalk		Y		N		-	
Seed & Mulch (max. of 18" on each side of walk)		Y		N		-	
Terrace Restoration		Y		N		-	
Sawcutting		N		N		-	
Fine Grading		N		N		-	
Miscellaneous Asphalt		N		N		-	
Stone Base		N		N		-	
Driveway Aprons - Removal and Replacement		Y		n/a		-	
Unclassified Excavation		N		N		-	
Erosion Control		N		N		-	
Drill-in Tie Bars/Dowels/Rebar		N		N		-	
Removal - Sidewalk		N		N		-	

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

B. Calculation Guidelines - Sidewalks

1. Assessments will be levied according to the front foot dimensions of abutting property, except as noted.
2. Sidewalks on right-of-ways 60 feet or more will be a minimum of 5 feet wide. Sidewalks on right-of ways less than 60 feet will be a minimum of 4 feet.
3. There will be no assessment for sidewalk that meets the replacement criteria as defined in the Sidewalk Maintenance Policy.
4. Assessments will be levied when sidewalks not meeting replacement criteria are replaced at the property owner's request.

5. Service walks between the curb and sidewalk will be assessed to the property owner when installed on new subdivision streets.
6. The extra expense of installing a sidewalk beyond the City's standard width or in an unusual manner at the request of the owner will be charged to the abutting property owner.
7. Public owned property, including lands under the jurisdiction of the Board of Education, Parks and Recreation Committee and other branches of city, state or county governments, churches and private schools and other exempt properties will be assessed 100% of the assessment rate regardless of the zoning.
8. To figure credit for useful life (20 years) of sidewalk: credit = divide age of sidewalk by 20. If less than 1.0, multiply that number by the current assessment rate.
9. For City contract installation, sidewalk assessments shall include a 6% administration fee.
10. Calculation Guidelines:
 - a. On multiple frontage lots zoned R-1 or R-2, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 25% (R-2, 50%) of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. On inside corner lots where all sides have equal footage, the side to be considered the short side is the "Addressed" side.
 - c. On lots having multiple frontages, there will be NO assessment for the frontage to which access is legally precluded or fronts on a naturally occurring access barrier such as a steep incline.
 - d. On inside corner or multiple frontage lots, the side or sides precluded from access is not included in the assessment frontage determination.
 - e. For work abutting only part of a parcel's total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage.
 - f. Definition of "addressed" side: The street with the house number.

III. SANITARY SEWER

A. General Information

SANITARY SEWER (not including New Subdivisions)		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		New	Recon.	New	Recon.	New	Recon.
	Max. Size (Diameter)	12"	12"	12"	12"	12"	12"
	Max. Depth	16'	16'	16'	16'	16'	16'
	% Assessed (Main/Laterals)	33%/50%	0%/50%	33%/50%	0%/50%	33%/50%	0%/50%
	Multiple Frontage Reduction	Yes*	N/A	Yes*	N/A	Yes*	N/A
	Current (33% main) Rate	Actual Cost	N/A	Actual Cost	N/A	Actual Cost	N/A
(Y=Assessed N =Not Assessed) Construction Items		New	Reconstruction	Individual Rates (if not included in current Rate above)			
Administrative Fees		Y	N	-			
Property Owner Notification		Y	N	-			
Sanitary area assessment		Y	N	-			
Sanitary Sewer Main		Y	N	-			
Sanitary Maintenance Holes		Y	N	-			
Drop Maintenance Holes		Y	N	-			
Maintenance Hole Castings		Y	N	-			
Sanitary Laterals (50% Rate)		Y	Y	4" and 6"= \$52.00 >6" = Actual Cost			
Private Lateral Televising		N	N	-			
Lateral Connections		Y	N	-			
Pipe Bedding		Y	N	-			
Pipe Backfill Material		Y	N	-			
Terrace Restoration		Y	N	-			
Seed & Mulch		Y	N	-			
Pavement Restoration		N	N	-			
Sawcutting		N	N	-			
Asphalt removal		N	N	-			
Concrete Removal		N	N	-			
Sidewalk Removal		N	N	-			
Erosion Control		N	N	-			

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

B. Calculation Guidelines – Sanitary Sewer

1. Assessments will be levied according to the front foot dimensions of abutting property, except as noted. The assessment rate for new sanitary sewers will be determined on the basis of actual construction cost up to and including 12” sanitary sewer main and maintenance holes. The assessment rate for new construction in an existing area will be based upon the rates shown in the chart above.
2. Area assessment, where applicable, will be levied in accordance with Section 18-116 of the Municipal Code of the City of Appleton.

3. Any lot or parcel within the corporate limits which has not paid a sanitary sewer assessment when the main was installed will, at the time the lateral permit is taken out, be required to pay a connection fee with the lateral permit fee. Payment of a connection fee must be made in full prior to connecting. The connection fee, equivalent to the front foot assessment and area assessment, will be based on the assessment rates the year the main was installed.
4. When utilities are installed in a street where one side is within the corporate limits but remains undeveloped, assessments will be levied for the utilities that benefit the parcel. The area assessment for sanitary sewer is calculated using a nominal lot depth of 120 feet. The balance of the area assessment will be assessed when the property is developed and charged a connection fee in lieu of assessments.
5. On sanitary relay, where existing laterals meet the sanitary lateral policy and are not re-laid, the cost of reconnecting (including short sections of connecting pipe, usually within the trench area) is absorbed by the City and not assessed to the property owner.
6. Calculation Guidelines (see chart for applicability):
 - a. On multiple frontage lots zoned R-1 or R-2, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet for each side will be assessed at 0% of the assessment. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. On multiple frontage lots where all sides have equal frontage, the side to be considered the short side is the “Addressed” side.
 - c. Where sewer exists across an entire parcel frontage, but sewer construction only occurs along part of a parcel’s total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage. Where sewer exists along only a portion of the parcel frontage, the entire frontage will be assessed.
 - d. Assessment for construction of sanitary sewer will be levied against all abutting property frontage regardless if laterals are present, provided that the property is not legally precluded from connecting to the sewer. Amount of assessment will be calculated according to existing policy.
 - e. Cost of sewer and maintenance hole construction deeper than 16 feet shall be borne by the city except where extra depth is required for development of adjacent property.
 - f. No corner lot exception will be provided for combined properties that did not meet the corner lot criteria prior to their combination.
 - g. For cul-de-sac lots, the assessable footage for each lot shall be the sum of frontages for all lots fully or partially abutting a cul-de-sac divided by the number of lots.
 - h. Assessable footage for sewers constructed within easements shall be equal to the centerline length of easement falling within the property. Assessments will be levied to only those properties with lateral connections to the easement sewer. The easement length will be considered as “frontage” for purposes of calculating multiple-frontage reductions (see 6a. above).
 - i. Sanitary main reconstruction will be borne by the Wastewater Utility.

IV. SANITARY SEWER LATERALS

A. General Definition

1. For new development funded by the City, the total cost of lateral installation will be assessed to the property.
2. The assessment rate for reconstruction of laterals and construction of new laterals in existing streets will be based upon the rates shown in the chart from Section III above.

B. Calculation Guidelines

1. Assessments for laterals will be based on the unit cost per foot as indicated in the chart in section III.A applied to the length of the lateral between the sanitary sewer and the property line. The length of lateral assessed shall not exceed $\frac{1}{2}$ the street right-of-way width.
2. Assessments for laterals within cul-de-sacs will be based on the actual length of lateral installed, but shall not exceed the right-of-way radius for the cul-de-sac bulb.
3. Assessments for laterals connected to sewers within easements will be based on actual length of lateral installed, but not to exceed $\frac{1}{2}$ the right-of-way width of the street for which the property is addressed.
4. Total Lateral Replacement Program Calculation Guidelines:
 - a. For properties electing to participate: No assessments will be levied for the portion of private lateral replaced within the public right-of-way. Property owners will be assessed 50% of the actual cost for lateral replacement on private property.
 - b. For properties declining to participate: City will only replace the portion of lateral within the public right-of-way. Property owners will be assessed 100% of the actual cost.

V. **STORMWATER FACILITIES**

A. General Information

STORM SEWER (not including New Subdivisions)		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		New	Recon.	New	Recon.	New	Recon.
	Max. Size (Diameter)	-	-	-	-	15"	15"
	Max. Depth	-	-	-	-	10'	10'
	% Assessed (Main/Laterals)	0%/ 0% ⁺	0%/ 0% ⁺	0%/ 0% ⁺	0%/ 0% ⁺	33%/50%	33%/50%
	Corner Lot Reduction	Yes*	Yes*	Yes*	Yes*	None	None
	Current Rate	Actual Cost	\$36.00	Actual Cost	\$36.00	Actual Cost	\$36.00
(Y=Assessed N =Not Assessed)							
Construction Items		New	Reconstruction	Individual Rates (if not included in current Rate above)			
Administrative Fees		Y	Y	-			
Property Owner Notification		Y	Y	-			
Regional Stormwater Facilities (built prior to 1/1/02)		Y	Y	See rates Pg. 21			
Regional Stormwater Facilities (built between 1/1/02 and 3/1/06)		Y	Y	See rates Pg. 21			
Regional Stormwater Facilities (built after 3/1/06)		N	N	-			
Local Water Quality Practices		N	N	-			
Storm Sewer Main		Y	Y	-			
Storm Maintenance Holes		Y	Y	-			
Inlets		Y	Y	-			
Inlet Leads		Y	Y	-			
Drop Maintenance Holes		Y	Y	-			
Maintenance Hole Castings		Y	Y	-			
Storm Laterals		Y	Y	6" = \$31.00 \$33.00 8" = \$37.00 \$44.00 10" = \$40.00 \$47.00 12" = \$43.00 \$51.00 Greater than 12" actual cost			
Lateral Connections		N	N	-			
Pipe Bedding		Y	Y	-			
Pipe Backfill Material		Y	Y	-			
Terrace Restoration		Y	Y	-			
Seed & Mulch		Y	Y	-			
Pavement Restoration		N	N	-			
Sawcutting		N	N	-			
Asphalt removal		N	N	-			
Concrete Removal		N	N	-			
Sidewalk Removal		N	N	-			
Erosion Control		N	N	-			

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

⁺ See Section V.B.3.b. for exceptions

B. Calculation Guidelines – Stormwater Facilities

1. Stormwater facilities shall be installed as needed to serve properties contributing to the need for, and benefiting from, such facilities. Storm main shall be installed to serve all properties on arterial streets prior to total reconstruction of the pavement.
2. Assessable stormwater facilities under this section include storm sewer, mains and piping, maintenance holes, inlets and inlet leads. Assessments shall also include overhead, property acquisition and financing costs attributable to the facilities.
3. Assessments for storm sewer will be levied according to the front foot dimensions of abutting property.
 - a. R-1, R-2, zoning
The cost of (re) constructing or relining in existing streets will be borne by the Stormwater Utility.
 - b. The cost of constructing or reconstructing storm sewers, mini-sewers or other drainage facilities in existing developed areas zoned R-1 and R-2 annexed after January 1, 1999 will be fully assessable to the abutting property owners.
 - c. All Other Zoning
The assessment rate for storm sewer (re) construction or relining in existing streets will be 33% of the actual construction cost, up to and including 15" storm main (not deeper than 10'), maintenance holes, inlets and inlet leads. Credit will be given for the remaining useful life of a reconstructed or relined sewer based on current cost of construction. For this purpose, the useful life of storm sewer will be 75 years.
4. Assessments for new developments will be based on the actual construction costs of facilities required by the subdivision and charged on a per lot basis. To calculate an equivalent lot cost for parkland, school properties or other atypical lots, use the average size of a new development lot that abuts the parkland, school property or atypical lot. Example, if a lot is 10,000 square feet and parkland, school property or atypical lot is 100,000 square feet; the charge for that land would be equivalent to 10 lots.
5. Any lot or parcel zoned other than R-1 or R-2, within the corporate limits which has not paid a storm sewer assessment when the main was installed will, at the time the lateral permit is taken out, be required to pay a connection fee with the lateral permit fee. This will be effective the same date as the initial Special Assessment policy for storm sewers. The connection fee, equivalent to the front foot and area assessment, will be based on the assessment rates the year the main was installed.
6. Public owned property, including lands under the jurisdiction of the Board of Education, Parks and Recreation Committee and other branches of city, state or county governments, churches and private schools and other exempt properties will be assessed 100% of the assessment rate regardless of the zoning.
7. Calculation Guidelines – (See chart for applicability):
 - a. On multiple frontage lots zoned R-1 or R-2, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 0% of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. On multiple frontage lots where all sides have equal frontage, the side to be considered the short side is the “Addressed” side.

- c. At the completion of the improvements, where sewer exists across an entire parcel frontage, but sewer construction only occurs along part of a parcel's total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage. Where sewer exists along only a portion of the parcel frontage, the entire frontage will be assessed.
- d. Assessment for reconstruction or relining of storm sewer will be levied only when the work affects the main to which the property is connected. Amount of assessment will be calculated according to the existing policy.
- e. No corner lot exception will be provided for combined properties that did not meet the corner lot criteria prior to the combination.
- f. New Development - 100% of actual construction costs of facilities required by the development plus area assessment.
- g. For cul-de-sac lots, the assessable footage for each lot shall be the sum of frontages for all lots fully or partially abutting a cul-de-sac divided by the number of lots.
- h. Assessable footage for sewers (re)constructed within Easements shall be equal to the centerline length of easement falling within the property. Assessments will be levied to only those properties with lateral connections to the easement sewer. The easement length will be considered as "frontage" for purposes of calculating multiple-frontage reductions (see 7a. above).
- i. Rural to urban conversion shall be assessed as new.

VI. STORM SEWER LATERALS

A. General Information

- 1. For new development funded by the City, the total cost of lateral installation will be assessed to the property.
- 2. The assessment rate for reconstruction of laterals and construction of new laterals in existing developed streets will be 50% of the actual construction cost.
- 3. Street Reconstruction:
 - a. Arterial Streets – Prior to total reconstruction of a street, storm laterals shall be installed to all properties that are not yet served.
 - b. Non-arterial Streets – Prior to total reconstruction of a street, storm laterals shall be installed to all properties not zoned R-1 or R-2. In addition, laterals shall be installed to residential properties based on needs identified under the mini-sewer and rehabilitation programs.

B. Calculation Guidelines

- 1. Assessments for laterals will be based on the unit cost per foot as indicated in the chart in section V.A applied to the length of the lateral between the storm sewer and the property line. The length of lateral assessed shall not exceed ½ the street right-of-way width.
- 2. Assessments for laterals within cul-de-sacs will be based on the actual length of lateral installed, but shall not exceed the right-of-way radius for the cul-de-sac bulb.
- 3. The cost of installing new laterals to properties zoned R-1 or R-2 will be borne by the Stormwater Utility unless the property was annexed after January 1, 1999.
- 4. Assessments for laterals connected to sewers within easements will be based on actual length of lateral installed, but not to exceed ½ the right-of-way width of the street for which the property is addressed.

VII. WATERMANS AND SERVICES

A. General Information

WATER MAIN (not including New Subdivisions)		R-1,R-2,R-3 Zoning		C-1, C-2 Zoning		All Other Zoning**	
		New	Recon.	New	Recon.	New	Recon.
	Max. Size (Diameter)	8"	8"	12"	12"	16"	16"
	Max. Depth	-	-	-	-	-	-
	Assessed at (%)	100%	0%*	100%	0%*	100%	0%*
	Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None
	Current Rate	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost

(Y=Assessed N =Not Assessed)	New	Reconstruction	Individual Rates (if not included in current Rate above)
Construction Items			
Administrative Fees	Y	N*	-
Property Owner Notification	Y	N*	-
Local Water Main	Y	N*	-
Transmission Main	N*	N*	-
Valves	Y	N*	-
Hydrants	Y	N*	-
Hydrant Leads	Y	N*	-
1"- 1 1/4" Water Service (Including connection) In New Street(s)	Y	N*	Actual Cost
1"- 1 1/4" Water Service (Including connection) In Existing Street(s)	Y	N*	Actual Cost
1 1/2" - 2" Water Service (Including connection) In New Street(s)	Y	N*	Actual Cost
1 1/2" - 2" Water Service (Including connection) In Existing Street(s)	Y	N*	Actual Cost
Pipe Bedding	Y	N*	-
Pipe Backfill Material	Y	N*	-
Terrace Restoration	Y	N*	-
Seed & Mulch	Y	N*	-
Pavement Restoration	N	N	-
Sawcutting	N	N	-
Asphalt removal	N	N	-
Concrete Removal	N	N	-
Sidewalk Removal	N	N	-
Erosion Control	Y	N	-

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

B. Calculation Guidelines – Water Mains and Services

1. Assessments will be levied according to the front foot dimensions of abutting property, except as noted. The assessment rate will be determined on the basis of actual construction cost required by the city for development:
 - a. R-1, R-2 and R-3 zoning. All costs to construct water main up to and including 8” main, hydrants and valves.
 - b. C-1 and C-2 zoning. All costs to construct water main up to and including 12” main, hydrants and valves.

- c. Other zoning. All costs to construct water main up to and including 16" main, hydrants and valves.
 - d. Water main installed for transmission use shall not be assessed, except if no other main is available for service. The property shall be assessed at the rate of the year the main was installed based on zoning at the time of connection.
 - e. All costs to furnish and install hydrants, including leads and valves shall be assessed.
 - f. In-kind water main reconstruction, including hydrants and leads, is not assessed.
 - g. All additional costs to upgrade a water main, including additional valving due to a service and/or fire line, when requested, shall be borne by the property owner.
 - h. New, and/or additional water main(s) installed for circulation and/or looping in a developed area shall not be assessed, except in case of B1.d.
2. Permission to connect to the City water main prior to annexation must be obtained from the Common Council through the Utilities Committee.
 3. Any lot or parcel within the corporate limits which has not paid a water main assessment when the main was installed will, at the time the water lateral permit is taken out, be required to pay the connection fee with the lateral permit fee. Payment of a connection fee must be made in full prior to connecting. The connection fee, equivalent to the front foot water main assessment, will be based on the assessment rate the year the main was installed. Payment for connection fees may be made in accordance with Section XI.
 4. New Service Installation. The property owner or developer per Schedule Cz-1 (attached) shall pay all installation costs from the main through and including the curb shut-off.
 5. Replacement of Service. All additional cost to upgrade a service (example, 1" copper to 4" service line) shall be borne by the property owner or developer.
 6. Public owned property, including lands under the jurisdiction of the Board of Education, Parks and Recreation Committee and other branches of city & county governments, churches and private schools and other exempt properties will be assessed 100% of the C-1, C-2 assessment rate regardless of the zoning.
 7. Calculation Guidelines (see chart for applicability):
 - a. On multiple frontage lots zoned R-1, R-2 or R-3, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 0% of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. No corner lot exception will be provided for combined properties that did not meet the corner lot criteria prior to their combination.
 - c. Where water main exists across an entire parcel frontage, but construction only occurs along part of a parcel's total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage. Where water main exists along only a portion of the parcel frontage, the entire frontage will be assessed.
 - d. On multiple frontage lots where all sides have equal frontage, the side to be considered the short side is the "Addressed" side.
 - e. For cul-de-sac lots, the assessable footage for each lot shall be the sum of frontages for all lots fully or partially abutting a cul-de-sac divided by the number of lots.
 - f. Assessable footage for water mains (re)constructed within Easements shall be equal to the centerline length of easement falling within the property. Assessments will be levied to only those properties with service connections to the easement main. The

easement length will be considered as “frontage” for purposes of calculating multiple-frontage reductions (see 7a. above).

- g. Assessments for water services will be based on the unit cost per foot as indicated in the chart in section VII.A applied to the length of the service between the main and the property line. The length of water service assessed shall not exceed $\frac{1}{2}$ the street right-of-way width.
- h. Assessments for water services within cul-de-sacs will be based on the actual length of service installed, but shall not exceed the right-of-way radius for the cul-de-sac bulb.
- i. Assessments for laterals connected to watermain within easements will be based on actual length of lateral installed, but not to exceed $\frac{1}{2}$ the right-of-way width of the street for which the property is addressed.

VIII. STREET LIGHTING

A. Calculation Guidelines

1. Assessments for non-decorative streetlights will be levied according to the front foot dimensions of abutting property except as noted.
2. Assessments will be levied at the time of and in conjunction with the initial street light installation.
3. The assessment rate will be based on the actual cost of installation.
4. The assessment rate for replacement of existing streetlights will be based upon the additional cost of enhanced features beyond standard street light requirements.

B. Assessment Exceptions:

- a. On multiple frontage lots zoned R-1, R-2 or R-3, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 0% of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
- b. On inside corner or multiple frontage lots, the side or sides precluded from access is not included in the assessment frontage.

IX. NEW SUBDIVISIONS

A. General Information

NEW SUBDIVISION DEVELOPMENT		Subdivisions Platted prior to 1/1/04 or after 12/31/14	Subdivisions Platted between 1/1/04 and 12/31/14	
	Funding Mechanisms	Private Contracts / City Funds (Assessable)	Private Contracts /Standby Lines of Credit	
	Development Agreement Required?	No	Yes	
	Assessed at (%)	100%	100%	
	Assessment Rates	Actual Costs Incurred.	Actual Costs Incurred.	
Construction Items		(Y=City Funded/Assessable D=Developer Financed)	(Y=City Funded/Escrow Draws D=Developer Financed)	
		Platted Prior to 1/1/04	Platted After 12/31/14	
City Administrative Fees		Y	Y	Y
Area Assessment - Sanitary		Y	Y	Y
Park Fees		Y	D	D
Regional Stormwater Facilities		Y	Y	Y
Sewer Televising		Y	Y	Y
Temporary Asphalt Pavement		Y	Y	Y
Concrete Pavement ⁺		Y	Y	D
Sidewalks		Y	Y	D
Boulevard Trees		Y	Y	D
Street Name Signs		Y	Y	Y
Traffic Control Signs		Y	Y	Y
Sanitary Sewer		D	D	D
Sanitary Overbuild		D	D	D
Storm Sewer		D	D	D
Storm Overbuild		D	D	D
Water Main		D	D	D
Water Main Overbuild		D	D	D
Sanitary Laterals		D	D	D
Storm Laterals		D	D	D
Water Services		D	D	D
Rear-yard Drains		D	D	D
Grading & Graveling (Right-of-way)		D	D	D
Lot Grading		D	D	D
Private Utilities (Gas, Electric, Telephone, Cable TV)		D	D	D
Seed & Mulch (Right-of-way)		D	D	D
Seed & Mulch (Lot areas)		D	D	D
Street Lights		D	D	D
Erosion Control		D	D	D

* See Calculation Guidelines

⁺ See Section IX.B.2 for exceptions

B. Calculation Guidelines – New subdivisions

1. The City does not provide funding for New Subdivisions platted between January 1, 2004 and December 31, 2014 except as indicated in the chart above. Escrow accounts or

irrevocable lines of credit will be required of developers for all items administered or installed by the City.

2. For subdivisions platted prior to 1/1/04 or after 12/31/14, assessments for concrete pavement shall be levied in accordance with Section I.A. of this policy.
3. Engineering fees for new subdivision developments shall be included in assessments. Included shall be preparation of plans and specifications, consultant fees, material testing fees, field survey, inspection and assessment preparation.
4. Individual lots within but not part of a new development when funded by the city shall be assessed at the current city interest rate.
5. Extraordinary sanitary sewer construction costs not to be assessed include pipes larger than 12" and depths greater than 16' when project funded by the city.
6. Typical residential street lighting will consist of LED cut-off style fixture, mounted 30-feet high on a wooden pole, spaced anywhere from 250 to 300 feet apart.
7. The effective date for interest to begin accumulating on new subdivision developments will be the date of invoice. This includes all city utilities and street work.
8. Storm sewer area assessment for regional facilities built prior to 3-1-2006 shall be based on the cost of storm sewer needed to serve the subdivision and the share of downstream trunk main.

X. SPECIAL CHARGES

A. General definition

1. Special charges shall accrue interest starting 30 days following the invoice date. Interest shall accrue at the same rate as for special assessments. (Board of Public Works, June 6, 1990).

XI. METHOD OF PAYMENT

A. General Definition

1. Lump sum payment to be paid at due date.
2. One installment if the assessment is \$1000 or less.
3. Five equal annual installments if the assessment is greater than \$1000.
4. Deferred payments will bear an interest at the rate of prime plus 3.00% per annum on the unpaid balance.
5. Separate current year special assessment bills may be combined to establish eligibility for the \$1000 limit for installment payment options. Finance Department must be notified prior to November 1.

XII. APPEAL PROCESS

1. If the governing body decides to reconsider and reopen any assessment, the body may, after giving a public notice as required for the initial assessment, and after a public hearing, amend, cancel or confirm the prior assessment. Any request for a change to the first assessment, must be made within 30 days of the passage of the original final resolution. The Clerk shall publish a notice of any resolution changing the assessment, as was done with the original assessment.

XIII. MISCELLANEOUS

1. Deferred payment of special assessments is not permitted. (See WI Statutes Chapter 74.)
2. Any construction project where right-of-way acquisition would contribute to 25% or more of the assessment rate shall be brought to the Board of Public Works for review and establishment of an appropriate assessment rate. In establishing this rate, the Board will consider assessment rates for similar projects and any other information it considers relevant.

XIV. REFERENCED ITEMS

1/17/83 Street and Sanitation Committee #3

The following policy concerning sump pump discharges adopted, “When streets are paved where storm sewer laterals exist, curb openings for sump pump discharges or surface drainage shall not be allowed.”

7/06/83 Street and Sanitation Committee #6

Most of this information has been put in Appendix IX Stormwater/Clear Water Discharges

3/03/93 Street and Sanitation Committee #10

Any driveway adjacent to a street paving project that is not used will be closed with curb and gutter and will have the terrace reseeded in conjunction with the street paving. The cost of this work is to be included with the assessment for curb and gutter on the project.

Any driveway aprons without improved surfaces shall be either paved with permanent surface or abandoned and closed in conjunction with a street paving project. The cost of either option will be assessed to the property.

2/02/94 Board of Public Works Report - This was adopted as part of the assessment policy.

“Publicly owned property, including lands under the jurisdiction of the Board of Education, Park Board, Water Department and other branches of city, state or county governments, and churches and private schools be assessed 100% of the assessment rate.

11/16/94 Municipal Services Committee #2 - “Resolved, that when a property asks for a second curb cut, the two neighboring properties to each side of the requesting property be notified and asked if they have any problems with the curb cut. If any of the four (4) properties are against the second curb cut, the request must be brought to Municipal Services Committee and Council for approval, thus all neighbors have an avenue for input.”

1/18/95 Board of Public Works #3 - The Board reaffirms its previous recommendation that: The special assessment policy for stormwater that recovers 75% of costs from new developers and 40% from existing benefiting owners be approved. Existing is defined as that

a building permit has been issued at the time of adoption of the policy by the Common Council.

1/17/96 Board of Public Works – This was adopted with the assessment policy.
Sidewalks B.2 – The assessment rate for reconstruction of sidewalks will be 125% of the rate of new sidewalks.

9/03/97 Municipal Services Committee – Amended Driveway Opening Policy “Any driveway adjacent to a street reconstruction project that is not used will be permanently paved or closed with curb and gutter and will have terrace reseeded in conjunction with the street work.

3/03/99 Board of Public Works – “Resolved, that the repair and replacement of existing sidewalks in the green dot program be paid by the general fund after green dot has gone through the City once. All hazardous sidewalks as defined by City criteria will be replaced at City cost.”

5/15/13 Board of Public Works – Prime plus 3% will be the rate set for the 5-year payment option.

XV. SPECIAL ASSESSMENT RATES

Sanitary Sewer Laterals Reconstruction	4” and 6” > 6”	\$52.00/ft actual cost
Storm Sewer Reconstruction up to & including 15" main:		\$36.00/ft
Storm Sewer Laterals Reconstruction	6" 8" 10" 12" > 12”	\$31.00/ft \$37.00/ft \$40.00/ft \$43.00/ft actual cost
New Water Main - Zoning R1, R2, R3	up to & including 8" main:	actual cost
Zoning C1, C2	up to & including 12" main:	actual cost
Other Zoning	up to & including 16" main:	actual cost

Rates for previous Stormwater Detention Basins (Cost per ERU’s)

SE Basin	75% of cost	\$173.25
AAL Basin	75% of cost	\$430.20
Meade Pond		\$797.04
Holland Pond		\$345.78
Ashbury Pond		\$593.76
Mud Creek South Pond		\$815.00 (2002 basin rate)
Cost for 2003 basins		\$860.00

Southpoint Commerce Park Pond North (K2a), Plank Road West

Cost for 2004 basins \$915.00
Southpoint Commerce Park Pond South (K2B)

Cost for 2005 basins \$1,104.00
Plank Road Northwest Pond

Sheet No. 1 of 1
Schedule No. Cz-1
Amendment No. 64

RATE FILE
Public Service Commission of Wisconsin
Appleton Water Department

WATER LATERAL INSTALLATION CHARGE

Subdivision developers shall be responsible, where the main extension has been approved by the utility, for the water service lateral installation costs from the main through the curb stop and box.

When the cost of a utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.

The initial water service lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the utility, for which the actual cost will be charged.

Billing: Same as Schedule Mg-1.

EFFECTIVE: December 30, 2010
PSCW AUTHORIZATION: 190-WR-112



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

MEMORANDUM

TO: Community & Economic Development Committee

FROM: Karen Harkness, Director of Community & Economic Development

DATE: July 7, 2021

RE: Award Contract to RDG Planning & Design the College Avenue North Neighborhood Plan with a Contract not to Exceed \$100,000

On June 4, 2021, Request for Proposals were received from 8 firms for consulting services to build upon the vision and goals of the City's Comprehensive Plan, identify and respond to current conditions and issues, provide an analysis, redevelopment alternatives, implementation plans and strategies to deliberately share and stimulate design and development north of College Avenue.

After review of the proposals by an 8- person panel of Community and City staff members, 4 of those firms were chosen and subsequently interviewed on June 23, 2021. Upon conclusion of the interviews and discussion among the panel, the firm of RDG was unanimously selected by the review team to be recommended for award of the contract.

The review team consisted of City Departmental Directors, Planning and Economic Development staff, the Chair of Community and Economic Development Committee and Council President, a Plan Commissioner and the Mayor.

The responses to the Request for Proposals were evaluated for relevant experience, project success, project team, project understanding/study methodology, project schedule, and cost. It was important that the firms clearly demonstrated experience in creating neighborhood plans, market analysis, collaboration, and the ability to foster strong public engagement throughout this process.

Specifically, RDG demonstrated an understanding and approach to the project that illustrated their multi-disciplinary experience, deep knowledge in neighborhood planning, ability to build consensus among different interests, knowledge of markets, housing and trends, creativity, commitment to use many tools to reach stakeholders, and enthusiasm for the community. These skills, experiences and use of tools will allow for the creation of a successful plan.

Therefore, based on a careful review of the information provided, and subsequent personal interviews of firm representatives, the review team respectfully recommends awarding a not to exceed contract to RDG for \$100,000.

The fees provided by the firms ranged from \$88,000 to \$150,000. The average price was \$104,250. Though the request for proposals was very specific, firms varied in their approach, methods and what was included in the price. RDG's proposal was very detailed, and the scope fit the requirements outlined in the request for proposals and included all services requested which is reflected in their pricing.

The 2021 Budget includes \$100,000 for this neighborhood plan. It is anticipated the project would begin in August 2021 and would be completed in May 2022.

Please feel free to contact me at 832-6468 with any questions, or by email at karen.harkness@appleton.org.

CITY OF APPLETON

REQUEST FOR PROPOSALS

COLLEGE AVENUE NORTH NEIGHBORHOOD PLAN



City of Appleton
Director, Karen Harkness
Community & Economic Development
100 N. Appleton Street
Appleton, WI 54911
920-832-6468
www.appleton.org



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

COMMUNITY AND ECONOMIC DEVELOPMENT

100 North Appleton Street
Appleton, WI 54911
Telephone: (920) 832-6468
Fax: (920) 832-5994

May 19, 2021

Re: Request For Proposals – College Avenue North Neighborhood Plan

Dear Interested Party:

The City of Appleton is seeking proposals for consulting services to build upon the vision and goals of the City's Comprehensive Plan, identify and respond to current conditions and issues, provide an analysis, redevelopment alternatives, implementation plans and strategies to deliberately shape and stimulate design and development north of College Avenue.

This area north of College Avenue includes the Appleton Public Library, Transit Center (the central hub of a regional transit system serving a 117 square-mile area with over 200,000 residents), churches, residential, commercial and privately owned surface parking, as well as a parking structure owned by the City. Two (2) Tax Incremental Financing Districts (TIFs 3 & 11) are already established in this area. Additionally, much of the area located north of College Avenue is located in an Opportunity Zone. Strategic and ongoing investment in Downtown remains a top priority for the City, as does invigorating public and private investment.

The process will be interactive and engage in a highly collaborative approach to create a *College Avenue North Neighborhood Plan* (herein after "the Plan") which would provide a framework for future development that facilitates greater connectivity between the City, adjacent neighborhoods, existing businesses, and not-for-profits while recognizing the influences between buildings, social settings and the surrounding environment.

The goal of this Plan is to complement and build from the previous work completed in identifying a vision for the Downtown. The Plan will also help guide private development, public investment and improvements for the next 5 to 10 years in accordance with identified vision, goals and prioritize competing goals.

The details for this project are contained in the following Request for Proposals (RFP). This information can also be found on our website at the following link: <https://www.appleton.org/business/request-for-proposal-1787>. If you have problems locating any documents, please do not hesitate to contact me.

Following is the schedule for submission of proposals, evaluation, and selection of the firm to complete this work.

- Closing date for RFP responses: June 4, 2021 at 12:00 PM (NOON) CST
- Evaluation Committee meets: June 14, 2021
- Proposers to Interview notified: June 16, 2021
- Interviews (as needed): June 23, 2021
- Finalist notified on or before: June 28, 2021
- Committee approval: June 30, 2021
- Council approval: July 7, 2021

Thank you for your consideration.

Sincerely,



Karen E. Harkness
Director of Community and Economic Development

INTRODUCTION

The City of Appleton, Wisconsin is seeking proposals from qualified firms to build upon the vision and goals of the City's Comprehensive Plan, identify and respond to current conditions and issues, provide an analysis, redevelopment alternatives, implementation plans and strategies to deliberately shape and stimulate design and development north of College Avenue. This area, as shown in Exhibit A, is anchored by the Appleton Public Library and serves as a connective zone between our central business district and residential neighborhoods to the north and is poised for invigoration through public and private investment.

The area identified in this Request for Proposals (RFP) includes the Appleton Public Library, Transit Center (the central hub of a regional transit system serving a 117 square-mile area with over 200,000 residents), churches, residential, commercial and privately owned surface parking as well as a parking structure owned by the City. Two Tax Incremental Financing Districts (TIF 3 & 11) are included in this area. Additionally, much of the area identified in the proposals is located in an Opportunity Zone. Strategic and ongoing investment in Downtown remains a top priority for the City with the issuance of this proposal being a critical step in this process.

The City of Appleton has awarded a contract to Skidmore, Owings and Merrill for design and engineering services to renovate or rebuild the current library located within this area with construction anticipated to begin in 2022.

The City of Appleton is located in the Fox River Valley of northeastern Wisconsin and has a population of approximately 76,000. 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.

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 Appleton named one of the "Most Livable Small Cities" by SmartAsset in 2020.

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. The City completed an update to the Comprehensive Plan in 2017 that included an updated Downtown Plan as well as a Housing Study. Links are provided in the list of reference materials at the end of this proposal. Since that time, we have seen estimated investment in our Downtown providing an additional \$20M in tax increment with over 221 new residential units either delivered to market, or announced, along with additional commercial space spread across numerous projects. See Exhibit D for a map of recent downtown developments.

Appleton continues to see demand for new housing units and has a solid commercial and industrial base.

APPROACH

The firm selected will use an interactive and highly collaborative approach to create a *College Avenue North Neighborhood Plan* (herein after “the Plan”) which would provide a framework for future development that facilitates greater connectivity between the City, adjacent neighborhoods, existing businesses, and not-for-profits while recognizing the influences between buildings, social settings and the surrounding environment.

The goal of this plan is to complement and build from the previous work completed in identifying a vision for the Downtown. The plan will also help guide private development, public investment and improvements for the next 5 to 10 years in accordance with identified vision, goals and prioritize competing goals.

SCOPE OF WORK

Specifically, the purpose of this planning effort is to:

- Continue to develop, refine and support the visions of creating an anchor district in this neighborhood, as identified in the Comprehensive Plan, other guiding documents and inclusive stakeholder input.
- Identify, define and understand the issues and forces affecting the neighborhood, as well as the opportunities to thrive.
- Analyze what potential redevelopment options exist (or are likely) on City and privately owned properties.
- Support the equitable and inclusive development and design.
- Identify the best ways to leverage participation of, connection to and influence on Appleton’s educational, cultural and civic organizations as well as private companies and public entities located in this area with the outcome of strengthen relationships, fostering collaboration and creating opportunities and connections.
- Review and outline a housing strategy that contemplates and accounts for such things as affordable housing, market forces, diversity of housing options, land use and housing regulations by gathering and analyzing market rents, land costs, building and development costs. Update the existing Downtown Market Analysis completed by Redevelopment Resources in August 2016.
- The City of Appleton is currently preparing a Downtown Streets Design Guide with Alta Planning and Design. This guide is completed and will be helpful in this study by reviewing existing status, identifying and mapping physical opportunity locations within public spaces and recommending changes and alternatives within the urban fabric (infrastructure, streetscape, other amenities, etc.)

- Generate concept plans and develop feasibility analysis for the redevelopment of target sites and any identified new visions and/or goals for the neighborhood while paying special attention to connectivity (physically, socially and emotionally), activity nodes, density, mutually reinforcing mixed uses, programmatic activities, and development opportunities.
- Develop implementation strategy and time for vision, projects and plans.
- The firm should identify up to five cities or anchor districts to benchmark best practices.

DELIVERABLES

The selected firm will deliver a set of recommendations, analysis, concepts, maps and actionable documents based on the scope of services. The firm may propose additional tasks and/or a revised scope based on experience with similar projects in similar cities. Sub-tasks, such as conference calls, draft reviews, public/stakeholder outreach, engagement with staff, committee/Council presentations, etc. shall be considered part of the proposed scope but will not be detailed in this proposal. Upon selection of a firm, and given that this plan is limited in both geography and scope, and involves the update of previous documents, and due to the pandemic, much, if not all, of the stakeholder outreach will be completed virtually. The City would like to have the plan completed by first quarter of 2022.

PROPOSAL REQUIREMENTS AND PROCESS

This proposal seeks the submissions to provide services from all interested and qualified firms. The City of Appleton seeks, by way of this proposal, to obtain services in a manner that maximizes the quality of services while also maximizing value to the City. Firms must be able to show they are capable of performing the services requested. Such evidence includes, but is not limited to, the respondent's demonstrated competency and experience in delivering services of a similar scope and type.

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 consultant(s)
 - c. The Executive Summary should be signed by a Principal or authorized agent of the proposing consultant

2. DESCRIPTION OF FIRM & PERSONNEL: Detailed description of the organizational structure/hierarchy for the consultant 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 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, how the proposal meets the stated objectives and goals. Describe the intended relationship between the 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. PROPOSED PROJECT COST AND SCHEDULE: Provide a total cost to prepare the plan including hourly rates and estimate number of hours to complete the plan. All expenses associated with the plan, including all travel and incidental costs, should not exceed \$100,000. Incorporate a detailed anticipated timetable for completion of the plan including a sequence of events.

Any other information you deem relevant in helping us to evaluate your proposal is welcomed.

DIRECTIONS FOR SUBMITTAL

1. The Proposals shall be mailed or delivered to Project Manager on or by 12:00 PM NOON CST, JUNE 4, 2021. Project Manager is Director of Community and Economic Development Karen Harkness, 100 N. Appleton Street, Appleton, Wisconsin 54911.
2. Proposal shall be on company letterhead and signed by an authorized representative of the company.
3. Firms will submit their proposal along with their fee structure document for performing the required services outlined in this Request for Proposals. The fee structure will be in a separate sealed envelope marked "Fee Structure." Packages containing the proposal and any related materials shall be plainly marked on the outside in the following manner: "*College Avenue North Neighborhood Plan*".
4. Proposals will include **10** hard copies of the presentation/proposal **and** a Flash Drive with the presentation/proposal on it in PDF/Word format. Font size to be 12.

5. The City of Appleton will not be liable for any costs incidental for the preparation of the Request for Proposals.

GENERAL INFORMATION

1. In accordance with WI Statutes, all proposals received, and all materials contained therein, once opened are public record, and subject to disclosure to any person, organization, or firm, including other firms responding to this Request for Proposals.

2. To the extent, a firm includes any uniquely proprietary or confidential information in the proposal, the firm 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. Firms 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.

4. The City of Appleton reserves the right to accept or reject any or all proposals, or part thereof, to waive any informalities or technicalities, or to award contracts in the best interest of the City of Appleton. In all instances, the City of Appleton's decision shall be final. All costs associated with the preparation, submittal and presentation of proposals shall be borne by the firm.

5. Prospective firms hereby warrant by virtue of submission of proposals that all terms, conditions, and requirements as stated in this document are valid, enforceable, and binding upon the selected firm.

6. Insurance - The successful firm 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.

7. The Firm must comply with all applicable local, state and federal regulations.

8. 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.

9. Indemnification Clause

The prospective firm agrees to indemnify, defend and hold harmless the City and its officers, officials, employees and agents from against any and all liability, loss, damage expense, costs (including attorney fees) arising out of the submitted proposal, caused in whole or in part by provider or anyone for whose acts any of them may be liable, except where caused by sole negligence or willful misconduct of the City.

10. Safety

Consultant shall be responsible for all OSHA safety requirements. Failure of the Consultant to follow OSHA requirements may result in stop of work order from the City until the violation is corrected, or termination of the Contract, at the City's option. Consultant shall not be entitled to any additional compensation, over the original contract amount, or additional time to complete the project, for any delay resulting from a sanction pursuant to this section.

PROJECT TIMELINE

Activity	Estimated Date
Closing Date for RFP Responses	12:00 p.m. CST June 4, 2021
Evaluation Committee Meets	June 14, 2021
Proposers to Interview Notified	June 16, 2021
Interviews (As Needed)	June 23, 2021
Finalist Notified On or Before	June 28, 2021
Committee Approval	June 30, 2021
Council Approval	July 7, 2021

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

EVALUATION OF PROPOSALS

Proposals will be evaluated on the basis of the degree of compliance with, and adherence to, the preceding proposal requirements and using the key criteria:

1. Compliance with, completeness, clarity and satisfaction of the Scope of Work section of this RFP.
2. Conformance to and use of the requirements and objectives of the City of Appleton Comprehensive Plan 2010-2030, Chapter 14 Downtown Plan, and other appropriate documents available in the attached Reference Materials List.
3. Firms experience and demonstrated ability to deliver high quality, innovative work for relevant projects of similar complexity.
4. Staff experience and demonstrated ability to work well with community groups, various municipal departments, and City staff.
5. Demonstrated ability to provide clear and compelling presentations to community members, commission members, and elected officials.
6. Demonstrated ability to deliver a professional, well thought out, plan that exhibits excellent writing quality and use of high quality product that communicates clearly, engages all stakeholders and is easily accessible to the general public.
7. References
8. Cost to the City

ATTACHMENT LISTING

The following exhibits are attached:

Exhibit A – RFP Boundary Map

Exhibit B – TIF and Opportunity Zone Map

Exhibit C – Insurance Requirements

Exhibit D – Downtown Development Overview

REFERENCE MATERIALS

The following documents are listed for reference purposes:

[Appleton Downtown Streetscape Design Guide](#)

[City of Appleton Comprehensive Plan 2010-2030](#)

[Downtown Market Analysis](#)

[Downtown Plan \(Chapter 14\)](#)

[Downtown Plan Summary](#)

[2021 BID Plan](#)

[Library Studies and Status Update](#)

[Downtown Appleton Mobility Plan](#)

[Parking Study \(February 2015\)](#)

[TIF 3 Plan](#)

[TIF 11 Plan](#)

[Trails Master Plan](#)

EXHIBIT A – DOWNTOWN MAP

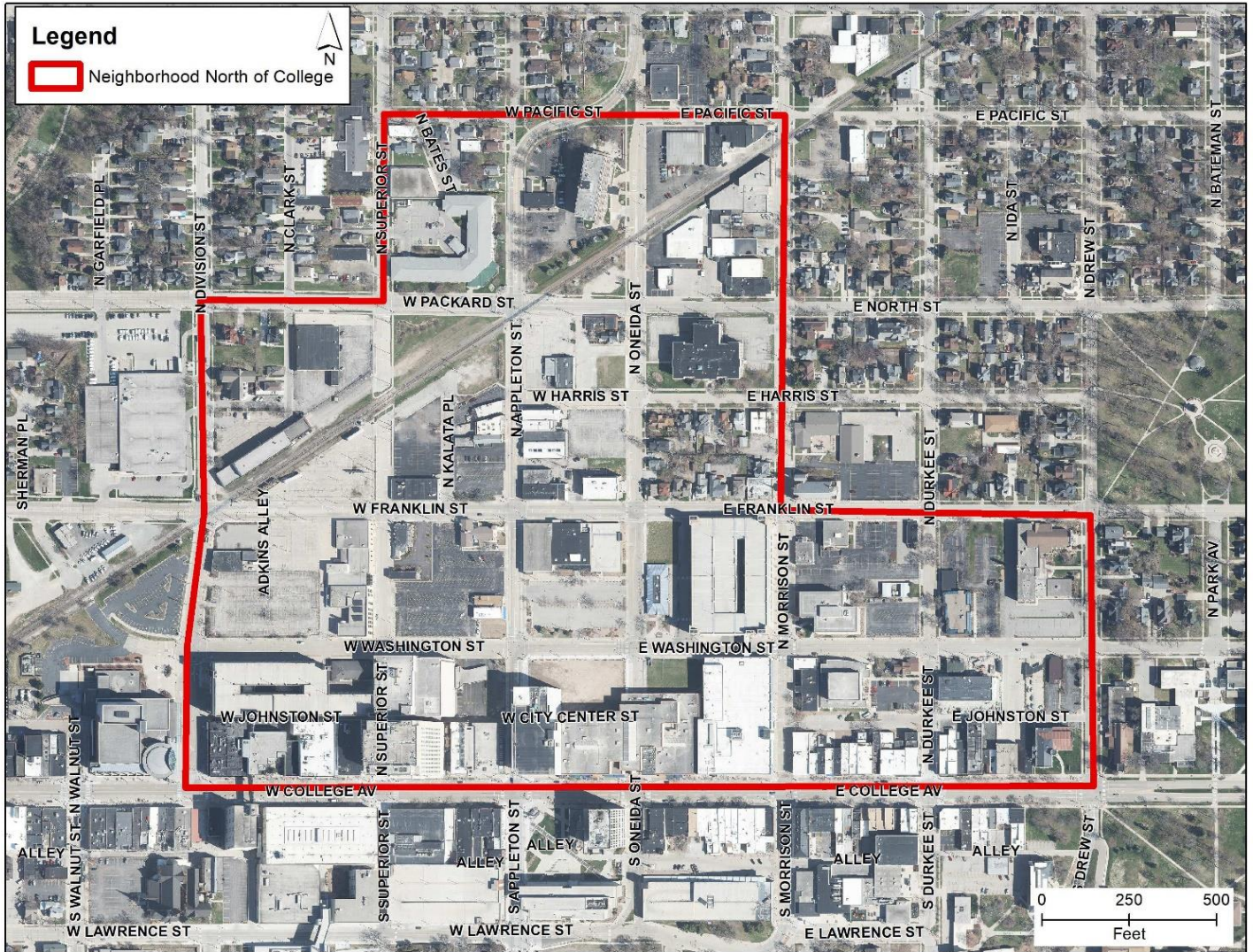


EXHIBIT B – TIF AND OPPORTUNITY ZONE MAP

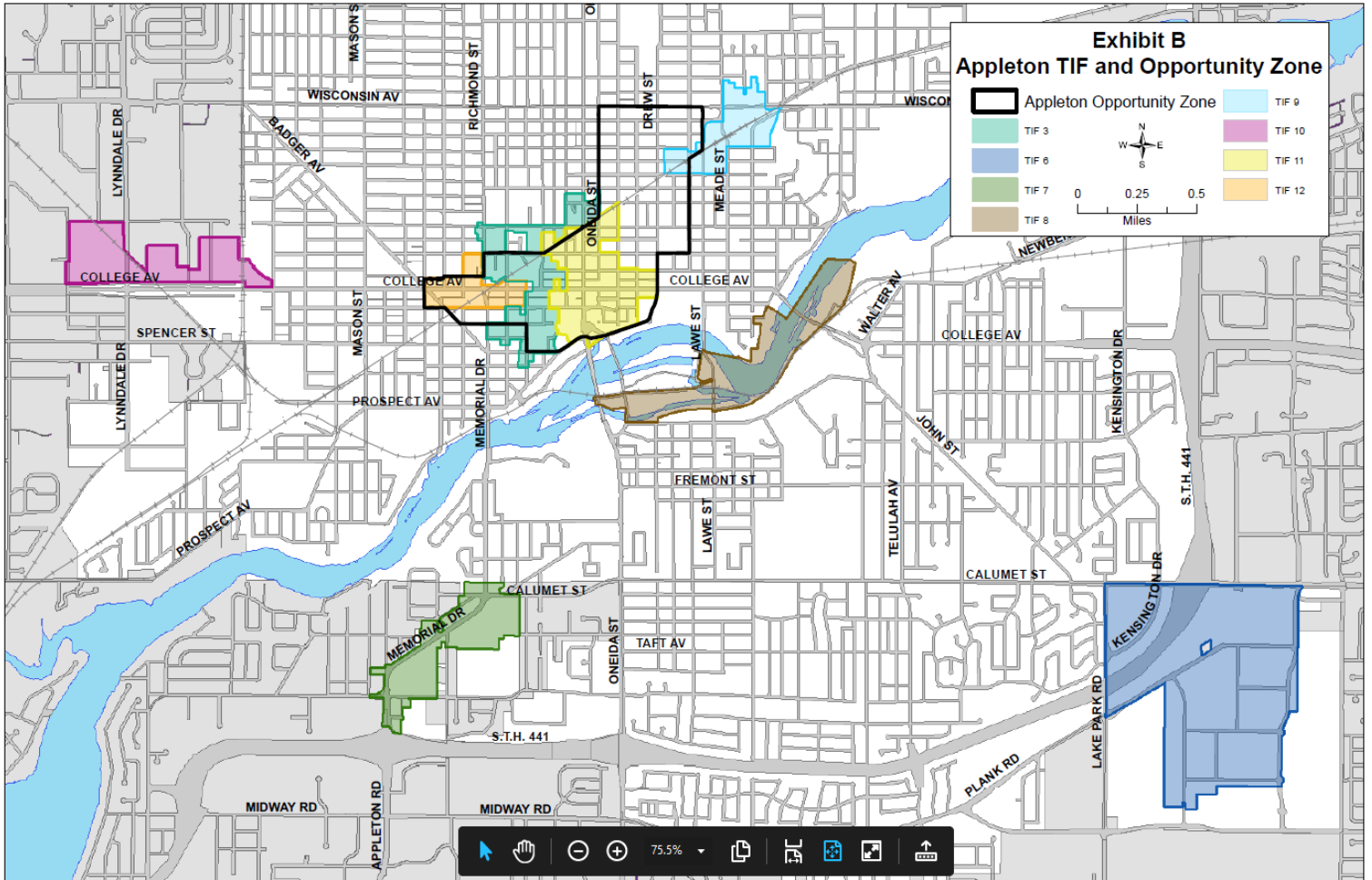


EXHIBIT C – INSURANCE REQUIREMENTS

Provider shall furnish required certificate of insurance specified below for small exposure work and is attached to this document. The certificate shall name the CITY; its officers and employees, as additional insured.

CITY OF APPLETON INSURANCE REQUIREMENTS “PROFESSIONAL SERVICES”

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage insurance 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. Proof of the required insurance must be submitted to the applicable City of Appleton department before the contract or purchase order is considered for approval by the City of Appleton. All insurance must be in full force and effect prior to commencing work and must remain in full force and effect for the longer of the following: (a) until the entire job is completed, (b) for the length of time that is specified in the contract, or (c) as listed below.

1. **PROFESSIONAL LIABILITY**

- A. Liability limits:
 - (1) \$1,000,000 - Each claim, and
 - (2) \$1,000,000 - Annual aggregate.
- B. Must continue coverage for two (2) years after final acceptance of service/job.

2. **GENERAL LIABILITY COVERAGE**

- A. Commercial General Liability limits:
 - (1) \$1,000,000 - Each occurrence limit,
 - (2) \$1,000,000 - Personal Liability and Advertising Injury,
 - (3) \$2,000,000 - General aggregate, and
 - (4) \$2,000,000 - Products-Completed Operations aggregate, which must be carried for two (2) years after the acceptance of the completed work.
- 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, and
 - (5) The general aggregate must apply separately to this project/location.

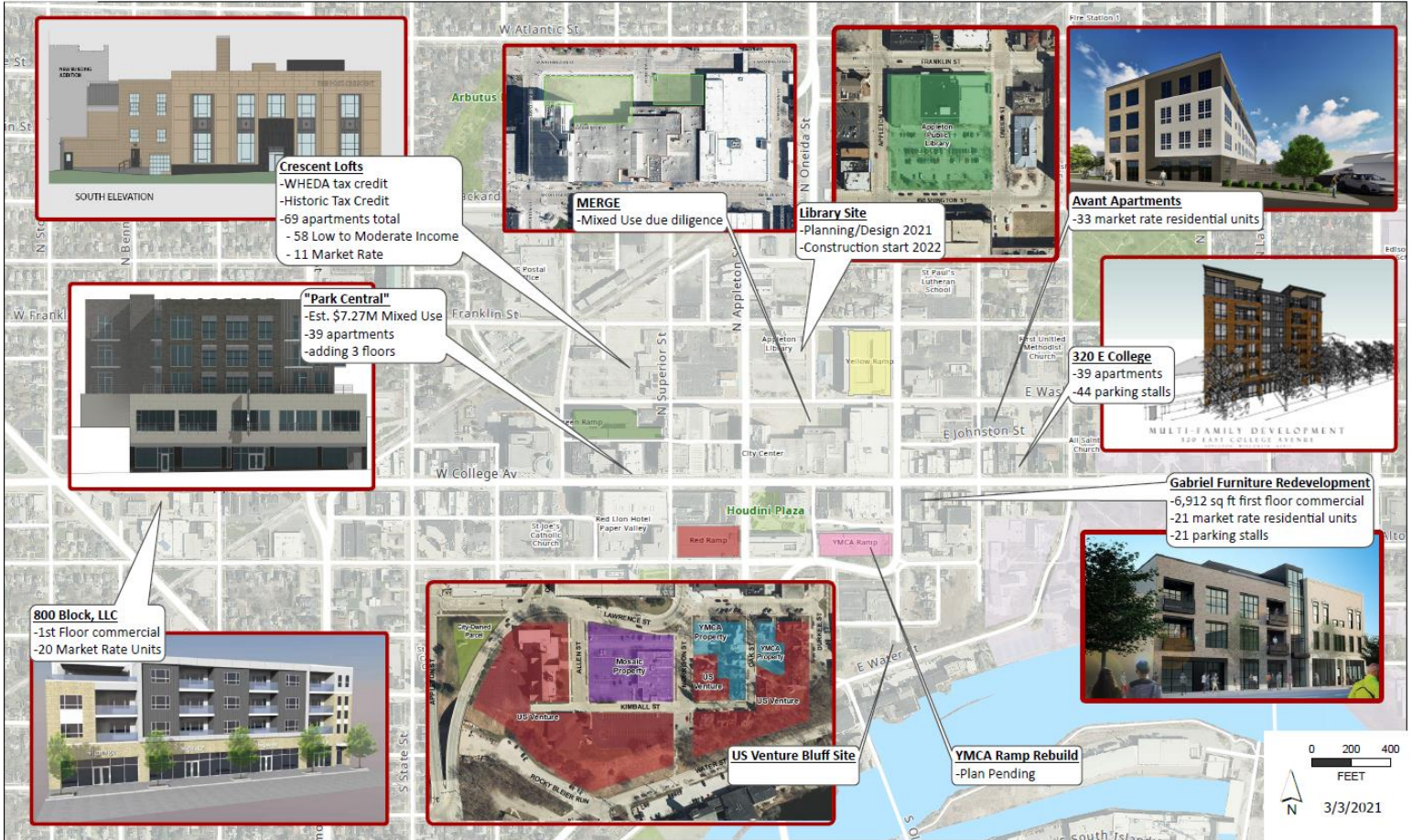
3. **BUSINESS AUTOMOBILE LIABILITY**

- A. Liability limits:
 - (1) \$1,000,000 - Combined single limit for Bodily Injury and Property Damage for 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 statute of a different State.
- A. Liability limits:
 - (1) \$100,000 - Each accident,
 - (2) \$500,000 - Disease Policy limit, and
 - (3) \$100,000 - Disease, for each employee.
5. **UMBRELLA LIABILITY** – If exposure exists, provide coverage at least as broad as the underlying General Liability, Business Automatable Liability, Workers’ Compensation and Employer’s Liability, with a minimum limit of \$5,000,000 for each occurrence and \$5,000,000 aggregate, and a maximum self-insured retention of \$10,000.
6. **ADDITIONAL REQUIREMENTS**
- 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 insured on all 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 on 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 two (2) years after acceptance of work. This does not apply to Workers Compensation Policies.
 - D. Certificates of Insurance – Certificates of Insurance must be acceptable to the City of Appleton and must be submitted prior to commencement of the work to the applicable department. In addition, ISO Form CG 20 10 07 04, for ongoing work exposure, and ISO Form CG 20 37 07 04, for products-completed operations exposure, or their equivalents, must be provided to the City. These certificates must 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.

EXHIBIT D – DOWNTOWN DEVELOPMENT OVERVIEW



Downtown Development Overview



Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

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

DATE: June 15, 2021

RE: Approval to single source and award 2021G stormwater consulting services contract for design of the stormwater management practices for Oneida, Lawrence, Morrison and Durkee Streets (south of College Avenue) and the YMCA parking ramp to McMahon Associates in an amount not to exceed \$40,000.

The Department of Public Works is requesting approval to single source and award 2021G stormwater consulting services contract for design of the stormwater management practices for Oneida, Lawrence, Morrison and Durkee Streets (south of College Avenue) to McMahon Associates in an amount not to exceed \$40,000.

Prior to this contract, McMahon Associates was awarded the 2019K contract for stormwater consulting services to develop and evaluate stormwater management alternatives on the referenced streets. Since that time, the City has committed to address the stormwater management requirements for the reconstruction of the YMCA parking ramp, adjacent to these streets. Combining the stormwater management practices for the streets and ramp results in a comprehensive stormwater model requiring less overall modeling and land to ensure efficient stormwater management.

Work under this contract will include:

- Recommend the necessary soil boring locations and criteria for the utility and paving work
- Update the XPSWMM model to evaluate the storm sewer system for peak discharge and surface ponding performance based on final design
- Update the WinSLAMM model to evaluate TSS and TP reductions for stormwater quality practices based on final design
- Evaluate construction feasibility due to other utilities
- Prepare a Stormwater Management Report
- Design the selected stormwater concept
- Prepare CAD drawings of the proposed stormwater management system
- Perform inlet capacity calculations
- Prepare an Operation and Maintenance Plan for the stormwater treatment practices
- Prepare an Erosion Control Plan for the street reconstruction work

- Prepare a WDNR Construction Site Permit application for the street reconstruction work
- Attend meetings and coordinate with various stakeholders

Based on the work McMahan has already completed for Hoffman and the City in this area, and their performance on past projects with the City, staff is recommending award of this project to McMahan Associates.



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

Finance Department
100 N. Appleton Street
Appleton, WI 54912
920-832-6442

TO: Chairperson Vered Meltzer and Members of the Utilities Committee

FROM: Kelli Rindt, Enterprise Fund Accounting Manager
Chris Shaw, Utilities Director

DATE: June 18, 2021

RE: *Approve wastewater rate adjustment for Holding Tank waste as prepared by Trilogy Consulting LLC.*

BACKGROUND:

A Wastewater Rate Study was completed in 2020 by Trilogy Consulting LLC that resulted in an overall rate increase of 20% in rates for wastewater services. By State Statues the Wastewater Utility is required to accept and treat hauled sanitary waste. In the past the utility charged the same fee to treat both septage and holding tank waste, however the characteristics of these waste types are much different and the septage waste costs more to process.

Trilogy Consulting has updated the study with rates to better reflect the treatment costs of the different waste types. See attached information from Trilogy Consulting LLC.

RECOMMENDATION:

Approve Wastewater rates modification, effective as of April 1, 2021, of septage waste charged at \$10.20/ton and holding tank waste charged at \$1.75/ton both were previously charged as sanitary waste at \$4.40/ton. Should you have any questions regarding this project please contact me at phone: 832-6316.

Recommended Holding Tank Waste Rates

At present the rates charged to sanitary waste haulers are the same for septage and holding tank waste. The 2020 Sewer Rate Study recommended an overall increase to that rate for 2021, from \$4.40 per ton to \$10.20 per ton. However, the wastestrength for holding tank waste is generally much lower than septage. The following table shows the calculated rates for septage and holding tank waste using wastestrengths that are more typical of each type of waste stream. The adopted 2021 rate of \$10.20 per ton is appropriate for septage. However, a lower rate of \$1.75 per ton is recommended for holding tank waste. This rate equates to \$7.60 per 1,000 gallons. Holding tank rates per 1,000 gallons charged by area utilities range from \$2.91 charged by Neenah-Menasha to \$18.49 per 1,000 gallons charged by Green Bay. The proposed rate is similar to the \$6.58 per 1,000 gallons charged by Oshkosh or the \$8.00 per 1,000 gallons charged by Sheboygan. The projected rates for future years are based on the projected future rate increases of 4% per year.

	Units	2020 Rate	Proposed Rates - 2021	Projected Rates - 2022	Projected Rates - 2023	Projected Rates - 2024	Projected Rates - 2025	Projected Rates - 2026
Sanitary Waste Haulers								
Septage	\$/ton	\$4.40	\$10.20	\$10.61	\$11.03	\$11.47	\$11.93	\$12.41
Holding Tank	\$/ton	\$4.40	\$1.75	\$1.82	\$1.89	\$1.97	\$2.05	\$2.13
Per Load		\$9.45	\$11.30	\$11.75	\$12.22	\$12.71	\$13.22	\$13.75
Per Customer	per quarter	\$15.75	\$17.70	\$18.41	\$19.15	\$19.92	\$20.72	\$21.55

19-21

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee – 6/16/2021)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created/amended as follows:

INSTALL STOP SIGNS ON:

South Court at John Street

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 Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

20-21

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 6/16/2021)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on Spartan Drive from Haymeadow Av to the west city limits.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

21-21

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 6/16/2021)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the south side of Spartan Drive from Haymeadow Av to a point 740 feet east of Haymeadow Avenue, as measured along the centerline of Haymeadow Avenue.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

22-21

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee – 6/16/2021)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created/amended as follows:

INSTALL STOP SIGNS ON:

Haymeadow Avenue to Spartan Drive

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 Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

23-21

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee – 6/16/2021)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created/amended as follows:

INSTALL ALL-WAY STOP CONTROL AT:

Intersection of Spartan Drive and Sommers Drive

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 Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

24-21

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee – 6/16/2021)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the north side of Henry Street from a point 47 feet west of Warner St to a point 77 feet west of Warner Street.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

25-21

AN ORDINANCE CREATING SECTION 23-55 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY DWELLING UNITS (ATTACHED AND DETACHED).

(City Plan Commission – 7/7/2021)

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

Section 1: That Section 23-55 of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory dwelling units (attached and detached), is hereby created to read as follows:

Sec. 23-55. Accessory dwelling units (attached and detached).

(a) ***Purpose.***

- (1) The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting stability for established neighborhoods.

- (2) Accessory dwelling units help advance the City's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the City's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods.
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) **Definitions.** The definitions identified in this section shall apply to this section and shall prevail in the event any inconsistency exists between these definitions and the definitions set forth in Article II of this chapter.

- (1) **Accessory dwelling unit (ADU)** means an attached or a detached dwelling unit, which provides complete independent living facilities for one or more individuals and is located on a lot with a proposed or existing principal residential dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot and in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.
- (2) **Attached accessory dwelling unit** means a dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including an attached garage.
- (3) **Detached accessory dwelling unit** means a freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including the conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.

- (4) ***Junior accessory dwelling unit (JADU)*** means a dwelling unit that is no more than 500 square feet in size, which provides complete independent living facilities for one or more individuals and is contained within or a combination of connected to and contained within an existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. However, a junior accessory dwelling unit may include bathing and sanitation facilities or may share bathing and sanitation facilities with the principal residential dwelling unit.
- (5) ***Independent living facilities*** means a dwelling unit having permanent provisions of all of the following features: living, sleeping, eating, cooking, bathing and sanitation facilities.
- (6) ***Established front yard*** means the closest distance measured from the principal building to the front lot line(s).
- (7) ***Convey, conveyed or conveyance*** refers to the act of transferring property from one party to another by a written deed or an equivalent document, including condominium declarations documents. This is completed by recording the document with the County Register of Deeds.
- (8) ***Gross floor area*** means the sum of the horizontal areas of all floors of a building measured from the exterior face of the exterior walls or from the centerline of a wall separating two (2) dwelling units, but not including finished and unfinished basement areas, attached and detached garages, and any space where the floor-to-ceiling height is less than six (6) feet.
- (9) ***Cooking appliances*** means including, but not limited to: ovens, convection ovens, stoves, stove top, hot plates, microwave ovens, built in grills or similar appliances.

(c) ***Permitted zoning districts.*** Accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) ***Location.*** Accessory dwelling units shall be located on the same lot as the single-family detached dwelling or two-family-zero lot line dwelling.

(e) ***Accessory dwelling unit number and type.***

- (1) Lots with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling are permitted to have a maximum of one (1) accessory dwelling unit and one (1) junior accessory dwelling unit per lot under the following options:

- a. **Option 1 (attached ADU and JADU):** A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) attached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter; or
- b. **Option 2 (detached ADU and JADU):** A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) detached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter.
- c. Lots with an existing built or proposed to be built single-family detached dwelling or a two-family-zero lot line dwelling shall not be permitted to have both an attached accessory dwelling unit and a detached accessory dwelling unit.

(f) ***Use regulations.***

- (1) ***Timing of construction.*** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 Districts prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.
- (2) ***Sale of property and tax parcel number.*** The accessory dwelling unit or junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the accessory dwelling unit.
- (3) ***Detached accessory building conversion.*** Adding on vertically or horizontally to or converting all or a portion of an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit may be permitted, provided all of the provisions of this section are all complied with.
- (4) ***Maximum size of accessory dwelling units.*** The total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.
- (5) ***Off-street parking.*** No additional off-street parking is required for an attached or detached accessory dwelling unit beyond what is required for

the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal dwelling unit shall be replaced, and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

(g) ***Design requirements for attached and detached accessory dwelling units.*** Attached and detached accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

- (1) ***Compliance with applicable regulations.*** Attached and detached accessory dwelling units, including adding on to or converting an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit shall comply with all applicable Municipal Code regulations, including but not limited to, City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Drainage, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws, unless otherwise stated in this section.
- (2) ***Exterior finish materials.*** Exterior finish materials for attached accessory dwelling units must visually be similar to the exterior finish materials of the principal dwelling unit.
 - a. For the purpose of this subsection, the term “similar materials” means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, color, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.
- (3) ***Orientation of exterior entry doors and stairways.***
 - a. ***New (ADU) exterior entry door.*** All new exterior entry doors constructed exclusively to serve the accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the accessory dwelling unit.
 - b. ***Shared use of an existing or proposed (primary dwelling unit or detached garage) exterior entry door.*** Exterior entry doors located

on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.

- c. ***Stairways (interior and corner lots).*** All new stairways constructed to serve an accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.
 - d. ***Stairways (double frontage lots).*** A new stairway constructed to serve an accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.
- (4) ***Foundation design.*** Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.
- (5) ***Water meter and service connection.*** A new separate water meter and service connection to the public water main is not required for accessory dwelling units, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.
- (6) ***Separate electrical service.***
- a. ***Detached accessory dwelling units.*** Detached accessory dwelling units shall have a separate electric meter and electrical panel independent from the principal dwelling unit.
 - b. ***Attached accessory dwelling units.*** A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for an attached accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the attached accessory dwelling unit.
- (h) ***Setbacks.***
- (1) Attached accessory dwelling units shall comply with the following setback requirements:

- a. ***Minimum front lot line setback (street and alley):*** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- b. ***Minimum side lot line setback:*** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- c. ***Minimum rear lot line setback:*** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- d. ***Minimum separation between all buildings:*** Ten (10) feet.
- e. The minimum front, side and rear lot line setbacks for accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.

(2) Detached accessory dwelling units shall comply with the following setback requirements:

- a. ***Minimum front lot line setback (street and alley):*** Shall not be located in the established front yard, except for double frontage lots.
- b. ***Minimum front lot line setback (double frontage lots):*** The minimum setback shall be what is required in the underlying zoning district for the principal dwelling unit for the yard opposite the front yard from which the principal dwelling unit is addressed.
- c. ***Minimum side lot line setback:*** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- d. ***Minimum rear lot line setback:*** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- e. ***Minimum separation between all buildings:*** Ten (10) feet.
- f. The minimum side and rear lot setbacks for detached accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2) and (4) of this Chapter.

(i) **Maximum lot coverage.** Attached and detached accessory dwelling units shall be included in the calculation of maximum lot coverage that is required in the underlying zoning district that it is located in. The maximum lot coverage percentage as established for the underlying zoning district shall not be exceeded.

(j) **Building height.**

- (1) Attached accessory dwelling units shall not exceed the maximum building height limit is required in the underlying zoning district for the principal dwelling unit.
- (2) Detached accessory dwelling units shall not exceed the height of the principal dwelling unit.

(k) **Exceptions.**

- (1) Accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.
- (2) Accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(l) **Building permit application process.** Application, review, and approval of an accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

- (1) Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence.
- (2) Addressing. Accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

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

26-21

AN ORDINANCE CREATING SECTION 23-56 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO JUNIOR ACCESSORY DWELLING UNITS (JADU).

(City Plan Commission – 7/7/2021)

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

Section 1: That Section 23-56 of Chapter 23 of the Municipal Code of the City of Appleton, relating to junior accessory dwelling units (JADU), is hereby created to read as follows:

Sec. 23-56. Junior accessory dwelling units (JADU).

(a) ***Purpose.*** This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit and shall not be considered a separate dwelling unit.

- (1) Junior accessory dwelling units help advance the City's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the City's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods, and
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) ***Definitions.*** See Section 23-55(b).

(c) ***Permitted zoning districts.*** Junior accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) ***Maximum number.*** A maximum of one (1) junior accessory dwelling unit shall be permitted per residential lot in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(e) ***Use regulations.***

- (1) **Timing of construction.** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.
- (2) **Sale of property and tax parcel number.** The junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the junior accessory dwelling unit.
- (3) **Maximum size.** A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size. In addition, the total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.
- (4) **Off-street parking.** No additional off-street parking is required for a junior accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

(f) **Design requirements for a junior accessory dwelling unit.** Junior accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

- (1) **Compliance with applicable regulations.** Junior accessory dwelling units shall be considered to be a part of the principal dwelling unit on the lot and shall comply with all applicable Municipal Code regulations, including but not limited to, City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.
- (2) **Location of junior accessory dwelling unit.** A junior accessory dwelling unit shall be attached to a single-family detached dwelling or two-family zero lot line dwelling, may be created in any part of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, and may be created in an addition to a single-family detached dwelling.
- (3) **Orientation of exterior entry doors and stairways.**

- a. ***New (JADU) exterior entry door.*** All new exterior entry doors constructed exclusively to serve the junior accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the junior accessory dwelling unit.
- b. ***Shared use of an existing or proposed (primary dwelling unit or detached garage) exterior entry door.*** Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the junior accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.
- c. ***Stairways (interior and corner lots).*** All new stairways constructed to serve a junior accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.
- d. ***Stairways (double frontage lots).*** A new stairway constructed to serve a junior accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.

(4) ***Entry connections.***

- a. Junior accessory dwelling units that contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will not be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Junior accessory dwelling units that do not contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Two (2) interior doors may be installed within one (1) frame for noise reduction.

(5) ***Foundation design.*** Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.

(6) ***Water meter and service connection.*** A new separate water meter and service connection to the public water main is not required for a junior accessory dwelling unit, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

(7) ***Separate electrical service.***

- a. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for a junior accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the junior accessory dwelling unit.

(8) ***Kitchen area.*** A junior accessory dwelling shall contain a kitchen area which includes a sink, cooking appliance, any size refrigerator, counter surface, and storage cabinets.

(9) ***Bathing and sanitation.*** Junior accessory dwelling units may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal dwelling unit.

(10) ***Setback and other zoning regulations.*** For purposes of setbacks and other zoning regulations, the junior accessory dwelling unit shall be considered to be a part of the principal dwelling unit of subject site and shall be subject to the requirements of the underlying zoning district.

- a. The minimum front, side and rear lot line setbacks for junior accessory dwelling units constructed or established on nonconforming lots of record, may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.

(g) ***Exceptions.***

- (1) Junior accessory dwelling units are exempt from the requirements of Section 23-43(d)(4) and (f) of this Chapter.

- (2) Junior accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(h) ***Building permit application process.*** Application, review, and approval of a junior accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

- (1) Prior to issuance of a building permit for the junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that: includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence.

- (2) **Addressing.** Junior accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

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

27-21

AN ORDINANCE AMENDING SECTION 23-43(d)(7) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES.

(City Plan Commission – 7/7/2021)

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

Section 1: That Section 23-43(d)(7) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures; general regulations for accessory uses, buildings and structures, is hereby amended to read as follows:

Sec. 23-43. Accessory uses, buildings and structures.

(d) **General regulations for accessory uses, buildings and structures.**
All accessory uses, buildings and/or structures shall abide by the following general regulations:

- (7) Detached accessory buildings shall not be used as a secondary dwelling, unless the provisions of Sec. 23-55 are met.

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

28-21

AN ORDINANCE AMENDING SECTION 23-92(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1A SINGLE-FAMILY DISTRICT; ACCESSORY USES.

(City Plan Commission – 7/7/2021)

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

Section 1: That Section 23-92(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1A single-family district; accessory uses, is hereby amended to read as follows:

Sec. 23-92. R-1A single-family district.

- (c) *Accessory uses.* Accessory uses in the R-1A district may include:
- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the R-1A district, except for boats or boat trailers greater than twenty-six (26) feet in length.
 - (2) Bed and breakfast establishments pursuant to §23-48.
 - (3) Home occupation pursuant to §23-45.
 - (4) Fences and walls pursuant to §23-44.
 - (5) Accessory dwelling units pursuant to §23-55.
 - (6) Junior accessory dwelling units pursuant to §23-56.

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

29-21

AN ORDINANCE AMENDING SECTION 23-93(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1B SINGLE-FAMILY DISTRICT; ACCESSORY USES.

(City Plan Commission – 7/7/2021)

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

Section 1: That Section 23-93(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1B single-family district; accessory uses, is hereby amended to read as follows:

Sec. 23-93. R-1B single-family district.

- (c) *Accessory uses.* Accessory uses in the R-1B district may include:
- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the R-1B district, except for boats or boat trailers greater than twenty-six (26) feet in length.
 - (2) Bed and breakfast establishments pursuant to §23-48.
 - (3) Home occupation pursuant to §23-45.
 - (4) Fences and walls pursuant to §23-44.
 - (5) Accessory dwelling units pursuant to §23-55.
 - (6) Junior accessory dwelling units pursuant to §23-56.

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

30-21

AN ORDINANCE AMENDING SECTION 23-94(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1C CENTRAL CITY RESIDENTIAL DISTRICT; ACCESSORY USES.

(City Plan Commission – 7/7/2021)

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

Section 1: That Section 23-94(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1C central city residential district; accessory uses, is hereby amended to read as follows:

Sec. 23-94. R-1C central city residential district.

- (c) *Accessory uses.* Accessory uses in the R-1C district may include:
- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the R-1C district, except for boats or boat trailers greater than twenty-six (26) feet in length.

- (2) Bed and breakfast establishments pursuant to §23-48.
- (3) Home occupation pursuant to §23-45.
- (4) Fences and walls pursuant to §23-44.
- (5) Accessory dwelling units pursuant to §23-55.
- (6) Junior accessory dwelling units pursuant to §23-56.

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

31-21

AN ORDINANCE AMENDING SECTION 23-95(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-2 TWO-FAMILY DISTRICT; ACCESSORY USES.

(City Plan Commission – 7/7/2021)

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

Section 1: That Section 23-95(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-2 two-family district; accessory uses, is hereby amended to read as follows:

Sec. 23-95. R-2 two-family district.

- (c) *Accessory uses.* Accessory uses in the R-2 district may include:
- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the R-2 district, except for boats or boat trailers greater than twenty-six (26) feet in length.
 - (2) Bed and breakfast establishments pursuant to §23-48.
 - (3) Home occupation pursuant to §23-45.
 - (4) Fences and walls pursuant to §23-44.
 - (5) Accessory dwelling units pursuant to §23-55.

- (6) Junior accessory dwelling units pursuant to §23-56.

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

32-21

AN ORDINANCE AMENDING SECTION 23-96(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-3 MULTIFAMILY DISTRICT; ACCESSORY USES.

(City Plan Commission – 7/7/2021)

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

Section 1: That Section 23-96(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-3 multifamily district; accessory uses, is hereby amended to read as follows:

Sec. 23-96. R-3 multifamily district.

- (c) *Accessory uses.* Accessory uses in the R-3 district may include:
 - (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the R-3 district, except for boats or boat trailers greater than twenty-six (26) feet in length.
 - (2) Bed and breakfast establishments pursuant to §23-48.
 - (3) Home occupation pursuant to §23-45.
 - (4) Fences and walls pursuant to §23-44.
 - (5) Accessory dwelling units pursuant to §23-55.
 - (6) Junior accessory dwelling units pursuant to §23-56.

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

33-21

AN ORDINANCE RENUMBERING SECTION 20-42 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PRIVATE WATER WELLS TO 20-43 AND REPLACING IT WITH NEWLY-CREATED SECTION 20-42 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO VALVING.

(Utilities Committee – 6/16/2021)

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

Section 1: That Section 20-42 of Chapter 20 of the Municipal Code of the City of Appleton, relating to private water wells, is hereby renumbered to Section 20-43.

Section 2: That Section 20-42 of Chapter 20 of the Municipal Code of the City of Appleton, relating to valving, is hereby created as follows:

Sec. 20-42. Valving.

All new and redeveloped commercial properties planning to install a fire service line or combination fire/domestic service line shall be triple valved to provide continuous water supply during a watermain break or other discontinuance of service, unless this requirement is specifically waived in writing by the Director of Public Works.

Section 3: This ordinance shall be in full force and effect from and after its passage and publication.