

139-24

AN ORDINANCE AMENDING SECTION 4-241 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NON-DWELLING STRUCTURES, FENCES, AND DRAINAGE.

(Community Development Committee – 11-06-2024)

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

Section 1: That Section 4-241 of Chapter 4 of the Municipal Code of the City of Appleton, relating to non-dwelling structures, fences, and drainage, is hereby amended to read as follows:

Sec. 4-241. Non-dwelling structures, fences and drainage.

(a) No owner shall permit any non-dwelling structure, including fences, to rest on any premises which does not comply with the following requirements:

- (1) Every foundation, exterior wall, roof, window, exterior door or basement hatchway, and every other entranceway of every non-dwelling structure, shall be so maintained as to prevent the structure from becoming a harborage for rats, and shall be kept in a reasonably good state of maintenance and repair.
- (2) All exterior surfaces of non-dwelling structures shall be properly protected from the elements and against decay and decomposition by paint or other approved protective coating applied in a workmanlike manner.
- (3) Every fence shall be kept in a good state of maintenance.
- (4) All fence posts shall be anchored at least forty-eight (48) inches into the ground.

(b) Every premise shall be graded and maintained so that no stagnant water shall accumulate or stand on the premises or within any building or structure located on the premises.

(c) For all non-dwelling structures, no more than two (2) layers of shingles, or other similar roofing materials, may be installed onto a roof.

(d) Driveways – One and Two Family.

- (1) Material. Driveways shall be paved with concrete, asphalt, or brick pavers. Concrete shall be finished to a minimum thickness of 4.5 inches and

minimum 3/8” diameter reinforcing rods spaced at 24 inches on center shall be installed. Asphalt shall be paved to a finished thickness of no less than 2 inches. Paving bricks shall be no less than 2-1/4” thick and shall be installed upon a properly compacted and leveled base in a manner that is consistent with standard installation practices. Other or similar “hard surfaces”, as referenced by the Municipal Code, shall only include items approved by the Director of Community Development, prior to installation, as acceptable paving materials. Such materials shall be installed in a manner that is consistent with professional installation practices.

- (2) Any other areas, beyond the minimum requirements, considered to be parking surfaces, must either be paved or converted to a grass/lawn surface by completely removing any gravel or non-conforming driveway surface and installing a minimum of 2” of topsoil prior to seeding.
- (3) If a driveway is to be completely removed, the driveway apron shall also be completely removed and the area restored to grass/lawn area as stated above, and the curb section reinstalled. Replacing the curb requires a permit and must be performed in accordance with City specifications by a contractor licensed with the City to perform such work.
- (4) Repairs to existing hard surfaced driveways shall be made with materials of the same type as the existing hard surface unless the entire driveway is being replaced.

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

140-24

AN ORDINANCE AMENDING SECTION 4-66 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO REQUIRED; EXCEPTION.

(Community Development Committee – 11-06-2024)

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

Section 1: That Section 4-66 of Chapter 4 of the Municipal Code of the City of Appleton, relating to required; exception, is hereby amended to read as follows:

Sec. 4-66. Required; exception.

(a) No person shall excavate for a structure or building; construct, enlarge, alter, remove or demolish or change the occupancy of a building from one use to another requiring greater strength, exit or sanitary provisions or change to a prohibited use; or install or alter any wiring equipment or electrical, plumbing, heating and ventilating facilities for which provision is made or the installation of which is regulated by this chapter without first filing an application with the Inspection Supervisor on the form provided in writing and obtaining the required permit therefore, except that ordinary repairs which do not involve any violation of this chapter shall be exempt from this provision.

(b) Ordinary repairs to structures or buildings may be made without application or notice to the Inspection Supervisor; but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work affecting public health or general safety.

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

141-24

AN ORDINANCE AMENDING SECTION 4-546(a) OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PERMITS; BUILDING PERMIT.

(Community Development Committee – 11-06-2024)

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

Section 1: That Section 4-546(a) of Chapter 4 of the Municipal Code of the City of Appleton, relating to permits; building permit, is hereby amended to read as follows:

Sec. 4-546. Permits.

(a) ***Building permit.*** A building permit is required for the installation, alteration or addition of a swimming pool. The permit fee shall be as provided in §4-161(8). A building permit shall be applied for and obtained prior to the installation, alteration or addition of any private residential swimming pool. The application for a permit shall be accompanied by a plot plan drawing of the premises upon which the proposed pool is to be installed. The plot plan shall show the size and shape of the lot, location and size of all buildings, structures (including fences), existing or proposed, and

any other information affecting the premises. The plot plan shall be accurate and dimensioned.

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

142-24

AN ORDINANCE AMENDING SECTION 19-91 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING ON TERRACES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 19-91 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking on terraces, is hereby amended to read as follows:

Sec. 19-91. Parking on terraces.

(a) ***Penalty; parking on terraces.***

- (1) *First offense parking forfeiture.* Any person to whom a ticket has been issued for a violation of this section shall incur a forfeiture of forty-five dollars (\$45.00), which may be satisfied by paying twenty dollars (\$20.00) within fifteen (15) days of the date of the ticket. The procedures in Sec. 19-90(i), (k), and (l) apply to first offenses of this section.
- (2) *Second and subsequent violations of this section.* Any person who violates any provision of this section more than one time in a twelve (12) month period shall be subject to a penalty as provided in Sec. 1-16 of the Municipal Code.

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

143-24

AN ORDINANCE REPEALING SECTION 19-92 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RECREATIONAL AND COMMERCIAL VEHICLE PARKING AND STORAGE IN RESIDENTIAL DISTRICT.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 19-92 of Chapter 19 of the Municipal Code of the City of Appleton, relating to recreational and commercial vehicle parking and storage in residential district, is hereby repealed.

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

144-24

AN ORDINANCE AMENDING SECTION 23-22 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WORDS AND TERMS DEFINED.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-22 of Chapter 23 of the Municipal Code of the City of Appleton, relating to words and terms defined, is hereby amended by making the following changes:

**Definitions that are underlined are revised or will be added to this section and those stricken will be removed.*

Sec. 23-22. Words and terms defined.

For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

~~**Amusement arcade** means a use in which fifteen (15) or more pinball machines, video games or other similar player operated amusement devices (see §9-126) are maintained. Principal uses which require a special use permit are not considered an amusement arcade (e.g. taverns, neighborhood recreation centers).~~

Building depth means the horizontal distance between the front wall and the rear wall of a building.

Commercial entertainment means a use that provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, skate park, bowling alleys, pool and billiard halls, amusement arcade, concerts or music halls and similar entertainment activities.

Dwelling, residential means a building, structure or part of a building or structure, containing living, sleeping, housekeeping accommodations, and sanitary facilities that is used or intended to be used as a home, residence, or sleeping place by one (1) or more families maintaining a common household.

Driveway means an area on private property providing access for vehicles to a public right-of-way.

- (a) **Residential driveway** means a driveway leading directly from the street to a garage, carport, side yard or rear yard parking area which provides vehicle access to a parking area located on a lot serving single-family detached, two-family dwellings and zero lot line dwellings, including driveway extensions.
- (b) **Commercial driveway** means a driveway providing vehicle access to property used for purposes other than single-family detached, two-family dwellings and zero lot line dwellings.
- (c) **Driveway apron** means that portion of any driveway between the traveled portion of the street and the property line.

~~**Painting/Craft Studio with alcohol sales** means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.~~

Painting/Craft Studio means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that may offer customers the opportunity to purchase food, alcoholic and/or non-alcoholic beverages for consumption while they paint and/or make crafts.

~~**Parking lot** means a use involving an open, hard surfaced area used exclusively for the temporary storage of motor vehicles.~~

Parking means an area that provides the required parking for a use in accordance with Chapter 23 Zoning of the City of Appleton Municipal Code. The following definitions relating to parking are also provided:

- (a) **Bicycle parking space** means an area designated and equipped for the purpose of parking and securing a bicycle.
- (b) **Parking** means the act or practice of temporarily leaving any vehicle or maneuvering any vehicle into a certain location or outdoors on a residential driveway, including a parking pad.
- (c) **Parking aisle** means that area adjacent to an off-street parking space which permits maneuvering of the vehicles entering and leaving an off-street parking space and having access to a driveway, street, alley or private street.
- (d) **Parking pad** means a hard surfaced area upon a property which is not connected to a driveway and located in a side and/or rear yard which is intended for parking vehicles and recreational vehicles.
- (e) **Parking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) for one (1) vehicle with room to open doors on both sides of the vehicle that is directly accessible to an access aisle if located in a parking lot or otherwise accessible to a driveway, residential driveway, street or alley.
- (f) **Stacking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) designated as an area for temporary queuing of vehicles.
- (g) **Stacked parking means** a hard surfaced area (e.g., asphalt, concrete or brick pavers) for the parking of more than one (1) vehicle in a parallel line, one behind the other on a residential driveway.
- (h) **Side and Rear yard parking area** means an outdoor off-street parking area designed for vehicle parking and maneuvering which is located in the side and rear yard only.
- (i) **Off-street parking space** means a hard surfaced area for one (1) vehicle with room to open doors on both sides of the vehicle that is directly accessible to a parking aisle if located in an off-street parking lot or area and having access to a driveway, street, alley or private street.

(j) **Off-street parking lot or area** means a structure and use involving an open, hard surfaced area which contains off-street parking spaces, parking aisles and driveways for the maneuvering and parking of vehicles which is not located in a street or alley right-of-way. Also means parking lot.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity. This definition also includes terraces and driveway aprons.

Recreational vehicle means a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats. It also includes trailers and boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties.

Restaurant means a use involving a business establishment, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state.

~~**Restaurant (without alcohol)** means a use involving a business establishment, without a liquor license issued by the City, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual serving or in non-disposable containers.~~

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway including, but not limited to a recreational vehicle, except railroad trains. This definition also means motor vehicle.

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

145-24

AN ORDINANCE AMENDING SECTION 23-43(c)(10) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; PERMITTED ACCESSORY USES AND STRUCTURES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-43(c)(10) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures; permitted accessory uses and structures, is hereby amended to read as follows:

Sec. 23-43. Accessory uses, buildings and structures.

(c) *Permitted accessory uses and structures.* Accessory uses, buildings and structures include, but are not limited to, the following:

- (10) Residential driveways, commercial driveways, driveway extensions and parking pads.

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

146-24

AN ORDINANCE AMENDING SECTION 23-43(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; USE AND LOCATION RESTRICTIONS FOR VEHICLES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-43(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures; use and location restrictions for vehicles, is hereby amended to read as follows:

Sec. 23-43. Accessory uses, buildings and structures.

(e) *Use and location restrictions for vehicles.*

- (1) *Purpose.* The purpose of this subsection is to maintain the acceptable appearance of City neighborhoods by identifying acceptable locations for parking any vehicle and to provide access for vehicles from the public right-of-way or a private street into private property.
- (2) *When associated with residential dwellings.*

- a. Enclosed parking of commercial or service vehicles. A maximum of one (1) commercial or service vehicle rated at Class A, B and C, not including semitrailers may be parked within an attached garage, attached carport, detached garage, and/or detached carport.
- b. Outdoor parking of commercial or service vehicles. A maximum of one (1) commercial or service vehicle rated at Class A, B, and C, not including semitrailers may be parked outdoors on a lot.
- c. Outdoor parking of trailers and recreational vehicles. The outdoor parking of not more than one (1) trailer or recreational vehicle may be permitted provided:
 - 1. Such trailer or recreational vehicle shall not be used for business, living, sleeping or housekeeping purposes.
 - 2. Such trailer or recreational vehicle shall not be permanently connected to sewer lines, water lines or electricity.
 - 3. Such trailer or recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential for immediate use in that vehicle or trailer.

(3) *Location and Setback Restrictions for Outdoor Parking of Vehicles when associated with Residential Dwellings.*

- a. Public Right-of-Way Encroachment Prohibited: Parked vehicles shall not extend beyond the front lot line and encroach into the public right-of-way, including the public sidewalk, terrace and driveway apron.
- b. Front Yard:
 - 1. Within the front yard, all vehicle wheels shall be located on the residential driveway surface.
 - 2. Parking pads are prohibited in the front yard.
 - 3. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the front yard.
- c. Side Yard:

1. Within the side yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the side yard.

d. Rear Yard:

1. Within the rear yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the rear yard.

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

147-24

AN ORDINANCE AMENDING SECTION 23-43(f) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; RESIDENTIAL DRIVEWAY, DRIVEWAY EXTENSION AND PARKING PAD REGULATIONS.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-43(f) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures; residential driveway, driveway extension and parking pad regulations, is hereby amended to read as follows:

Sec. 23-43. Accessory uses, buildings and structures.

(f) ***Residential driveway, driveway extension and parking pad regulations.***

- (1) *Exemptions.* Circular or looped residential driveways are exempt from the provisions of this subsection but must comply with the provisions listed under Section 23-43(f)(2) and Section 23-43(f)(3)a., b., c., d. and j.
- (2) *Permit application procedure.*
 - a. Building and Street Excavation Permit Application(s).

1. Before construction, and expansion of a residential driveway or parking pad on private property, a completed Building Permit application and fee must be filed with the Building Inspections Supervisor or their designee; and
2. Before construction, repair, replacement, or removal of any sidewalk, driveway apron, carriage walk, curb and gutter, or surfacing within the public right-of-way, a completed Street Excavation Permit application and fee must be filed with the Department of Public Works, Engineering Division for review and approval.

If required, the Street Excavation Permit shall be approved by the Department of Public Works, Engineering Division prior to the issuance of a Building Permit.

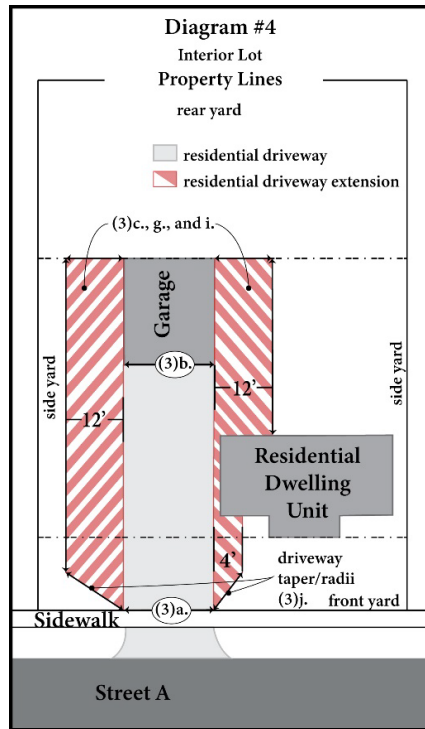
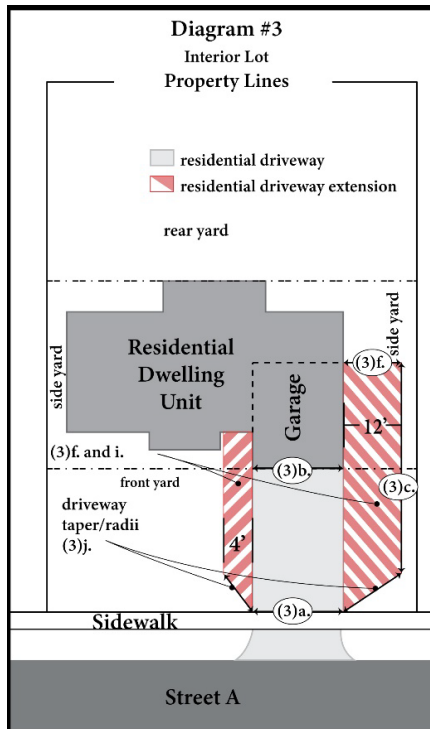
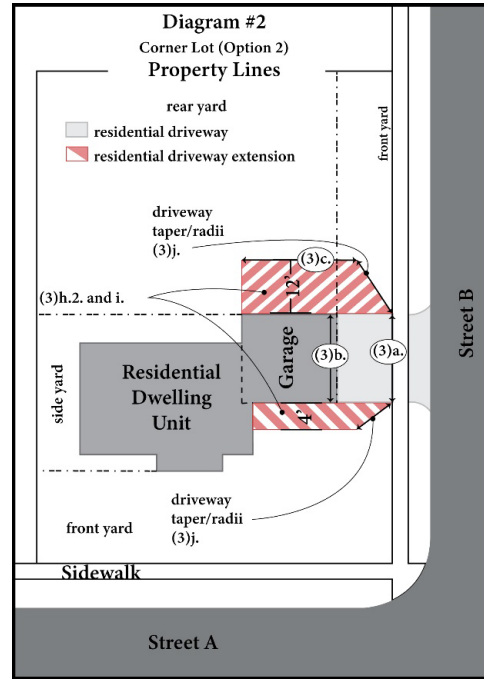
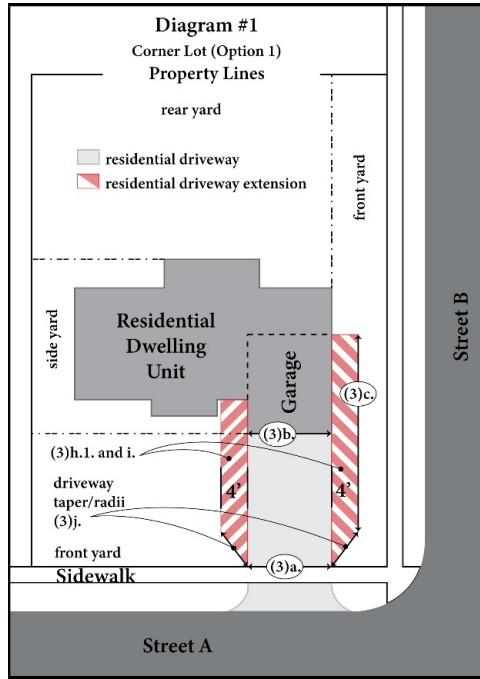
3. The above referenced applications shall describe the nature of the work, materials to be used, measurements, plans and/or specifications of the residential driveway, driveway extension or parking pad as well as such other information as may be required by the Building Inspections Supervisor, City Engineer or their designee.

b. Building Permit Application Submittal, Acceptance and Review. After the submittal and acceptance of a complete application by the Building Inspections Supervisor or their designee, the proposed plans and specifications shall be reviewed for compliance all applicable provisions of this chapter and other City of Appleton Municipal Code provisions, and applicable policies.

1. Thereafter, the Building Permit shall be approved, approved with conditions or denied with reasons why the Building Permit cannot be issued.

c. Building Permit Denial and Appeal. The applicant may appeal the Building Inspections Supervisor's or their designee's decision pursuant to Section 23-67 of this Chapter.

(3) Residential driveway and driveway extension dimensions, design and location standards.



- a. Maximum residential driveway width at the front lot line. Shall not exceed 40% of the lot width dimension where the residential

driveway is located or a maximum of 40 feet wide at the front lot line, whichever is less.

- b. Maximum residential driveway width beyond the front line. The residential driveway shall not exceed the width of a garage or carport it serves (horizontal distance measured between the exterior side walls along the front of the garage or carport).
- c. Length. The length of a residential driveway and driveway extension on interior, corner and double frontage lots shall not extend beyond the depth of the garage or carport. When a garage or carport is not present see Section 23-43(f)3.e. below.
- d. Surface Materials. Both the entire width and length of a residential driveway and driveway extension shall be improved with concrete, asphalt, brick pavers or another permeable hard surface. Gravel material is prohibited.
- e. Garage not present. If a garage is not present on the residential lot, a residential driveway shall be constructed leading directly from the street to a side yard or rear yard the purpose of complying with Section 23-172(m) required spaces for specified uses and be subject to the following requirements:
 - 1. Side yard parking area. The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection shall apply. A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the residential dwelling and no wider than 4 feet in front of the residential dwelling. The length of the residential driveway and driveway extension shall not extend beyond the depth of the residential dwelling, unless constructing a rear yard parking area in accordance with the following requirements:
 - 2. Rear yard parking area. The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection and Section 23-50(d)(4) [double frontage lot exception] shall apply.
- f. Driveway extension. Maximum width (attached garage or carport) on interior and double frontage lots. A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of

the attached garage or carport and no wider than 4 feet in front of the residential dwelling.

g. Driveway extension. Maximum width (detached garage or carport) on interior, corner and double frontage lots. A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the detached garage or carport and no wider than 4 feet in front of the residential dwelling.

h. Driveway extension. Maximum width (attached garage or carport) on corner lots.

1. **Option 1:** A driveway extension no wider than 4 feet on both sides of the driveway may be constructed into the front yard; or

2. **Option 2:** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.

3. Shall not be permitted to have both Options 1 and 2.

i. Location. A driveway extension shall be located contiguous and parallel to the residential driveway.

j. Taper/radii. Where the width of the driveway or driveway extension exceeds the existing width the residential driveway at the front lot line or maximum width requirement for a residential driveway at the front lot line, the driveway or driveway extension shall be tapered at an angle or have a curved radii from the front lot line.

(4) *Parking pad location and design standards.*

a. Location. Parking pads may be permitted in the side and rear yard. Parking pads and are prohibited in the front yard.

b. Materials. The parking pad shall be improved with concrete, asphalt, brick pavers, another permeable hard surface. Gravel material is prohibited.

c. Parking pads shall not be connected or extended to the public right-of-way by a separate driveway opening.

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

148-24

AN ORDINANCE AMENDING SECTION 23-43(g) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; SETBACK, HEIGHT AND LOT COVERAGE RESTRICTIONS.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-43(g) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, buildings and structures; setback, height and lot coverage restrictions, is hereby amended to read as follows:

Sec. 23-43. Accessory uses, buildings and structures.

(g) *Setback, height and lot coverage restrictions.* Accessory buildings and/or structures, shall meet the following setback, height and lot coverage requirements:

(re-lettered from (f))

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

149-24

AN ORDINANCE AMENDING SECTION 16-37(d) OF CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFFICIAL MAP; CHANGES AND AMENDMENTS.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 16-37(d) of Chapter 16 of the Municipal Code of the City of Appleton, relating to official map; changes and amendments, is hereby amended to read as follows:

Sec. 16-37. Official map.

(d) ***Changes and amendments.*** The Common Council may, change or add to the official map of the City so as to establish the exterior lines of planned new streets, highways and parkways, or to widen, narrow, extend or close existing streets, highways and parkways per Wis. Stat. §62.23(6)(b) (2021-22), as amended from time to time.

- (1) ***Initiation of Amendments.*** Proposed amendments may be initiated by: Aldermanic Resolution, Community Development Director, Public Works Director, and/or Director of Parks and Recreation.
- (2) ***Amendment Procedure.***
 - a. **Proposal.** Amendments that serve a general interest may be proposed by Aldermanic resolution in compliance with Council Rules or by direct initiation by the Community Development Director, Public Works Director, and/or Director of Parks and Recreation.
 - b. **Authority of the Plan Commission.**
 1. Within sixty (60) days of receiving the proposed amendments, the Plan Commission shall transmit to the Common Council its recommendation.
 2. If Plan Commission fails to make a recommendation within sixty (60) days of receipt, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council.
 3. Community Development Director is responsible for analyzing the facts regarding the official map amendment and prepare a staff review and recommendation for consideration.
 - c. **Public hearing.**

1. The City Clerk shall establish a date, time and place to hold a public hearing before the Common Council.
 2. Class 2 Notice shall be given prior to public hearing.
- d. Authority of the Common Council.
1. Within forty-five (45) days of the Plan Commission recommendation, the Common Council shall hold public hearing.
 2. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
 3. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance.

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

150-24

AN ORDINANCE AMENDING SECTION 23-32(c)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO APPLICATION OF THIS CHAPTER.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-32(c)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to application of this chapter, is hereby amended to read as follows:

Sec. 23-32. Application of this chapter.

(c) From and after the effective date of this chapter:

- (2) Any existing lot, existing building or structure, and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided in §23-42 with respect to nonconforming properties or uses.

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

151-24

AN ORDINANCE AMENDING SECTION 23-65 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ZONING AMENDMENTS.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-65 of Chapter 23 of the Municipal Code of the City of Appleton, relating to zoning amendments, is hereby amended to read as follows:

Sec. 23-65. Zoning amendments.

(a) ***Purpose.*** The purpose of this section is to provide regulations which govern the amendment process and requirements to review and approve or deny changes to the zoning text and zoning map.

(b) ***Initiation of Amendments.***

- (1) Proposed text amendments may be initiated by: Aldermanic Resolution, Plan Commission, or the Director.
- (2) Proposed zoning map amendments may be initiated by: Aldermanic Resolution, the owner of, or owner's designated agent of the particular property to be rezoned.

(c) ***Text amendments Procedure.***

- (1) ***Proposal.*** Text amendments that serve a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules, a majority of the Plan Commission, or the Director.
- (2) ***Public hearing.***

- a. Zoning text amendments will be submitted to the Plan Commission per Wis. Stat. §62.23(7)(d)(2) (2021-22), as amended from time to time. The Director shall establish a date, time and place to hold a public hearing.
- b. Class 2 Notice shall be published prior to the public hearing. In addition, at least ten (10) days before said public hearing, written notice shall be provided to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendment.
- c. The Director will be responsible for analyzing the facts regarding the zoning text amendment and prepare a staff review and recommendation for consideration by the Plan Commission.
- d. In the case of any text amendment relating to floodplain and shoreland zoning, the Director shall also submit the amendment and the notice of public hearing to the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA).

(3) ***Authority of the Plan Commission.***

- a. Within sixty (60) days of submitting the proposed amendments the Plan Commission shall transmit to the Common Council its recommendation.
- b. If Plan Commission fails to make a recommendation within sixty (60) days of submitting the proposed amendment, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(c)(2).

(4) ***Authority of the Common Council.***

- a. Within forty-five (45) days of the Plan Commission recommendation the Common Council shall act upon the recommendation.

- b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
- c. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance pursuant to Wis. Stat. 66.10015(3).
 - 1. Effective January 1, 2025, the enactment of zoning text amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).
- d. In the case of any text amendment relating to floodplain and shoreland zoning, shall not become effective until also being approved by the Wisconsin DNR and FEMA.

(d) ***Zoning Map Amendments Procedure.***

- (1) ***Proposal.*** Zoning map amendments that serves a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules. A resolution to initiate a zoning map amendment must be accompanied by the information required on an application form provided by the City and shall be processed in accordance with the provisions of this section. If the Plan Commission determines a zoning map amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.
- (2) ***Application procedure by property owner or property owner's designated agent.***
 - a. A property owner or property owner's designated agent wishing to amend the zoning map for their property shall meet with the Director to discuss the proposed zoning map amendment.
 - b. If the property owner or property owner's designated agent wishes to pursue a zoning map amendment, they shall supply the information as required on an application form provided by the City.
- (3) ***Public hearing.***

- a. Zoning map amendments will be submitted to the Plan Commission per 62.23(7). The Director shall establish a date, time and place to hold a public hearing.
- b. Public Hearing notice shall be provided in accordance with Wis. Stat. §62.23(7)(d) (2021-22), as amended from time to time. At least ten (10) days before said public hearing, written notice shall be mailed to owners of record of all parcels within area of land extending 100 feet from boundary of subject land.
- c. The Director will be responsible for analyzing the facts regarding the zoning map amendment and prepare a staff review and recommendation for consideration by the Plan Commission.

(4) ***Authority of the Plan Commission.***

- a. Within sixty (60) days from the filing of the completed application the Plan Commission shall transmit to the Common Council its recommendation.
- b. If Plan Commission fails to make a recommendation within sixty (60) days from the filing of the completed application, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(d)(3).

(5) ***Authority of the Common Council.***

- a. Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall act upon the recommendation.
- b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
- c. The Common Council may approve or deny approval of the proposed amendment. If Council action is to approve the change, it shall further act to formally amend the Official Zoning Map by adopting an ordinance pursuant to Wis. Stat. 66.10015(3).

1. Effective January 1, 2025, the enactment of zoning map amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).

(e) ***Standards for zoning amendments.*** All recommendations for Zoning amendments shall be consistent with the adopted plans, goals and policies of the City and with the purpose and intent of this zoning ordinance.

- (1) Prior to making a recommendation on a proposed zoning amendment, the Plan Commission shall make a finding to determine if the following conditions exist. No zoning amendment shall be approved prior to finding at least one (1) of the following:
 - a. The request for a zoning amendment is consistent with the Comprehensive Plan for the City of Appleton.
 - b. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different district.
 - c. There is an error in the zoning ordinance text or zoning map as enacted.

(f) ***Time Period.***

- (1) ***Extension.*** The time period for action may be extended by an agreement in writing between the Director and the property owner or property owner's designated agent.
- (2) ***Withdrawal.*** An applicant shall have the right to withdraw an application at any time by submitting a written request to the Director prior to the decision on the application for a proposed zoning map amendment by the Plan Commission or Common Council.
- (3) ***Reapplication time period.*** No application for an amendment to the zoning text or map shall be considered by the Plan Commission within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is different.

(g) ***Concurrent planning and zoning actions.*** Applicants may submit applications concurrently.

(h) **Zoning of annexed areas.** All territory that is annexed to the City shall be assigned zoning classifications as recommended by the Plan Commission during review of the annexation petition. The Plan Commission shall consider the criteria in 23-65(e) in selection of an appropriate zoning district for the annexed land.

A zoning classification of AG Agricultural Zoning District shall be assigned to newly annexed territory with no hearing required. However, if the Plan Commission recommends a zoning classification other than AG Agricultural Zoning District, the Plan Commission shall hold a public hearing on the assigned zoning classifications in accordance with the application procedures 23-65(d), Zoning map amendments. If annexed territory does not comply with AG Agricultural Zoning District standards, 23-32(c)(2) defines existing uses, buildings, structures, and lots as nonconforming and must comply with 23-42.

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

152-24

AN ORDINANCE AMENDING SECTION 23-91(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AG AGRICULTURAL DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-91(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to AG agricultural district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-91. AG Agricultural district.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
	<ul style="list-style-type: none"> • Governmental facilities • Public parks or playgrounds 	<ul style="list-style-type: none"> • Agriculture • Community garden • Greenhouse or greenhouse nursery. • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Nursery, orchards or tree farm • Urban farm pursuant to §23-66(h)(17) • Winery pursuant to §23-66(h)(21)

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

153-24

AN ORDINANCE AMENDING SECTION 23-151(m)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PD PLANNED DEVELOPMENT OVERLAY DISTRICT; PROCEDURE FOR APPROVAL OF A DEVELOPMENT PLAN WITHIN THE DISTRICT.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-151(m)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to PD planned development overlay district; procedure for approval of a development plan within the district, is hereby amended to read as follows:

Sec. 23-151. PD planned development overlay district.

(m) ***Procedure for approval of a Development Plan within the district.***

- (2) ***Step 2. Application, Development Plan and Implementation Plan Document (IPD).*** The Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the PD overlay district shall be submitted by the applicant to the Director who, after determining the application to be complete, will file the Development Plan, complete application and fee and Implementation Plan Document (IPD) for the PD overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, public hearing, and recommendation.

The required procedure for consideration and approval of the PD overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:
1. All information listed in §23-151(n), Specific contents of Development Plans.

2. Written application and application fee for approval of a PD district to be made on forms and in the manner prescribed by the City.
 3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the Director by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the PD overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
 4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.
- b. **Development Plan and Implementation Plan Document (IPD) review.** The Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for a public hearing.
 - c. The PD overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f)Time Period.
 - d. Period of Validity.
 - e. Recording of Development Plan and Implementation Plan Document (IPD).

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

154-24

AN ORDINANCE AMENDING SECTION 23-152(n)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT; PROCEDURE FOR APPROVAL OF A DEVELOPMENT PLAN WITHIN THE DISTRICT.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-152(n)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to TND traditional neighborhood development overlay district; procedure for approval of a development plan within the district, is hereby amended to read as follows:

Sec. 23-152. TND traditional neighborhood development overlay district.

(n) **Procedure for approval of a Development Plan within the district.**

- (2) **Step 2. Application, Development Plan and Implementation Plan Document (IPD).** The Development Plan, complete application and fee and Implementation Plan Document (IPD) for the TND overlay district shall be submitted by the applicant to the Director who, after determining the application to be complete, will file the Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the TND overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, public hearing, and recommendation.

The required procedure for consideration and approval of the TND overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:
1. All information listed in §23-152(o), Specific contents of Development Plans.
 2. Written application and application fee for approval of a TND overlay district to be made on forms and in the manner prescribed by the City.
 3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the Director by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the TND overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
 4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.

- b. **Development Plan and Implementation Plan Document (IPD) review.** The Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for a public hearing.
- c. The TND overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.
- d. Period of Validity.
- e. Recording of Development Plan and Implementation Plan Document (IPD).

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

155-24

AN ORDINANCE AMENDING SECTION 23-35(f) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TRANSITION RULES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-35(f) of Chapter 23 of the Municipal Code of the City of Appleton, relating to transition rules, is hereby amended to read as follows:

Sec. 23-35. Transition rules.

- (f) Previously Approved Special Use Permits.
 - (1) When a special use is no longer listed in the applicable use table, all special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter shall remain in full force and effect under the terms and conditions of the special use permit approval. Any expansions or change of use of a previously approved special use permit may require compliance with the nonconforming building, structure, use and lot and/or special use permit provisions of this chapter.

- (2) When a special use becomes a permitted use in the applicable use table. All special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter, are no longer needed and become null and void. The provisions of the special use permits are no longer applicable for uses that are listed as a principal permitted use in the corresponding zoning district.

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

156-24

AN ORDINANCE AMENDING SECTION 23-66(f)(1) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; GUARANTEES, VALIDITY PERIOD AND REVOCATION.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-66(f)(1) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; guarantees, validity period and revocation, is hereby amended to read as follows:

Sec. 23-66. Special use permits and special regulations.

(f) ***Guarantees, validity period and revocation.***

(1) ***Expiration of special use permits.***

- a. A special use permit shall expire if the use is abandoned for a period of twelve (12) consecutive months.
- b. A special use permit shall expire if a building permit and/or occupancy permit has not been obtained within twelve (12) months of the issuance of the special use permit.
- c. A special use permit shall expire if the use has not been established within twelve (12) months of the issuance of the special use permit.

- d. A special use permit shall expire when a special use becomes a principal permitted in the applicable use table in the respective zoning district.

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

157-24

AN ORDINANCE AMENDING SECTION 23-66(h)(19) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; MICROBREWERY/BREWPUBS AND CRAFT-DISTILLERIES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-66(h)(19) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; microbrewery/brewpubs and craft-distilleries, is hereby amended to read as follows:

Sec. 23-66. Special use permits and special regulations.

(h) ***Special regulations.*** The following special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. This subsection shall not be construed to conflict with or modify the provisions contained in Wisconsin Statutes §§66.0404 and 66.0406 (2021-22), as amended from time to time.

(19) ***Microbrewery/Brewpubs and Craft-Distilleries.***

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.

- d. Tasting rooms are accessory uses to a Microbrewery/Brewpubs and Craft-Distilleries located in the M-1 and M-2 Zoning District.
- e. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

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

158-24

AN ORDINANCE AMENDING SECTION 23-66(h)(20) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; BREWERY AND DISTILLERIES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-66(h)(20) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; brewery and distilleries, is hereby amended to read as follows:

Sec. 23-66. Special use permits and special regulations.

(h) ***Special regulations.*** The following special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. This subsection shall not be construed to conflict with or modify the provisions contained in Wisconsin Statutes §§66.0404 and 66.0406 (2021-22), as amended from time to time.

(20) ***Brewery and Distilleries.***

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Brewery and Distilleries located in the M-1 and M-2 Zoning District.

- c. Retail sales of business merchandise on the brewery and distillery premises shall be an accessory use to the brewery and distillery manufacturing operations.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

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

159-24

AN ORDINANCE AMENDING SECTION 23-66(h)(21) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; WINERY.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-66(h)(21) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; winery, is hereby amended to read as follows:

Sec. 23-66. Special use permits and special regulations.

(h) ***Special regulations.*** The following special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. This subsection shall not be construed to conflict with or modify the provisions contained in Wisconsin Statutes §§66.0404 and 66.0406 (2021-22), as amended from time to time.

(21) ***Winery.***

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Winery located in the Ag, M-2 and M-1 Zoning District.

- c. Retail sales of business merchandise on the winery premises shall be an accessory use to the winery manufacturing operations.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

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

160-24

AN ORDINANCE AMENDING SECTION 23-112(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-1 NEIGHBORHOOD MIXED USE DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-112(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-1 neighborhood mixed use district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-112. C-1 neighborhood mixed use district.

(b) ***Principal permitted uses.*** The following principal uses are permitted as of right in the C-1 district.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Dwelling, multi-family, or three (3) or more units, apartment building, or townhouse 	<ul style="list-style-type: none"> • Clubs • Day care, group • Governmental facilities • Museums • Places of worship • Public parks or playgrounds <p>Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building</p>	<ul style="list-style-type: none"> • Bar or Tavery pursuant to §23-66(h)(6) • Commercial entertainment; excluding sexually-oriented establishments • Craft-Distillery pursuant to §23-66(h)(19) • Hotel or motels • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Multi-tenant building • Offices • Painting/Craft studio pursuant to §23-66(h)(6) • Personal services • Printing • Professional services • Restaurants • Restaurants, fast foods • Retail businesses • Shopping centers • Tasting rooms pursuant to §23-66(h)(19, 20, or 21) • Urban farms pursuant to §23-66(h)(17) • Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight • Winery pursuant to §23-66(h)(21)

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

161-24

AN ORDINANCE AMENDING SECTION 23-112(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-1 NEIGHBORHOOD MIXED USE DISTRICT; SPECIAL USES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-112(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-1 neighborhood mixed use district; special uses, is hereby amended to read as follows:

Sec. 23-112. C-1 neighborhood mixed use district.

(e) *Special uses.* Special uses in the C-1 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school • Essential services • Recreation facilities, non-profit 	<ul style="list-style-type: none"> • Electronic towers pursuant to §23-66(h)(1) • Manufacturing, custom pursuant to §23-66(h)(16) • Outdoor commercial entertainment pursuant to §23-66(h)(11) • Parking garages • Recycling collection points pursuant to §23-66(h)(14) • Research laboratories or testing facilities

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

162-24

AN ORDINANCE AMENDING SECTION 23-113(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-2 GENERAL COMMERCIAL DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-113(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-2 general commercial district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-113. C-2 general commercial district.

(b) *Principal permitted uses.* The following principal uses are permitted as of right in the C-2 district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted living or retirement homes • Nursing or convalescent homes 	<ul style="list-style-type: none"> • Clubs • Day care, group • Educational institutions; business, technical or vocational school • Educational institutions; college or university • Governmental facilities • Hospitals • Marina or boat landings • Museums • Places of worship • Public parks or playground • Recreation facilities; non-profit • Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building 	<ul style="list-style-type: none"> • Automobile maintenance shops • Bar or Tavery pursuant to §23-66(h)(6) • Commercial entertainment; excluding sexually-oriented establishments • Craft-Distillery pursuant to §23-66(h)(19) • Drive through facilities pursuant to §23-49 • Greenhouses or greenhouse nurseries • Hotel or motels • Manufacturing, custom pursuant to §23-66(h)(16) • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Multi-tenant building • Offices • Painting/Craft studio pursuant to §23-66(h)(6) • Parking lots • Personal services • Printing • Professional services • Restaurants pursuant to §23-66(h)(6) • Restaurants, fast food • Retail businesses • Shopping centers • Tasting rooms pursuant to §23-66(h)(19, 20, or 21) • Towing businesses pursuant to §23-66(h)(15) • Urban farms pursuant to 23-66(h)(17) • Veterinarian clinics • Winery pursuant to §23-66(h)(21)

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

163-24

AN ORDINANCE AMENDING SECTION 23-113(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-2 GENERAL COMMERCIAL DISTRICT; SPECIAL USES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-113(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-2 general commercial district; special uses, is hereby amended to read as follows:

Sec. 23-113. C-2 general commercial district.

(e) *Special uses.* Special uses in the C-2 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school • Essential services • Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure 	<ul style="list-style-type: none"> • Any principal building that exceeds thirty-five (35) feet in height • Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5) • Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5) • Body repair and/or paint shops pursuant to §23-66(h)(4) • Bus terminals • Car washes • Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7) • Electronic towers pursuant to §23-66(h)(1) • Freight distribution and/or moving centers • Gasoline sales pursuant to §23-66(h)(8) • Helicopter landing pads pursuant to §23-66(h)(9) • Indoor kennels • Landscape business • Manufacturing, light • Mobile home sales lots • Outdoor commercial entertainment pursuant to §23-66(h)(11) • Parking garages • Recycling collection points pursuant to §23-66(h)(14) • Recycling and waste recovery centers pursuant to §23-66(h)(13) • Research laboratories or testing facilities • Sexually-oriented establishments pursuant to Article XII • Shelter facility • Wholesale facilities

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

164-24

AN ORDINANCE AMENDING SECTION 23-114(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CBD CENTRAL BUSINESS DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-114(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to CBD central business district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-114. CBD central business district.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Assisted living or retirement homes• Nursing or convalescent homes• Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse; however, residential uses are prohibited on the ground floor for any lot with frontage on College Avenue or within 120 feet of College Avenue frontage	<ul style="list-style-type: none">• Clubs• Day care, group• Educational institutions; college or university• Governmental facilities• Museums• Places of worship• Public park or playgrounds• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building	<ul style="list-style-type: none">• Automobile maintenance shops• Bar or Tavern pursuant to §23-66(h)(6)• Commercial entertainment; excluding sexually-oriented establishments• Craft-Distillery pursuant to §23-66(h)(19)• Hotel or motels• Microbrewery/Brewpub pursuant to §23-66(h)(19)• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)• Multi-tenant building• Offices• Painting/Craft studio pursuant to §23-66(h)(6)• Personal services• Printing• Professional services• Restaurants pursuant to §23-66(h)(6)• Restaurant, fast foods• Retail businesses• Shopping centers• Tasting rooms pursuant to §23-66(h)(19, 20, or 21)• Urban farms pursuant to §23-66(h)(17)• Veterinarian clinics• Winery pursuant to §23-66(h)(21)

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

165-24

AN ORDINANCE AMENDING SECTION 23-114(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CBD CENTRAL BUSINESS DISTRICT; SPECIAL USES.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 23-114(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to CBD central business district; special uses, is hereby amended to read as follows:

Sec. 23-114. CBD central business district.

(e) *Special uses.* Special uses in the CBD district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Educational institution; elementary school, junior high school or high school • Essential services • Hospital • Marina and/or boat landing 	<ul style="list-style-type: none"> • Automobile, RV, truck, cycle, boat sales and display lot, new pursuant to §23-66(h)(5) • Automobile, RV, truck, cycle, boat sales and display lot when including used vehicles pursuant to §23-66(h)(5) • Body repair and/or paint shop pursuant to §23-66(h)(4) • Bus terminal • Electronic towers pursuant to §23-66(h)(1) • Gasoline sales pursuant to §23-66(h)(8) • Indoor kennel • Manufacturing, custom pursuant to §23-66(h)(16). • Outdoor commercial entertainment pursuant to §23-66(h)(11) • Parking garage • Parking lot; however, surface lots are prohibited on lots fronting on College Avenue • Recycling collection point pursuant to §23-66(h)(14) • Research laboratories or testing facilities • Shelter facility • Wholesale facility

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

166-24

AN ORDINANCE AMENDING SECTION 9-262(b) OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SIDEWALK CAFES; CONDUCT OF BUSINESS GENERALLY.

(City Plan Commission – 11-06-2024)

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

Section 1: That Section 9-262(b) of Chapter 9 of the Municipal Code of the City of Appleton, relating to sidewalk cafes; conduct of business generally, is hereby amended to read as follows:

9-262. Conduct of business generally.

(b) If a permit holder is going to serve alcoholic beverages within the parameters of the sidewalk café, the permit holder shall also be subject to the following:

- (1) The permit holder must hold a Class B license.
- (2) The description for the premise on the Class B license must include the parameters of the sidewalk café.
- (3) 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.
- (4) A licensed operator working for the permit holder must serve the alcoholic beverages in the sidewalk café.
- (5) Customers are not allowed to carry alcoholic beverages outside the sidewalk café.

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

167-24

AN ORDINANCE AMENDING SECTION 4-21 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO BOARD OF BUILDING INSPECTION.

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

Section 1: That Section 4-21 of Chapter 4 of the Municipal Code of the City of Appleton, relating to board of building inspection, is hereby amended to read as follows:

Sec. 4-21. Board of Building Inspection.

(a) The Board of Building Inspection shall consist of the Mayor, City Attorney, Director of Community Development, Fire Chief, Inspection Supervisor and one (1) Alderperson appointed by the Mayor subject to confirmation by the Common Council at the annual organizational meeting of the Council. The Inspection Supervisor shall serve as secretary without vote.

(b) The City Attorney, Director of Community Development and Fire Chief may designate an alternate to attend in their absence. The alternate shall be counted towards determining a quorum and will be entitled to vote on items brought before the board.

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