



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

**DEPARTMENT OF PUBLIC WORKS**  
**Engineering Division**  
**100 North Appleton Street**  
**Appleton, WI 54911**  
**TEL (920) 832-6474**

**To:** Municipal Services Committee  
**From:** Danielle Block, Director of Public Works  
**Date:** July 19, 2023  
**Re:** Request from Colleen Vanden Heuvel at 1007 N. Badger Avenue for a Terrace Occupancy Permit to keep an existing 4' fence, lilacs, landscaping stone and pavers in the street terrace along W. Commercial Street

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The resident at 1007 N. Badger Avenue has requested a Terrace Occupancy Permit to allow for an existing private 4' fence, lilacs, landscaping stone and pavers to remain in the right-of-way/street terrace. See the attached photo.

The recently updated City Street Terrace Policy allows request to be made for consideration by the Municipal Services Committee and Common Council. Any approved Terrace Occupancy Permit requires insurance or waiver and payment of an annual terrace occupancy permit fee, which is valid until December 31 of the year it is issued.

Staff has concerns regarding the height of the fence and the size of the lilacs. These items are within the vision triangle of the intersection of N Linwood Avenue and W Commercial Street and exceed 3 feet in height. Further the types of items fall under the unacceptable uses of street terraces – fencing and hedges/woody plantings.

Included for your review is the Street Terrace Policy, aerial photograph, existing photograph at the property and Google maps image.

Aerial parcel map.



1007 N. Badger Ave – looking east @ N. Linwood Ave. and W. Commercial Street – Homeowner recent adjustments to limit objects within the right of way.



2018 Google Maps image looking West along W. Commercial Ave.





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DEPARTMENT OF PUBLIC WORKS

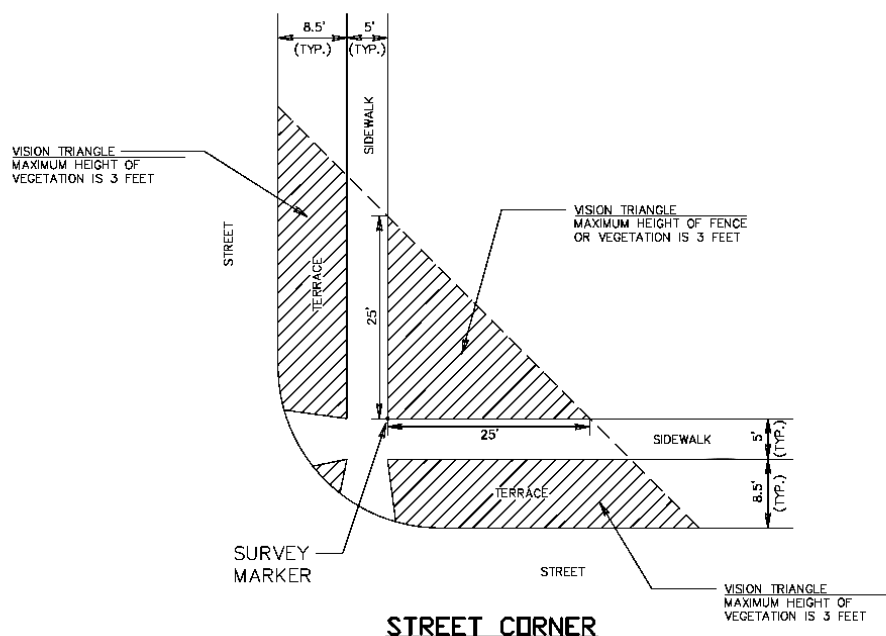
Engineering Division  
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Adopted November 2, 2022

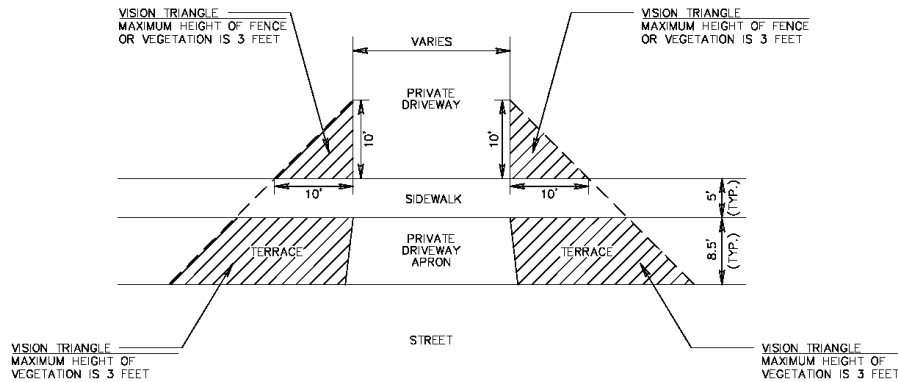
## CITY OF APPLETON STREET TERRACE POLICY

The City of Appleton will not be responsible for repairing or replacing any part of privately owned improvements placed in the street right-of-way.

- A. Any use of the street terraces shall be contingent upon the following:
1. Compliant with Weed Control Ordinance, weeds and grass must **not** exceed 8 inches in height.
  2. Ground elevation flush with sidewalk. No elevated planting beds are permitted.
  3. Any private plantings or mulch in the terrace shall be fully confined within the terrace area without the aid of structural supports or fencing. Under no circumstance shall any plant encroach over a sidewalk, curb or roadway shoulder.
  4. All private plantings shall comply with City required intersection and private sight distance requirements as detailed in §23-50 (g) Vision Corner (1) Street Corner and (2) Private Driveway. In order to provide a clear view at intersection for all users of the traveled way, an area within each intersection shall be kept clear of any plant over 36-inches in height.
    - a. The vision corner is described as the triangular area enclosed by a straight line connecting a point on each street right-of-way line, which point is twenty-five feet from the intersection of the right-of-way lines.



- b. The vision corner is described as the triangular area enclosed by a straight line connecting the point ten feet from the intersection of the street right of way and private driveway.



### PRIVATE DRIVEWAY

5. Street Parking:
  - a. For roadways with designated on-street parking, plantings shall **not** be placed within two feet of the back of the curb or edge of shoulder.
  - b. For roadways with permitted parking, plantings within two feet of the back of curb or edge of shoulder shall not exceed 8 inches in height.
  - c. For roadways with prohibited parking at all times, plantings shall not exceed 36-inches in height.
6. The owner accepts full responsibility for the care and maintenance of the plantings and understands that planting in the terrace are made at their own risk and that they may be removed at any time, and for any reason, by the City without compensation. The owner seeking to place permissible plantings in the terrace is responsible for contacting Diggers Hotline to identify and mark any underground utilities prior to digging within the right-of-way.
7. Refuse and recycling containers along with any other items placed in the terrace area for City pickup (including large items, fall leaf storage) shall be placed at least 3-feet away from any terrace plantings.
8. All private plantings shall be cut down to ground level and removed from the terrace prior to October 5th, to accommodate the City's fall leaf collection process.

**B.** The following conditions **ARE** acceptable uses of street terraces under City Policy and Code, **NO** permit required:

1. Mowed turf grass.
2. Public trees.
3. Private plants under 3-feet in height, which would meet sight distance requirements listed in item A.4. above.
4. Home gardens under 3-feet in height, which include flower and vegetable gardens, which would meet sight distance requirements listed in item A.4. above.
5. Mulch.

- C. The following **ARE NOT** acceptable uses of street terraces **unless a terrace occupancy permit request is approved** by the Municipal Services Committee and Common Council.

Unacceptable uses include, but are not limited to, the following:

1. Private plants in excess of 3-feet in height.
2. Hedges or woody plantings.
3. Traffic hazards such as rocks, railroad ties, fencing, etc.
4. Loose stone or sand surfaces.
5. Non-native or invasive species of vegetation with the exception of flower and vegetable gardens.
6. Private trees.
7. Plants within 3-feet of a fire hydrant or other City/private utility surface infrastructure.
8. Private pavement including, but not limited to, asphalt, brick, flag stone or concrete.

All Council approved terrace occupancy permits require a certificate of insurance and payment of a \$40 annual terrace occupancy permit fee, which shall be valid until December 31<sup>st</sup> of the year of it is issued. In addition to any exceptions granted under the permit, all other conditions listed in this policy shall remain in effect.