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

TO: Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works
Dean Gazza, Director of Parks, Recreation and Facilities Management

DATE: June 1, 2022

SUBJECT: **Request from Appleton Downtown Inc. for a waiver to allow for dumpsters to be placed within city-owned property without the required dumpster enclosure.**

The City of Appleton Parks and Recreation and Public Works Departments do not support the request for a variance to the dumpster enclosure requirements (Municipal Code Section 23-47). It would be very unfair in our professional opinion to waive a requirement that all other businesses are required to do as part of their project and included in their site plan approval process. In addition, the dumpster location requested would cause substantial damage to the asphalt surface. A concrete surface is needed to support the weight of the dumpsters. We instead recommend status quo for 2022 and that we work collaboratively on a long-term plan for 2023.

Attachment

Date: May 31, 2022
From: Appleton Downtown Inc.
Subject: Jones Park garbage and recycling containers

To: Municipal Service Committee

The request below was submitted to Parks and Recreation staff on April 29th and after evaluation with Department of Public Works, was rejected with the following response:

Any dumpster requires screening per City requirements, thus there is no short-term solution that we can suggest for this year. In regards to future years we would suggest that ADI and the City, team on building a dumpster enclosure. The cost of a dumpster enclosure can easily be \$10,000 and possibly more with rising prices. If ADI would like to move forward with this option, I would utilize 2 parking stalls and pay 50% of the total cost.

As we work with the City departments on the potential long-term solution for an enclosure to support Jones Park activities, we are requesting a variance to place a 6 yard waste and a 6 yard recycling container within the Jones Park parking lot area for a duration of June through August 26th. We would look to work with the department personnel on best placement for the containers. Attached is one option.

The containers would be locked and a key provided to the Park and Recreation department for weekly use. Our primary use would be Thursday night concerts and the containers would be emptied each week on Friday morning. We would further coordinate with other event planners to use the containers for their events as well. Making it more efficient and affordable for all.

Last year for the summer concert series we were required to bring containers in and out each week at a \$500 per week cost. Our total cost for garbage service this year will be \$6500. This is a significant expense for a free public event for the community. By allowing this variance our organization will save \$4000 in expense over the course of the series and other events will have an opportunity at a lower fee as well.

As the use of Jones Park is increasing for public community events and whereas these events are known to help create a sense of place and belonging in our community, we are asking for an opportunity to partner with the Park and Recreation Department team and Department of Public Works to make this a win win solution for all using Jones Park this season.

Thank you for your time and consideration.



Jennifer Stephany
Executive Director
Appleton Downtown Inc.



(i) **Prohibited home occupations.** A home occupation shall not include or include similar uses such as the following: barbershops, beauty shops, service, repair, or painting of automobiles, trailers, recreational vehicles, boats, and snowmobiles, paint shops, welding, antique shops, landscaping businesses, medical clinics, retail food or wholesale food establishments requiring a state license, small engine repair, appliance repair or resale, palm reading, nail salon, pet grooming, kennels, hair wrapping, acupuncture, tattoo and body piercing, fitness center, aerobic exercise studios, restaurants or massage therapy. This list is illustrative, not exhaustive of all prohibited uses. (Ord 61-94, §5, 5-18-94; Ord 121-05, §1, 10-25-05; Ord 29-11, §1, 1-25-11)

Sec. 23-46. Outdoor storage and display in non-residential districts.

The following regulations shall apply to outdoor storage or displays in non-residential districts:

(a) The outdoor display of goods including items such as firewood and mulch shall be controlled by the following regulations:

- (1) The outdoor display of merchandise shall not interfere with off-street parking spaces or the safe and unobstructed use of vehicular, emergency, or pedestrian access ways or walkways.
- (2) The outdoor display of merchandise outside of the adjacent building shall not be located in any required setback on the lot.
- (3) Outdoor display of merchandise shall not be displayed at a height greater than seven (7) feet from the surface on which the merchandise is being displayed, except when the outdoor display of merchandise is displayed on a shelving or storage rack system.
- (4) All permitted outdoor display shall be maintained in a neat and orderly fashion.

(b) The outdoor storage of business property, goods, wares or merchandise that is not located in a specific area for customer viewing or immediate sale shall be controlled by the following regulations:

- (1) The outdoor storage areas shall not interfere with off-street parking spaces or the safe and unobstructed use of vehicular, emergency, or pedestrian access ways or walkways.
- (2) Outdoor storage areas shall not be located in any established front yard, required side or rear setback area on the lot. However, in the case of a double frontage lot, outdoor storage may be located in the established front yard opposite the front yard from which the principal structure is addressed.
- (3) Outdoor storage areas shall be required to be screened with an alternating board on board fence, chain link fence with tubular PDS slats or a wall. Such PDS slats or wall shall complement the exterior color of the principal building.
- (4) All permitted outdoor storage shall be maintained in a neat and orderly fashion.



Sec. 23-47. Refuse container and dumpster enclosure standards.

The following standards shall apply to refuse container and dumpster enclosures:

(a) Refuse containers and dumpster enclosures of appropriate size are required for all non-residential and multifamily properties. These are required to be located outside of the street right-of-way and front yard. Refuse containers and dumpster enclosures shall be designed for front end loading trucks.

(b) Refuse containers and dumpster enclosures shall be located at the rear or side of the building, screened from public view, and easily accessible for refuse pickup. A dumpster must have at least one (1) foot of separation from another dumpster. This distance must be measured from the outside of the pocket where the forks are inserted for dumpster pickup.

(c) Enclosures shall be designed to the minimum dimensions as follows:

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- (1) Option 1 – This preferred option does not include a gate and can only be used when the opening is not visible from the public right-of-way or from adjoining residential properties.
- (2) Option 2 – This option includes a gate with a one (1) foot vertical clearance, both gates to have the ability to be latched in the open position, and both gates to have the ability to be opened beyond ninety (90) degrees to at least a 145-degree angle.
- (3) The following is required for both options:
 - a. No overhead obstructions (wires, trees, roof overhangs, etc.) are permitted;
 - b. The height must be sufficient to screen the dumpster;
 - c. Materials used for screening the dumpster shall be alternating board on board fence, chain link fence with PDS slats or staggered evergreens. Such PDS slats shall complement the exterior color of the principal building;
 - d. The depth of the enclosure shall be two (2) feet greater than the size of the dumpster;
 - e. The concrete pad for the dumpster must be the same level as the lot and able to support the weight of a City front load truck; and
 - f. A minimum fifty (50) foot direct front access on the approach to the dumpster is needed.

Dumpster Enclosure Graphic

