

90-23

AN ORDINANCE REPEALING ARTICLE XIII OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Article XIII of Chapter 23 of the Municipal Code of the City of Appleton, relating to wireless telecommunications facilities, is hereby repealed:

ARTICLE XIII. WIRELESS TELECOMMUNICATIONS FACILITIES

Sec. 23-420. Purpose.

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community, these regulations are necessary in order to:

(a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;

(b) Minimize adverse visual effects of towers through careful design and siting standards;

(c) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;

(d) Maximize the use of existing towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community and encourage co-location; and,

(e) Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the City.

Sec. 23-421. Definitions.

As used in this section of the zoning ordinance, the following terms shall have the meanings indicated:

Antenna means any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including, but not limited to, directional antennas, such as panel(s), microwave and satellite dishes, and omni-directional antennas, such as whip antennas.

Co-location means the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Personal communications service (PCS) means a provider of personal wireless service facilities as now defined in Section 704 of the Telecommunications Act of 1996, 47 U.S.C. par. 332, and as the same may be amended from time to time.

Personal wireless facilities means transmitters, antenna structures and other types of installations used to provide personal wireless services.

Pre-existing towers shall have the meaning set forth in §23- 422 of this chapter.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Tower site means the area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with said tower.

Wireless telecommunication services means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

Sec. 23-422. Special use permit requirements.

(a) A telecommunication antenna system that requires construction of a new tower or co-location on an existing tower not previously granted a special use permit will require the petitioner to apply for a special use permit.

(b) Exceptions to a special use permit would apply to the following circumstances, subject to application for a building permit:

- (1) Water towers or other municipally owned structures, provided a license or lease authorizing such antenna has been approved by the Common Council;
- (2) Structures in the Central Business District zoning in excess of four (4) stories (seventy (70) plus feet);
- (3) Pre-existing tower that was granted a special use permit prior to the effective date of this ordinance.
(Ord 54-20, §1, 3-24-20)

Sec. 23-423. Building permit requirements.

(a) A building permit shall be required prior to commencement of work on any antennas or supporting structures exceeding sixty (60) feet in height. Application for a building permit shall be made to the Inspections Supervisor by the owner or the owner's authorized representative. A building permit shall be issued by the administrator when all the following requirements are met. All plans, calculations, and specifications shall be dated. Plan submittal shall include the state plan approval application (SBD 118) or equivalent, plus the following information:

- (1) Except as provided below, all plans, calculations and specifications shall be prepared, signed and sealed by an architect or engineer registered in Wisconsin. Plans, calculations and specifications shall show compliance with all state and local codes. *Exception:* Plans, calculations and specifications may be prepared by an architect or engineer registered outside the State of Wisconsin provided (1) the plans, calculations and specifications shall bear the signature and seal or stamp of a registered architect or engineer; and
- (2) A certificate dated, signed and sealed by an architect or engineer registered in Wisconsin is attached to the plans, calculations and specifications. The certificate shall indicate the plans, calculations and specifications were prepared in a state other than Wisconsin by an architect or professional engineer registered in that state, describe the work performed by the Wisconsin registered architect or engineer, and include statements to the effect that plans and specifications have been reviewed and comply with all applicable local and state building codes, and the reviewing architect or engineer will be responsible for the supervision of construction. (2) When antennas and supporting towers are submitted to the state for examination, two (2) sets of plans bearing the state approval stamp and copies of all approval correspondence shall be included with submittals to the Inspections Supervisor.
- (3) Plan submittal shall include an intermodulation study that provides technical evaluation of existing and proposed transmissions and indicates all potential interference problems. No new telecommunications service shall interfere with public safety telecommunications.
- (4) Construction or installation of antennas or supporting structures exceeding sixty (60) feet in height shall be supervised by a Wisconsin registered architect or engineer in

the manner called out in the Wisconsin Building Code ILHR 50.10. A compliance statement shall be provided by the supervising professional upon completion of the project.

- (5) Plans must describe tower height and design, including a cross-section and evaluation. The plans shall also describe the number, height and mounting positions for co-location antennas.

(b) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of a tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

Sec. 23-424. Tower/structure design requirements.

All towers constructed after September 17, 1997 or wireless telecommunication antennas affixed to buildings shall comply with the following requirements:

(a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.

(b) Wireless telecommunication service towers shall be of a monopole design unless the City determines that an alternative design would better blend into the surrounding environment.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(d) The placement of wireless telecommunication antennas on roofs or walls shall include submittal of a report prepared by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

(e) Towers shall not be artificially lighted, unless required by the FAA or the City. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

(f) Towers shall be set back a distance equal to the height of the tower from any residential structure.

(g) Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.

(h) Tower sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.

(i) The following site plan review requirements shall govern landscaping surrounding towers:

- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing.
- (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- (3) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

(j) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(k) All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment. Site plan review per §23-570, Site plan review and approval, shall be required for these types of buildings.

(l) All towers shall be shielded, filtered and grounded to meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal and State government with the authority to regulate towers and antennas so as to minimize the possibility of interference with locally received transmissions.

Sec. 23-425. Co-location requirements.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Inspections Supervisor that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence must be submitted to demonstrate that the telecommunications equipment cannot be accommodated on an existing or approved tower or building within a one (1) mile search radius (one-half ($\frac{1}{2}$) mile search radius for towers under one hundred twenty (120) feet in height, one-quarter ($\frac{1}{4}$) mile search radius for towers under eighty (80) feet in height) of the proposed tower due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing tower or building, as documented by a licensed professional engineer, and the existing tower cannot be reinforced, modified or replaced.

(b) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna. This interference would have to be documented by a licensed professional engineer. Documentation would have to show that the interference cannot be prevented at a reasonable cost.

(c) Existing towers and buildings within the search radius are not of sufficient height to function reasonably as documented by a licensed professional engineer.

(d) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

Sec. 23-426. Accommodation of other uses (co-location).

(a) Any proposed telecommunication tower and tower site shall be designed, structurally, electrically and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s), for at least two (2) additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights and to accommodate supporting buildings and equipment on the antenna site.

(b) The holder of a special use permit for a tower shall not make co-location on the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made co-location on such tower and tower site economically unfeasible, then the tower permit shall become null and void.

Sec. 23-427. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the following shall apply:

(a) The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove the antenna and/or tower including all supporting equipment and building(s) within ninety (90) days of receipt of an abandonment notice from the City Inspection Division. If removal to the satisfaction of the Inspections Supervisor does not occur within the ninety (90) days, the City may remove and salvage the antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(b) The applicant for a permit under this ordinance shall submit a copy of a signed agreement between the property owner and owner of the tower, antenna(s) and supporting equipment and building(s) detailing requirements for abandonment and subsequent removal based on the provisions of (h)(1). The agreement shall also identify that the agreement shall be binding on

future property owner(s) and future owner(s) of a tower, antenna and all supporting equipment and building(s).
(Ord 80-97, §1, 9-17-97)

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

91-23

AN ORDINANCE AMENDING SECTION 23-66(h)(1) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; ELECTRONIC TOWERS.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-66(h)(1) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; electronic towers, 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.

(1) *Electronic towers.* Radio, television, broadcasting tower or station, microwave and other electronic transmission or receiving tower in excess of sixty (60) feet (from ground level) in height in any zone shall be subject to the following standards as illustrated on a site plan submitted with the application for special use permit. Electronic towers shall not include Mobile Service Support Structures and Facilities pursuant to Section 23-66(h)(22).

- a. Distance of each freestanding electronic tower base footing from any residentially zoned lot line shall have a horizontal distance equal to at least fifty percent (50%) of the height of the electronic tower, or fifty (50) feet, whichever is greater.
- b. Distance of any guyed tower anchor shall be twenty-five (25) feet from an adjoining lot line, public property or street right-of-way line.

- c. The applicant shall demonstrate that the location of the electronic tower will not cause electrical interference or health hazards to adjoining properties. If electrical interference occurs after the electronic tower begins operation or if interference is anticipated, the applicant shall provide appropriate steps to eliminate said interference.
- d. All electronic towers and associated ground equipment shall be enclosed with a fence at least eight (8) feet in height with a locked gate to discourage trespass. No fence and gate including any anti-climbing fence shall exceed twelve (12) feet in height. The anti-climbing fence and gate may be equipped with barbed wire or some other appropriate anti-climbing product to keep people from climbing over the fence. Guy anchors of guyed towers shall be similarly protected with anti-climbing fence.
- e. All electronic towers and associated ground equipment shall be landscaped with plantings being placed outside and along the perimeter of the ground equipment compound fencing and shall consist of the following:
 - 1. The landscaping buffer shall include a staggered row of mature landscaping to minimize the visual impact on adjacent properties and from public streets. For purposes of this subsection, “mature landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet at the time of planting, which are spaced not more than eight (8) feet apart that will provide the appropriate level of visual screening immediately upon installation.
 - 2. The landscaping buffer shall consist of a landscaped strip at least ten (10) feet wide outside and along the perimeter of equipment compound fencing.
- f. The plans submitted for a building permit for tower construction shall be certified by a structural engineer licensed in Wisconsin.
- g. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

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

92-23

AN ORDINANCE CREATING SECTION 23-66(h)(22) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; MOBILE SERVICE SUPPORT STRUCTURES AND FACILITIES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-66(h)(22) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; mobile service support structures and facilities, is hereby created 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.

(22) ***Mobile Service Support Structures and Facilities.***

a. **Purpose.** The purpose of this subsection is to:

1. Regulate by Site Plan Review pursuant to Section 23-570 of this chapter, Building/Electrical Permits and Certificate of Occupancy for: (1) The siting and construction of any new mobile service support structure (cell towers) and facilities; (2) Class 1 collocation which involves the placement of a new mobile service facility on an existing support structure without constructing a free standing support structure for the facility but does need to engage in substantial modification.

Substantial modification includes any of the following:

- i. For structures with an overall height of 200 feet or less, increases the overall height of the structure more than 20 feet.
- ii. For structures with an overall height of more than 200 feet, increases in the overall height of the structure by 10 percent or more.
- iii. Measured of the appurtenance add the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless the increase is necessary for collocation.

- iv. Increases the square footage of an existing equipment compound to a total area by more than 2,500 square feet.
 2. Regulate by Building/Electrical Permits and Certificate of Occupancy for: (1) Class 2 collocation which involves the placement of a new mobile service facility on an existing support structure which does not require the need to construct a free standing support structure or engage is a substantial modification of an existing support structure and mobile service facilities.
- b. **Intent.** The intent of this subsection is to:
 1. Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high-quality telecommunications infrastructure, consistent with the Federal Telecommunications Act of 1996 and Wisconsin State Statutes §66.0404 is provided to serve the community, as well as serve as an important and effective part of the City's law enforcement, fire, rescue and emergency response network.
 2. Provide a process for obtaining necessary permits for mobile service support structures and facilities while protecting the interests of City citizens.
- c. **Definitions.** All definitions identified in Wisconsin Statutes §66.0404(1) and §66.0406(1) (2021-22), as amended from time to time, are hereby incorporated by reference.
- d. **Exemptions.** The following are exempt from the provisions of this subsection. However, exemptions under this subsection are subject to all other applicable provisions of the Municipal Code.
 1. Amateur radio antennas and towers licensed by the Federal Communications Commission (FCC).
 2. Electronic towers, broadcast towers and broadcasting or receiving antennas and satellite dishes that are an accessory use to agricultural, residential, railroad, temporary, public institutional, commercial, or industrial uses.
 3. Electronic towers, broadcast towers and broadcasting or receiving antennas and satellite dishes including the

placement of equipment buildings, shelters or cabinets that are associated with a broadcast station.

4. Mobile services providing public information coverage of news events of a temporary or emergency nature.

e. **Additional procedures and special regulations for siting and construction of any New Mobile Service Support Structure (cell tower) and facilities and Class 1 collocations.**

1. Application Requirements. Applications for Site Plan Review (New Mobile Service Support Structures (cell tower) and Class 1 Collocation) must be completed by any applicant and submitted to the Community and Economic Development Department along with the application fee. The application materials must contain all of the following information:
 - i. The name and business address of, and the contact individual for, the property owner and applicant.
 - ii. The location of the proposed or affected support structure.
 - iii. The location of the proposed mobile service facility.
 - iv. All information contained on the application form(s) for Site Plan Review (New Mobile Service Support Structures (cell tower) and Class 1 Collocation) as prescribed by the City. The Community and Economic Development Director or their designee may require additional information in writing which is necessary for effective review of the application(s). Such required additional information may be issued at a pre-submittal meeting or at any time during the review process.
 - v. Construction of a new mobile service support structure (cell tower). If the application is to construct a new mobile service support structure (cell tower), a construction plan which describes the proposed mobile service support structure (cell tower) and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related

equipment associated with the new mobile service support structure (cell tower).

- vi. Construction of a new mobile service support structure (cell tower). If the application is to construct a new mobile service support structure (cell tower), an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure (cell tower) attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- vii. Substantial modification (Class 1 Collocation). If the application is to substantially modify an existing mobile service support structure (cell tower), a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

2. Response Required. Determination of completeness within ten (10) days of submittal date of the Site Plan Review Application.

- i. The Community and Economic Development Director or their designee shall review the Site Plan Review application materials and determine whether the application is complete. If the application includes all of the information required under this subsection, the application shall be considered complete. If the Community and Economic Development Director or their designee finds the application is incomplete, the Community and Economic Development Director or their designee shall notify the applicant in writing, within 10 days from the date of receiving the

application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. The applicant may resubmit an application as often as necessary until it is complete.

3. Authority of the Community and Economic Development Director or their designee.

- i. Limitations upon authority. The City review and action for siting and construction of any new mobile service support structure (cell tower) and facilities and Class 1 collocations shall be subject to the limitations imposed by Wisconsin Statutes §66.0404(4).
- ii. Within 90 days of its receipt of a complete application, the Community and Economic Development Director or their designee shall complete all of the following or the applicant may consider the site plan application materials approved, except that the applicant and the Community and Economic Development Director or their designee may agree in writing to an extension of the 90 day period:
 1. Make a final decision whether to approve, approve with conditions or deny the site plan application materials pursuant to the applicable regulations contained in the Municipal Code and this subsection.
 2. Review of Collocation Statement. The Community and Economic Development Director or their designee may deny site plan application materials if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described below:

If an application is to construct a new mobile service support structure (cell tower), an explanation as to why the

applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure (cell tower) attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. Review of Height and Setbacks. The Community and Economic Development Director or their designee shall not approve the site plan application materials unless the mobile service support structure (cell tower), including *substantial modifications (Class 1 Collocations)* complies with the following setback requirements:
 - a. Any mobile service support structure (cell tower) that is constructed on to or substantially modified on a parcel of land that *allows* a single-family detached dwelling as a permitted principal use shall be setback from the lot line(s) a distance that equals or exceeds the height of the cell tower;
 - b. Any mobile service support structure (cell tower) that is constructed or substantially modified on a parcel of land that is *adjacent* to a parcel of land that allows a single-family detached dwelling as permitted principal use shall be setback from the lot line(s) a distance that equals or exceeds the height of the cell tower;
 - c. Any mobile service support structure (cell tower) that is constructed on to

or substantially modified on a parcel of land that *does not allow* a single-family detached dwelling as permitted principal shall be setback from lot lines a distance equal to the setback(s) of a principal building/structure pursuant to the underlying zoning district development standards;

- d. Setback modification. Setbacks may be *reduced* to a lesser specified distance if the applicant submits a report stamped by a Wisconsin Registered Professional Engineer that certifies that the mobile service support structure (cell tower) is designed and engineered to collapse upon failure within the lesser specified distance unless the City has and provides the applicant with substantial evidence that the engineering certification is flawed.
4. Notify the applicant, in writing, of the final decision.
 5. If the site plan materials are approved, provide the applicant with the approved site plan application materials.
 6. If the decision is to deny the site plan materials, include with the written notification substantial evidence which supports the decision.
- iii. The City may hire expert consultants to review any technical information submitted with the application. Costs incurred by the City will be billed to the applicant, except that applicant shall not be billed for any travel expenses incurred in the consultant's review of the application materials.
4. Appeal. A party who is aggrieved by the final decision of the Community and Economic Development Director or their designee may bring an action in the circuit court of the

county in which the proposed development project is to be located.

5. Special regulations. The following special regulations shall apply to all mobile service support structures (cell towers) and mobile service facilities, including substantial modifications (Class 1 Collocations) and Class 2 Collocations:

i. *Federal Requirements.* Each mobile service support structure (cell tower) and mobile service facility must meet or exceed all applicable regulations and standards of the Federal Aviation Administration, Federal Communications Commission, and any other federal agency with authority over the structure and facility that are in effect at the time the structure or facility is placed in service.

ii. *Fence Requirements.* All mobile service support structures (cell tower) and mobile service facilities shall be enclosed with a fence at least eight (8) feet in height with a locked gate to discourage trespass on the equipment compound. No fence and gate including any anti-climbing fence shall exceed twelve (12) feet in height. The anti-climbing fence and gate may be equipped with barbed wire or some other appropriate anti-climbing product to keep people from climbing over the fence. Guy anchors of guyed towers shall be similarly protected with anti-climbing fence.

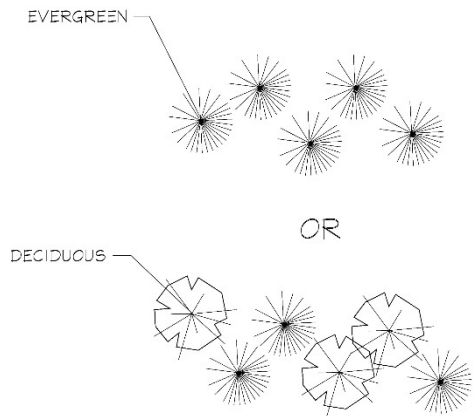
iii. *Landscaping Buffer Requirements.* All mobile service support structures (cell towers) and mobile service facilities shall be landscaped with plantings being placed outside and along the perimeter of the equipment compound fencing and shall consist of the following:

1. The landscaping buffer shall include a staggered row of mature landscaping to minimize the visual impact on adjacent properties and from public streets. For purposes of this subsection, “mature landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet at the time of planting, which

are spaced not more than eight (8) feet apart that will provide the appropriate level of visual screening immediately upon installation.

2. The landscaping buffer shall consist of a landscaped strip at least ten (10) feet wide outside and along the perimeter of equipment compound fencing.

STAGGERED PLANTINGS



- iv. *Identification.* Mobile service support structures (cell towers) and mobile service facilities may only display identifying information, such as call letters, frequencies, or Federal Communications Commission registration numbers, if required by federal or state law, regulation, rule, or order.
- v. *Generators.* Back-up generators shall not be used as a primary electrical power source. Back-up generators shall only be operated during power outages or for testing and maintenance purposes.
- vi. *Off-street parking and driveway access.* Service vehicle parking areas for one (1) vehicle and driveway shall be concrete, asphalt, or another permeable hard surface.
- vii. *Non-Interference.* Mobile service facilities shall comply with all relevant Federal Communication Commission (FCC) and Federal Aviation

Administration (FAA) standards and shall not interfere with or obstruct existing or proposed public safety, fire protection and other city and private telecommunication operations and facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the City.

- viii. *Other requirements.* Mobile service support structures (cell towers) and mobile service facilities shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- ix. *Abandonment and Removal.* A mobile service facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the following shall apply:
 - 1. The owner of such mobile service facility or owner(s) of the property where the mobile service facility is located shall remove such structure(s) and foundations and restore the site to its original condition or a condition approved by the Zoning Administrator within ninety (90) days of receipt of an abandonment notice from the Inspections Division. If removal to the satisfaction of the Zoning Administrator does not occur within the ninety (90) days, the City may remove and salvage the mobile service facility at the property owner's expense. If there are two (2) or more users of a single mobile service support structure (cell tower), then this provision shall not become effective until all users cease using the mobile service support structure (cell tower) and mobile service facility.
 - 2. The recipient of a permit allowing a mobile service support structure (cell tower) and mobile service facility under this subsection, or current owner or operator, shall notify the Inspections Division and the Community and Economic Development Department

within 45 days of the date when the mobile service facility is no longer in operation.

- x. *Enforcement and Violations; penalty.* Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this subsection shall be subject to penalty provisions as prescribed in §23-69 of this chapter. Enforcement of this subsection is prescribed in §23-69 of this chapter.

f. **Procedures and special regulations for a Class 2 Collocation on existing support structure and other modifications.**

- 1. Applicability. A building and/or electrical permit is required for the placement and construction of the following:
 - i. A Class 2 collocation which includes, the placement of a new equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and associated equipment on an existing support structure.
 - ii. Any other modification to a mobile service facility not classified as a substantial modification which includes any of the following:
 - 1. For structures with an overall height of 200 feet or less, increases the overall height of the structure up to 20 feet.
 - 2. For structures with an overall height of more than 200 feet, increases in the overall height of the structure by less than 10 percent.
 - 3. Measured of the appurtenance add the structure as a result of the modification, increases the width of the support structure by less than 20 feet.
 - 4. Increases the square footage of an existing equipment compound to a total area by 2,500 square feet or less.

2. Application Requirements. A building and/or electrical permit must be completed by the applicant and be submitted to the Inspections Division. In addition to the information required to be submitted for a building and/or electrical permit pursuant the Chapter 4 of the Municipal Code, the applications must contain the following information:
 - i. The name and business address of, and the contact individual for, the property owner and applicant.
 - ii. The location of the proposed or affected support structure.
 - iii. Construction and site plan drawing set pursuant to Chapter 4 of the Municipal Code. The site plan drawing set shall show the applicable information listed for Sheet 1. on the Site Plan Application. Site Plan Layout and elevations drawings showing the applicable information listed for Sheet 2. on the Site Plan Application. Exterior Elevation pursuant to the Application for Site Plan Review (New Mobile Service Support Structures (cell towers) and Class 1 Collocation).
3. Response Required. Determination of completeness within five (5) days of submittal.
 - i. The Inspections Supervisor or their designee shall review the application for a building and/or electrical permit and determine whether the application is complete. If the application includes all of the information required under this subsection, the application shall be consider complete. If the Inspection Supervisor or their designee finds the application is incomplete, the Inspection Supervisor or their designee shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. The applicant may resubmit an application as often as necessary until it is complete.
4. Authority of the Inspections Supervisor or their designee.

- i. Limitations upon authority. The City review and action for Class 2 collocations shall be subject to the limitations imposed by Wisconsin Statutes §66.0404(4).
 - ii. Within 45 days of its receipt of a complete application, the Inspections Supervisor or their designee shall complete all of the following or the applicant may consider the building and/or electrical permit approved, except that the applicant and the Inspections Supervisor or their designee may agree in writing to an extension of the 45 day period:
 1. Make a final decision whether to approve, approve with conditions or deny the application pursuant to the applicable regulations contained in the Municipal Code and Section 23-66(h)(22).
 2. Notify the applicant, in writing, of the final decision.
 3. If the application is approved, provide the applicant with the approved relevant building and/or electrical permit(s) and materials.
 4. If the decision is to deny the application(s), include with the written notification substantial evidence which supports the decision.
 - iii. The City may hire expert consultants to review any technical information submitted with the application. Costs incurred by the City will be billed to the applicant, except that applicant shall not be billed for any travel expenses incurred in the consultant's review of the application materials.
4. Appeal. A party who is aggrieved by the final decision of the Inspections Supervisor or their designee may bring an action in the circuit court of the county in which the proposed development project is to be located.

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

93-23

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 – 10-04-2023)

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"> • Dwelling, single family, detached 	<ul style="list-style-type: none"> • Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52 • 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.

94-23

AN ORDINANCE AMENDING SECTION 23-92(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1A SINGLE-FAMILY DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-92(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1A single-family district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-92. R-1A single-family district.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Dwelling, single family, detached 	<ul style="list-style-type: none"> • Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52 • Day care, adult; serving five (5) or fewer persons • Day care, family • Family home, adult (A) and (D), pursuant to §23-22 • Family home, adult (B) and (C), pursuant to §23-52 • Governmental facilities 	<ul style="list-style-type: none"> • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)

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

95-23

AN ORDINANCE AMENDING SECTION 23-93(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1B SINGLE-FAMILY DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-93(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1B single-family district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-93. R-1B single-family district.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Dwelling, single-family, detached 	<ul style="list-style-type: none"> • Community living arrangements serving 	<ul style="list-style-type: none"> • Mobile Service Support

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
	eight (8) or fewer persons, pursuant to §23-22 and §23-52 <ul style="list-style-type: none"> • Day care, adult; serving five (5) or fewer persons • Day care, family • Family home, adult (A) and (D), pursuant to §23-22 • Family home, adult (B) and (C), pursuant to §23-22 and §23-52 • Governmental facilities 	Structures and Facilities pursuant to §23-66(h)(22)

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

96-23

AN ORDINANCE AMENDING SECTION 23-94(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1C CENTRAL CITY RESIDENTIAL DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-94(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1C central city residential district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-94. R-1C central city residential district.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Dwelling, single-family, detached 	<ul style="list-style-type: none"> • Community living arrangements service eight (8) or fewer persons, pursuant to §23-22 and §23-52 • Day care, adult; serving five (5) or fewer persons • Day care, family • Family home, adult (A) and (D), pursuant to §23-22 • Family home, adult (B) and (C), pursuant to §23-22 and §23-52 • Governmental facilities 	<ul style="list-style-type: none"> • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)

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

97-23

AN ORDINANCE AMENDING SECTION 23-95(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-2 TWO-FAMILY DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-95(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-2 two-family district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-95. R-2 two-family district.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Dwelling, single-family, detached• Dwelling, two-family (duplex)• Dwelling, zero lot line two-family	<ul style="list-style-type: none">• Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52• Day care, adult; serving five (5) or fewer persons• Day care, family• Family home, adult (A) and (D), pursuant to §23-22• Family home, adult (B) and (C), pursuant to §23-22 and §23-52• Governmental facilities	<ul style="list-style-type: none">• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)

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

98-23

AN ORDINANCE AMENDING SECTION 23-96(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-3 MULTIFAMILY DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-96(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-3 multifamily district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-96. R-3 multifamily district.

(b) *Principal permitted uses.* The following principal uses are permitted as of right in the R-3 district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted living facility or retirement home • Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse • Dwelling, single-family, detached • Dwelling, two-family (duplex) • Dwelling, zero lot line two-family • Nursing or convalescent home • Residential care apartment complex 	<ul style="list-style-type: none"> • Community living arrangements serving fifteen (15) or fewer persons, pursuant to §23-22 and §23-52 • Day care, adult; serving five (5) or fewer persons • Day care, family • Family home, adult (A) and (D), pursuant to §23-22 • Family home, adult (B) and (C), pursuant to §23-22 and §23-52 • Governmental facilities 	<ul style="list-style-type: none"> • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)

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

99-23

AN ORDINANCE AMENDING SECTION 23-100(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P-I PUBLIC INSTITUTIONAL DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-100(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P-I public institutional district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-100. P-I public institutional district.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted living facility or retirement home • Nursing or convalescent home 	<ul style="list-style-type: none"> • Community living arrangements serving one (1) or more persons, pursuant to §23-22 and §23-52 • Educational institution; business, technical or vocational school • Educational institution; college or university • Educational institution; elementary school, junior high school, or high school • Family home, adult (A) and (D), pursuant to §23-22 • Family home, adult (B) and (C), pursuant to §23-22 and §23-52 • Governmental facility • Group housing • Hospital • Marina and/or boat landing • Museum • Place of worship • Public parks or playgrounds • Recreation facility, 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"> • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Multi-tenant buildings

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

100-23

AN ORDINANCE AMENDING SECTION 23-100(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P-I PUBLIC INSTITUTIONAL DISTRICT; SPECIAL USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-100(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P-I public institutional district; special uses, is hereby amended to read as follows:

Sec. 23-100. P-I public institutional district.

(e) *Special uses.* Special uses in the P-I 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"> • Cemetery, including a mausoleum, provided that a mausoleum shall have a forty- (40-) foot setback from any lot line of the cemetery • Day care, group, when located and operated in an educational institution, place of worship or semi-public building • Essential services • Golf course. 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"> • Circus or carnival. 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) • Community garden • Electronic towers pursuant to §23-66(h)(1) • Helicopter landing pads pursuant to §23-66(h)(9) • Parking garage • Recycling collection point pursuant to §23-66(h)(14) • Recycling and waste recovery center pursuant to §23-66(h)(13) • Shelter facility • Urban farms pursuant to §23-66(h)(17)

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

101-23

AN ORDINANCE AMENDING SECTION 23-101(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NC NATURE CONSERVANCY DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-101(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to NC nature conservancy; principal permitted uses, is hereby amended to read as follows:

Sec. 23-101. NC nature conservancy district.

(b) *Principal permitted uses.* The following uses are permitted within the NC nature conservancy district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Bicycle or hiking trails • Dams, power stations, transmission lines • Fishing • Harvesting of wild crops such as marsh hay, 	<ul style="list-style-type: none"> • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)

	mushrooms, moss, berries, fruit trees and tree seeds <ul style="list-style-type: none"> • Management of forestry and fish • Public or private parks which provide passive recreation pursuits • Water pumping and storage facilities 	
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Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

102-23

AN ORDINANCE AMENDING SECTION 23-111(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-O COMMERCIAL OFFICE DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-111(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-O commercial office district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-111. C-O commercial office district

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Clubs • Educational institutions; business, technical or vocational school • Educational institutions; college or university • Governmental facilities • Museums • Places of worship • Public parks 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"> • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Multi-tenant building • Offices • Personal services • Professional services • Veterinarian clinics

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

103-23

AN ORDINANCE AMENDING SECTION 23-111(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-O COMMERCIAL OFFICE DISTRICT; SPECIAL USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-111(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-O commercial office district; special uses, is hereby amended to read as follows:

Sec. 23-111. C-O commercial office district

(e) *Special uses.* Special uses in the C-O 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">• Electronic towers pursuant to §23-66(h)(1)• Helicopter landing pads pursuant to §23-66(h)(9)• Parking garages• Recycling collection point pursuant to §23-66(h)(14)

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

104-23

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 – 10-04-2023)

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 • 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"> • Commercial entertainment; excluding sexually-oriented establishments • Hotel or motels • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Multi-tenant building • Offices • Painting/Craft studio without alcohol sales • Personal services • Printing • Professional services • Restaurants (without alcohol) • Restaurants, fast foods • Retail businesses • Shopping centers • Urban farms pursuant to §23-66(h)(17) • Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight

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

105-23

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 – 10-04-2023)

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"> • Amusement arcade • Bar or Tavern pursuant to §23-66(h)(6) • Craft-Distillery pursuant to §23-66(h)(19) • Electronic towers pursuant to §23-66(h)(1) • Manufacturing, custom pursuant to §23-66(h)(16) • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Outdoor commercial entertainment pursuant to §23-66(h)(11) • Painting/Craft studio with alcohol pursuant to §23-66(h)(6) • Parking garages • Recycling collection points pursuant to §23-66(h)(14) • Research laboratories or testing facilities • Restaurants with alcohol pursuant to §23-66(h)(6) • Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21) • 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.

106-23

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 – 10-04-2023)

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 • Commercial entertainment; excluding sexually-oriented establishments • Drive through facilities pursuant to §23-49 • Greenhouses or greenhouse nurseries • Hotel or motels • Manufacturing, custom pursuant to §23-66(h)(16) • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Multi-tenant building • Offices • Painting/Craft studio without alcohol sales • Parking lots • Personal services • Printing • Professional services • Restaurants (without alcohol) • Restaurants, fast food • Retail businesses • Shopping centers • Towing businesses pursuant to §23-66(h)(15) • Urban farms pursuant to 23-66(h)(17) • Veterinarian clinics

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

107-23

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 – 10-04-2023)

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"> • Amusement arcades • 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) • Bar or taverns pursuant to §23-66(h)(6) • 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) • Craft-Distillery pursuant to §23-66(h)(19) • 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 • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Mobile home sales lots • Outdoor commercial entertainment pursuant to §23-66(h)(11) • Painting/Craft studio with alcohol sales pursuant to §23-66(11)

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • 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 • Restaurants with alcohol pursuant to §23-66(h)(6) • Sexually-oriented establishments pursuant to Article XII • Shelter facility • Tasting rooms pursuant to §23-66(H)(19, 20, 21, or 21) • Wholesale facilities • 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.

108-23

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 – 10-04-2023)

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 	<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 	<ul style="list-style-type: none"> • Automobile maintenance shops • Commercial entertainment; excluding sexually-oriented establishments • Hotel or motels • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Multi-tenant building

College Avenue or within 120 feet of College Avenue frontage	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"> • Offices • Painting/Craft studio without alcohol sales • Personal services • Printing • Professional services • Restaurants (without alcohol) • Restaurant, fast foods • Retail businesses • Shopping centers • Urban farms pursuant to §23-66(h)(17) • Veterinarian clinics
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Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

109-23

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 – 10-04-2023)

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"> • Amusement arcade • 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) • Bar or Tavern pursuant to §23-66(h)(6) • Body repair and/or paint shop pursuant to §23-66(h)(4) • Bus terminal • Craft-Distillery pursuant to §23-66(h)(19)

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • 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). • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Outdoor commercial entertainment pursuant to §23-66(h)(11) • Painting/Craft studio with alcohol sales pursuant to §23-66(h)(6) • 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 • Restaurant with alcohol pursuant to §23-66(h)(6) • Shelter facility • Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21) • Wholesale facility • 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.

110-23

AN ORDINANCE AMENDING SECTION 23-115(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P PARKING DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-115(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P parking district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-115. P parking district.

(b) *Permitted uses.* Principal uses permitted as of right in the parking district include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Parking garage • Parking lot

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

111-23

AN ORDINANCE AMENDING SECTION 23-131(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-1 INDUSTRIAL PARK DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-131(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-1 industrial park district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-131. M-1 industrial park district.

(b) *Principal permitted uses.* The following principal uses are permitted as of right in the M-1 district, subject to any contracts, agreements, covenants, restrictions and leases the City maintains on City-owned industrial properties.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Governmental facilities • Registered historic places open to the public and having retail space occupying not more than ten percent (10%) of the gross floor area of the building 	<ul style="list-style-type: none"> • Agriculture • Brewery pursuant to §23-66(h)(20) • Commercial entertainment • Community garden • Craft-Distillery pursuant to §23-66(h)(19) • Distillery pursuant to §23-66(h)(20) • Freight distribution or moving centers • Manufacturing, light • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Offices • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Multi-tenant buildings

		<ul style="list-style-type: none"> • Printing • Research laboratory or testing facilities • Urban farms pursuant to §23-66(h)(17) • Warehouses • Wholesale facilities • Winery pursuant to §23-66(h)(21)
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Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

112-23

AN ORDINANCE AMENDING SECTION 23-131(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-1 INDUSTRIAL PARK DISTRICT; SPECIAL USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-131(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-1 industrial park district; special uses, is hereby amended to read as follows:

Sec. 23-131. M-1 industrial park district.

(e) *Special uses.* Special uses in the M-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"> • Essential services 	<ul style="list-style-type: none"> • Electronic towers pursuant to §23-66(h)(1) • Helicopter landing pads pursuant to §23-66(h)(9) • Manufacturing, heavy • Outdoor commercial entertainment pursuant to §23-66(h)(11) • Parking garages • Recycling centers • Recycling collection points pursuant to §23-66(h)(14) • Recycling and waste recovery centers pursuant to §23-66(h)(13) • Sexually-oriented establishments pursuant to Article XII

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

113-23

AN ORDINANCE AMENDING SECTION 23-132(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-2 GENERAL INDUSTRIAL DISTRICT; PRINCIPAL PERMITTED USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-132(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-2 general industrial district; principal permitted uses, is hereby amended to read as follows:

Sec. 23-132. M-2 general industrial district

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Governmental facilities • Registered historic places open to the public and having retail space occupying not more than ten percent (10%) of the gross floor area of the building 	<ul style="list-style-type: none"> • Automobile maintenance shops • Body repair and/or paint shops pursuant to §23-66(h)(4) • Brewery pursuant to §23-66(h)(20) • Bus terminals • Commercial entertainment • Commercial truck body repair or paint shops • Commercial truck maintenance shops • Community garden • Craft-Distillery pursuant to §23-66(h)(19) • Distillery pursuant to §23-66(h)(20) • Freight distribution or moving centers • Landscape businesses • Manufacturing, light • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Multi-tenant buildings • Offices • Personal storage facility (self storage/mini-warehouse), including outdoor storage areas for recreational vehicles pursuant to §23-66(h)(18) • Printing

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • Research laboratories or testing facilities • Towing businesses pursuant to §23-66(h)(15) • Truck or heavy equipment sales or rental • Urban farms pursuant to §23-66(h)(17) • Warehouses • Wholesale facilities • 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.

114-23

AN ORDINANCE AMENDING SECTION 23-132(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-2 GENERAL INDUSTRIAL DISTRICT; SPECIAL USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-132(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-2 general industrial district; special uses, is hereby amended to read as follows:

Sec. 23-132. M-2 general industrial district

(e) *Special uses.* Special uses in the M-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"> • Essential services • Marina or boat landing 	<ul style="list-style-type: none"> • Asphalt plant • 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 only pursuant to §23-66(h)(5) • Bulk flammable or combustible liquid storage or distribution facility • Concrete mixing • Electronic towers pursuant to §23-66(h)(1) • Gasoline sales, pursuant to §23-66(h)(8) • Manufacturing, heavy • Indoor or outdoor kennel pursuant to §23-

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		66(h)(12) <ul style="list-style-type: none"> • Mobile home sales and display lot • Parking garage • Parking lot • Recycling collection point pursuant to §23-66(h)(14) • Recycling and waste recovery center pursuant to §23-66(h)(13) • Salvage yard or junk facility • Sexually-oriented establishments pursuant to Article XII • Towed vehicle storage

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

115-23

AN ORDINANCE AMENDING SECTION 23-152(h)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT; PRINCIPAL PERMITTED USES; SPECIAL USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-152(h)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to TND traditional neighborhood development overlay district; principal permitted uses; special uses, is hereby amended to read as follows:

(h) ***Principal permitted uses.*** The following principal permitted uses are permitted as of right in the TND overlay district.

(2) ***Special uses.*** Uses listed as special uses in the following underlying zoning district(s) may be listed as permitted uses in the TND overlay district and shall be reviewed and approved, approved with conditions or denied as part of the TND overlay district process:

- a. All R-1A, R-1B, and R-1C single-family residential district special uses;
- b. All R-2 two- (2-) family residential district special uses;
- c. All R-3 multifamily residential district special uses;
- d. All C-O commercial office district special uses, except the following:
 1. Electronic towers pursuant to §23-66(h)(1);

- 2. Helicopter landing pads pursuant to §23-66(h)(9);
- e. All C-1 neighborhood mixed use district special uses, except the following:
 - 1. Electronic towers pursuant to §23-66(h)(1);
- f. All C-2 general commercial district special uses, except the following:
 - 1. Sexually-oriented establishments pursuant to Article XII;
 - 2. Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5);
 - 3. Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5);
 - 4. Body repair and/or paint shops pursuant to §23-66(h)(4);
 - 5. Electronic towers pursuant to §23-66(h)(1);
 - 6. Helicopter landing pads pursuant to §23-66(h)(9);
 - 7. Manufacturing, light;
 - 8. Research laboratories or testing facilities;

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

116-23

AN ORDINANCE AMENDING SECTION 23-570(c)(2)a. OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SITE PLAN REVIEW AND APPROVAL; MINOR SITE PLAN REVIEW AND SITE PLAN REVIEW; DEVELOPMENT SUBJECT TO SITE PLAN REVIEW.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-570(c)(2)a. of Chapter 23 of the Municipal Code of the City of Appleton, relating to site plan review and approval; minor site plan review and site plan review; development subject to site plan review, is hereby amended to read as follows:

Sec. 23-570. Site plan review and approval.

(c) **Minor site plan review and site plan review.** In order to minimize submission requirements and expedite final approval for certain projects, there shall be two (2) types of site plan review: minor and major.

Minor site plan review shall be subject to review and approval by the Community and Economic Development Director and will require only that information identified in §23-570(g), Minor site plan required information, as deemed necessary by the Community and Economic Development Director to make an informed decision.

Site plan review shall be subject to the review and approval of the Community and Economic Development Director pursuant to *all* submission requirements of this section.

(2) **Development subject to site plan review.**

- a. The following new principal buildings, uses, building additions, or structures in any zoning district; except for one-(1) and two-(2) family dwellings or accessory buildings, structures, or uses when associated with or located within one-(1) and two-(2) family dwellings, unless required per Certified Survey Map, Subdivision Plat, or the like:
 - 1. Any new principal buildings or structures.
 - 2. Additions to existing principal buildings, structures or uses except single and two (2) family dwellings and accessory buildings, structures, or uses as established in the table below:

When the gross floor area of the existing building, structure or use, except for parking lots or parking spaces is . . .	And the proposed gross floor area of the addition or expansion of the existing building, structure or use except for parking lots or parking spaces is . . .
0-10,000 square feet	1,000 square feet or greater
10,001-25,000 square feet	2,500 square feet or greater
25,001-50,000 square feet	5,000 square feet or greater
50,001 square feet and over	7,500 square feet or greater

- 3. Construction, reconstruction, rehabilitation and/or expansion of off-street parking lots and loading areas that consist of twenty (20) or more parking spaces or loading spaces.
- 4. Off-street parking lot and loading area reconstruction (patching). Reconstruction (patching) of off-street parking lots and loading areas that affects greater than fifteen percent (15%) of the total square foot area of an existing off-street parking lot and/or loading area per calendar year.
- 5. Mobile Service Support Structures and Facilities and Mobile Service Support Structures and Facilities Substantial modification (Class I Collocation) pursuant to Section 23-66(h)(22).

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

117-23

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 – 10-04-2023)

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 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.

Building Code means the various adopted codes of the City of Appleton, that regulate construction and required building, electrical, HVAC permits, plumbing permits and other permits to do work regulated and adopted by the Appleton Municipal Code pertaining to building/structure and building/structure regulation.

Broadcasting towers means a freestanding structure designed to support broadcast or receiving antennas.

Radio and television broadcasting stations means a use engaged in transmitting verbal and visual programs to the public and that consists of a studio, transmitter, antennas and towers.

Broadcast Equipment Building, Shelter or Cabinet means a cabinet or building used to house equipment used by broadcast station or an owner.

Broadcasting and receiving antennas means any broadcasting and receiving device mounted on a broadcast tower, building or structure and used in broadcasting or receiving audio or visual programming materials by a Radio & television broadcasting station or communications between individuals. This broadcasting or receiving device includes but is not limited to omni –directional antennas, such as whip antennas, satellite dishes and microwaves.

Certificate of Occupancy means a document issued by the proper authority certifying that a proposed development project complies with the provisions of this chapter.

Development project means the construction of a new building or other structures on a lot, the change in use of any building, structure or land, the expansion or alteration of an existing building or structure, the relocation of an existing building or structure on a lot or another lot, or the use of open land for a new use.

Grade, Finished means the elevation of the finished surface of the ground adjacent to the building or structure after final grading.

Height of towers means the vertical distance of the broadcast tower, mobile service support structure (cell tower) or other similar structure. Measurement of height shall include antenna, base pad and other appurtenances and shall be measured from finished grade below the center of the base of said tower to the highest point of the tower even if said highest point is an antenna or piece of equipment attached thereto.

Ordering station, drive through means a remote station from the building and along the vehicular drive-thru land from which the order is taken.

Satellite dish means a dish shaped antenna designed to receive radio or television broadcasts relayed by microwave signals from earth orbiting communication satellites.

~~*Tower and antenna for telecommunications services*~~ means a tower, pole, or similar structure that supports or acts as a transmission or reception device for licensed commercial wireless communications service including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

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

118-23

AN ORDINANCE AMENDING SECTION 23-43(d) 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.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-43(d) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, building 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:

- (1) No accessory use, building and/or structure shall be constructed or established on a lot prior to the principal use or building being present or under construction.
- (2) When attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the principal building, unless otherwise stated, including, but not limited to setback requirements, building height limits, maximum lot coverage standards.
- (3) No truck, truck tractor, truck trailer, canopy or bus, or portion thereof, shall be used for, storage purposes, as a principal use and/or structure or an accessory use and/or structure in any zoning district, unless otherwise stated in this chapter.
- (4) Accessory uses, buildings and/or structures may contain toilet facilities that are installed in accordance with applicable Municipal Code regulations, including but not limited to, State of Wisconsin Uniform Dwelling Code, Water Utility, Sewer and Wastewater Disposal regulations.
- (5) Accessory uses, buildings and/or structures shall be located on the same lot as the principal use, structure or building.
- (6) Only one (1) detached garage or detached carport shall be permitted on a lot whose principal use is a single or two-family dwelling.
- (7) Detached accessory buildings shall not be used as a secondary dwelling, unless the provisions of Sec. 23-55 are met.
- (8) Dumpster enclosures are exempt from (5) above, refer to 23-47 Refuse container and dumpster enclosure standards.

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

119-23

AN ORDINANCE AMENDING SECTION 23-47 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO REFUSE CONTAINER AND DUMPTER ENCLOSURE STANDARDS.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-47 of Chapter 23 of the Municipal Code of the City of Appleton, relating to refuse container and dumpster enclosure standards, is hereby amended to read as follows:

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

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

(a) Refuse containers of appropriate size are required for all non-residential and multifamily properties. Refuse containers and dumpster enclosures are exempt from Section 23-43(d)(5) and Section 23-50(d)(4).

(b) Refuse containers shall be screened from public view, unless otherwise specified in this chapter, and located in accordance with the standards outlined in this section.

(c) Refuse containers and dumpster enclosures located on an AG, R-3, P-I, NC, C-O, C-1, C-2, CBD, P, M-1 or M-2 zoned lot shall comply with the following location and setback requirements:

(1) Location:

- a. Side and rear yard, unless otherwise specified in this chapter.
- b. Refuse containers and dumpster enclosures are allowed to be placed within the front yard adjacent to a public alley.
- c. Refuse containers and dumpster enclosures can be placed on a parking lot, even if it is a separate parcel, that is associated with, or adjacent to, the principal use.
- d. Refuse containers and dumpster enclosures may be shared between adjacent properties.
- e. Refuse containers and dumpster enclosures are not permitted on vacant properties that do not have an established principal use.
- f. On corner lots and double frontage lots, if it is demonstrated that is it impractical to place the dumpster enclosure in the side or rear yard, the Community & Economic Development Director can approve the enclosure to be located in the front yard. The

dumpster enclosure shall meet the front yard setback requirement of the principal structure.

(2) Setbacks:

- a. AG, R-3, P-I, NC, C-O, C-1, C-2, P, M-1 or M-2 zoning districts: minimum five (5) foot setback from the side and rear lot lines.
- b. CBD zoning district: none
- c. Dumpster enclosures placed within the yard facing a public alley shall have a minimum five (5) foot setback from the public right-of-way.
- d. Dumpster enclosures attached to the principal structure shall meet the setback requirements for the principal structure.

(3) Refuse containers and/or dumpsters shall be screened accordingly:

- a. Materials used for screening the refuse containers and/or dumpsters shall be alternating board on board fence, chain link fence with slats, brick, masonry, staggered evergreens or equivalent material to sufficiently screen the refuse containers and/or dumpster(s).
- b. The height of the screening materials must be sufficient to screen the refuse containers and/or dumpsters.
- c. Refuse containers and/or dumpsters located adjacent to public alleys are not required to be screened.
- d. Refuse containers and/or dumpsters shall be placed on a paved surface.

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

120-23

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

(City Plan Commission – 10-04-2023)

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

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

Sec. 23-91. AG Agricultural district.

(c) *Accessory uses.* Accessory uses in the AG district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the AG district.
- (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) Refuse containers and dumpster enclosures pursuant to §23-47.

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

121-23

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 – 10-04-2023)

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.
 - (7) Refuse containers and dumpster enclosures pursuant to §23-47.

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

122-23

AN ORDINANCE AMENDING SECTION 23-100(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P-I PUBLIC INSTITUTIONAL DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-100(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P-I public institutional district; accessory uses, is hereby amended to read as follows:

Sec. 23-100. P-I public institutional district.

- (c) *Accessory uses.* Accessory uses in the P-I district may include:
- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the P-I district.

- (2) Fences and walls pursuant to §23-44.
- (3) Refuse containers and dumpster enclosures pursuant to §23-47.

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

123-23

AN ORDINANCE AMENDING SECTION 23-101(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NC NATURE CONSERVANCY DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-101(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to NC nature conservancy district; accessory uses, is hereby amended to read as follows:

Sec. 23-101. NC nature conservancy district.

(c) *Accessory uses.* The accessory use, buildings and structures set forth in §23-43 may be permitted as of right in the NC district.

- (1) Refuse containers and dumpster enclosures pursuant to §23-47.

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

124-23

AN ORDINANCE AMENDING SECTION 23-111(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-O COMMERCIAL OFFICE DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-111(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-O commercial office district; accessory uses, is hereby amended to read as follows:

Sec. 23-111. C-O commercial office district

- (c) *Accessory uses.* Accessory uses in the C-O district may include:
- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the C-O district.
 - (2) Residential dwellings at least ten (10) feet above the street grade of the building.
 - (3) Day care, group; occupying not more than twenty-five percent (25%) of the gross floor area of the building or structure.
 - (4) Drive through facility pursuant to §23-49.
 - (5) Home occupation pursuant to §23-45.
 - (6) Fences and walls pursuant to §23-44.
 - (7) Refuse containers and dumpster enclosures pursuant to §23-47.

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

125-23

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

(City Plan Commission – 10-04-2023)

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

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

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

- (c) *Accessory uses.* Accessory uses in the C-1 district may include:
- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the C-1 district; however, new or expanded driveways, parking lots, and loading areas shall not be located between the principal building and the front lot line.
 - (2) Residential dwellings at least ten (10) feet above the street grade of the building.
 - (3) Home occupation pursuant to §23-45.
 - (4) Outdoor storage and display pursuant to §23-46.
 - (5) Fences and walls pursuant to §23-44.
 - (6) Refuse containers and dumpster enclosures pursuant to §23-47.

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

126-23

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

(City Plan Commission – 10-04-2023)

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

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

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

(c) *Accessory uses.* Accessory uses in the C-2 district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the C-2 district.
- (2) Residential dwellings at least ten (10) feet above the street grade of the building.
- (3) Home occupation pursuant to §23-45.
- (4) Outdoor storage and display pursuant to §23-46.
- (5) Fences and walls pursuant to §23-44.
- (6) Refuse containers and dumpster enclosures pursuant to §23-47.

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

127-23

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

(City Plan Commission – 10-04-2023)

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

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

Sec. 23-114. CBD central business district.

(c) *Accessory uses.* Accessory uses in the CBD district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the CBD district.
- (2) Residential dwellings at least ten (10) feet above the street grade of the building.

- (3) Home occupations pursuant to §23-45.
- (4) Fences and walls pursuant to §23-44.
- (5) Refuse containers and dumpster enclosures pursuant to §23-47.

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

128-23

AN ORDINANCE AMENDING SECTION 23-115(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P PARKING DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-115(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P parking district; accessory uses, is hereby amended to read as follows:

Sec. 23-115. P parking district.

(c) *Accessory uses.* Accessory uses, buildings and structures permitted in the parking district include:

- (1) Earthen berm.
- (2) Fences and walls pursuant to §23-44.
- (3) Private drives.
- (4) Refuse containers and dumpster enclosures pursuant to §23-47.

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

129-23

AN ORDINANCE AMENDING SECTION 23-131(c) OF CHAPTER 23 OF THE

MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-1 INDUSTRIAL PARK DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-131(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-1 industrial park district; accessory uses, is hereby amended to read as follows:

Sec. 23-131. M-1 industrial park district.

(c) *Accessory uses.* Accessory uses in the M-1 district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the M-1 district.
- (2) Day care, group; occupying not more than twenty-five percent (25%) of the gross floor area of the building or structure.
- (3) Drive through facility pursuant to §23-49.
- (4) Personal service occupying not more than twenty-five percent (25%) of the gross floor area of the building or structure.
- (5) Outdoor storage pursuant to §23-46.
- (6) Showrooms and incidental retail sales provided as follows, unless otherwise stated in this chapter:
 - a. Such showrooms and on-premises sales are limited in floor area to no more than twenty-five percent (25%) of the total gross floor area occupied by the permitted or special use and,
 - b. All goods being displayed or offered for sale are the same as those being manufactured and/or stored/distributed on the premises; and
 - c. The industrial character of the property is maintained.
- (7) Fences and walls pursuant to §23-44.
- (8) Refuse containers and dumpster enclosures pursuant to §23-47.

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

130-23

AN ORDINANCE AMENDING SECTION 23-132(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-2 GENERAL INDUSTRIAL DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-132(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-2 general industrial district; accessory uses, is hereby amended to read as follows:

Sec. 23-132. M-2 general industrial district

(c) *Accessory uses.* Accessory uses in the M-2 district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the M-2 district.
- (2) Day care, group; occupying not more than twenty-five percent (25%) of the gross floor area of the building or structure.
- (3) Drive through facility pursuant to §23-49.
- (4) Outdoor display pursuant to §23-46.
- (5) Outdoor storage pursuant to §23-46.
- (6) Personal service; occupying not more than twenty-five percent (25%) of the gross floor area of the building or structure.
- (7) Showrooms and incidental retail sales provided as follows, unless otherwise stated in this chapter:
 - a. Such showrooms and on-premises sales are limited in floor area to no more than twenty-five percent (25%) of the total gross floor area occupied by the permitted or special use and,

- b. All goods being displayed or offered for sale are the same as those being manufactured and/or stored/distributed on the premises; and
 - c. The industrial character of the property is maintained.
- (8) Fences and walls pursuant to §23-44.
 - (9) Refuse containers and dumpster enclosures pursuant to §23-47.

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

131-23

AN ORDINANCE AMENDING SECTION 23-49 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DRIVE THROUGH FACILITY.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-49 of Chapter 23 of the Municipal Code of the City of Appleton, relating to drive through facility, is hereby amended to read as follows:

Sec. 23-49. Drive through facility.

(a) ***Site Design.***

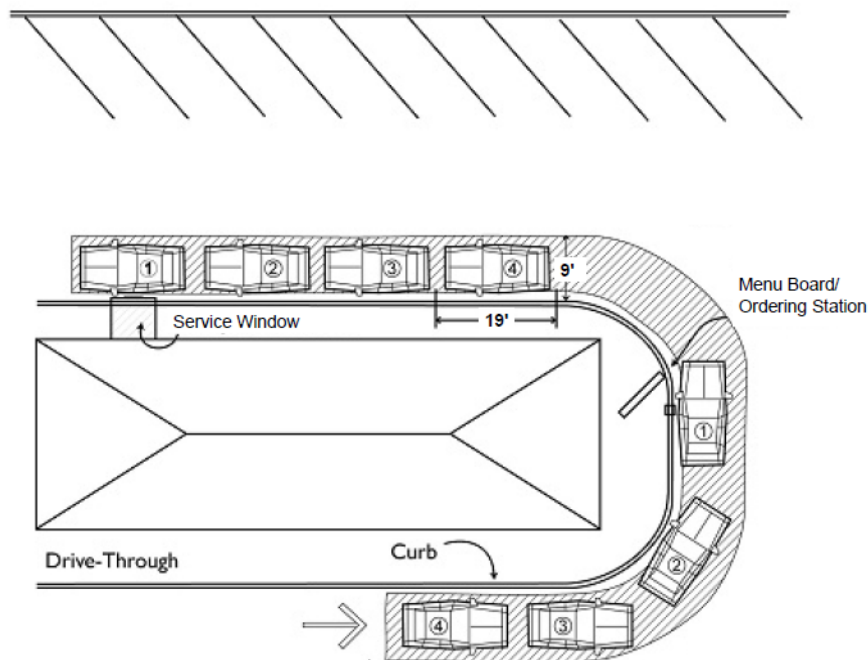
- (1) ***Stacking and drive through lanes identified.*** All stacking and drive through lanes shall be identified by asphalt or concrete curbing and/or paint striping.
- (2) The design of maneuvering and stacking aisles for the drive through shall not interfere with circulation or visibility for traffic either on or off site.
- (3) ***Landscaping of stacking spaces.*** When stacking spaces abut a residential zoning district, the entire length of the stacking spaces shall be fully screened. Screening materials shall consist of at least one row of staggered evergreen trees or shrubs, at least two (2) to three (3) feet high at the time of planting.
- (4) ***Pedestrian traffic.*** Stacking spaces and stacking lanes should avoid conflicts with on-site pedestrian traffic between the parking lot and the

building(s) entrances. When impractical to avoid, a marked crosswalk shall be provided. These crosswalks shall be delineated by paint striping, raised walkways, or alternative materials as approved by the City.

(b) **Stacking spaces.** Stacking spaces shall be a minimum of nine (9) feet wide by nineteen (19) feet in length. Uses that include drive through service shall provide the following minimum number of stacking spaces:

- (1) Financial institutions, drive-through convenience retail, pharmacies or other similar drive through uses: 3 (three) stacking spaces per drive through service window.
- (2) Drive through restaurants with ordering stations and service windows:
 - a. Four (4) stacking spaces for each ordering station.
 - b. Four (4) stacking spaces between the furthest service window and the ordering station.
- (3) Car wash:
 - a. Self-service – Three (3) stacking spaces for each washing bay.
 - b. Drive-in automatic – Six (6) stacking spaces for each washing bay, located behind the car wash entrance.

Drive through graphic



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

132-23

AN ORDINANCE AMENDING SECTION 23-172(m) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFF-STREET PARKING AND LOADING STANDARDS; REQUIRED SPACES FOR SPECIFIC USES; PUBLIC/INSTITUTIONAL.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-172(m) of Chapter 23 of the Municipal Code of the City of Appleton, relating to off-street parking and loading standards; required spaces for specific uses; public/institutional, is hereby amended to read as follows:

(m) *Required spaces for specific uses.* All vehicles connected with the following uses shall be accommodated for on the property in addition to the requirements stated below unless otherwise stated in this chapter. Additional parking as determined by the Community and Economic Development Director may be required to meet these standards. The table on the following page identifies the minimum number of off-street parking spaces to be provided.

Use Type	Minimum Off-Street Parking Spaces Required
Public/Institutional	
Educational institution; elementary school or middle school	One (1) space for each employee
	Stacking spaces – A minimum of two (2) stacking spaces shall be provided for busses and five (5) for automobiles in a designated drop off area
Educational institution; high school	One (1) space per employee plus 1 space per ten (10) students based on classroom capacity
	Stacking spaces – A minimum of two (2) stacking spaces shall be provided for busses and five (5) for automobiles in a designated drop off area

**Only those use types with changes are included*

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

133-23

AN ORDINANCE AMENDING SECTION 23-172(m) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFF-STREET PARKING AND LOADING STANDARDS; REQUIRED SPACES FOR SPECIFIC USES; COMMERCIAL.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-172(m) of Chapter 23 of the Municipal Code of the City of Appleton, relating to off-street parking and loading standards; required spaces for specific uses; commercial, is hereby amended to read as follows:

(m) *Required spaces for specific uses.* All vehicles connected with the following uses shall be accommodated for on the property in addition to the requirements stated below unless otherwise stated in this chapter. Additional parking as determined by the Community and Economic Development Director may be required to meet these standards. The table on the following page identifies the minimum number of off-street parking spaces to be provided.

Use Type	Minimum Off-Street Parking Spaces Required
Commercial	
Veterinarian clinic	One (1) space for each two hundred fifty (250) square feet of gross floor area

**Only those use types with changes are included*

*** Personal storage was removed in its entirety*

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

134-23

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 10-04-2023)

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

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone the subject parcel located at 303 East Fremont Street and to the centerline of adjacent right-of-way from PD/C-2 Planned Development Overlay #5-04/General Commercial District to R-1B Single-family District. (Rezoning #6-23 – St. Elizabeth Hospital, Inc. n/k/a Ascension NE Wisconsin, Inc. owner, and Andrew Harlos, Attorney, Office of General Counsel)

LEGAL DESCRIPTION:

EDW WESTS PLAT 4WD LOT 5 BLK 30, including to the centerline of the adjacent road right-of-way, City of Appleton, Outagamie County, Wisconsin.

COMMON DESCRIPTION:

303 East Fremont Street (Tax Id #31-4-0670), including to the centerline of the adjacent road right-of-way

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 Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

135-23

AN ORDINANCE AMENDING ARTICLE XVIII OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TATTOO AND BODY PIERCING ESTABLISHMENTS.

(Board of Health – 09-20-2023)

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

Section 1: That Article XVIII of Chapter 9 of the Municipal Code of the City of Appleton, relating to tattoo and body piercing establishments, is hereby amended to read as follows:

ARTICLE XVIII. TATTOO AND BODY PIERCING ESTABLISHMENTS

Sec. 9-850. Authority and purpose

(a) This article is promulgated under the authority of Wis. Stat. §463.16 (2021-22), as amended from time to time, for the purpose of regulating tattooists, tattoo establishments, body piercers and body piercing establishments in order to protect public health and safety.

(b) *State sanitation regulations adopted.* All tattoo and body piercing establishments, practitioners, and licenses under this division shall be subject to and comply with the provisions of Wis. Admin. Code, SPS § 221 (2021-22) as amended from time to time, which are hereby adopted by reference and incorporated as part of this article.

Sec. 9-851. Reserved.

Sec. 9-852. Scope.

Applicability. This chapter applies to all tattooists, body piercers, tattoo establishments, and body piercing establishments.

Sec. 9-853. Right of entry.

The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, view the practice (with patron's permission), secure samples or specimens, examine and copy documents, obtain photographs or take any other action deemed necessary to properly enforce the provisions of applicable laws regulating such business or activity.

Sec. 9-854. Responsibility of the operator.

(a) Every act or omission by an employee or practitioner constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, the operator shall be liable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed an act or omission of the operator for purposes of determining whether the license shall be suspended, revoked, or not renewed.

Sec. 9-855. Correction of violations, citations.

Whenever the Health Officer finds that any establishment, tattooist or body piercer required to obtain a license in this article is not operating or equipped in any manner required by ordinances or laws regulating such establishment or activity, the Health Officer may notify, in

writing, the person operating the premises, or performing the activity, specifying the requirements of such ordinance or law, and requiring that such business or practitioner comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Health Officer. The Health Officer may also issue citations for any such violations pursuant to the provisions of Appleton Municipal Code Sec. 1-17(c).

Secs. 9-856 – 9-859. Reserved.

Sec. 9-860. Generally.

(a) No person shall operate a tattoo establishment, body piercing establishment or combination tattoo and body piercing establishment without first obtaining a license from the Health Department.

(b) Application for a license required in this article shall be made to the local health department upon a form furnished by the local health department and shall contain such information that the local health department may prescribe and require and shall be accompanied by payment of the application fee. In addition, the applicant must pay any state administrative fees, the amount of which is on file with the local health department.

(c) Within thirty (30) days after receiving a completed application for a license, the local health department or its agent shall either approve the application and issue a license or deny the application. If an application for a license is denied, the local health department shall give the applicant reasons, in writing, for the denial and provide information about how the applicant may appeal that decision.

(d) A license will not be granted under this article to an operator of a new establishment or to a new operator of an existing establishment without a preinspection. A preinspection fee will be assessed for each establishment according to the schedule on file with the local health department.

(e) The operator of a tattoo or body-piercing establishment shall promptly notify the local health department of his or her intention to cease operations and shall supply the local health department with the name and mailing address of any new operator. A license is not transferable. A new operator will submit an application for a new license. No license shall be issued to or used by any person acting as agent for or in the employ of another.

Sec. 9-861. Expiration and renewal of license.

(a) Except where otherwise provided, every Health Department license shall terminate or expire on June 30th of each year and may be renewed annually thereafter.

(b) The application for renewal shall be filed with the Health Department on or before June 30th, together with payment of the required fee. The fee for said license shall be on

file with the local health department.

(c) In addition, the applicant must pay any state administrative fees, the amount of which is on file with the local health department. If the annual renewal fee has not been paid on or before June 30th, an additional late payment fee shall be required; the amount of which is also on file with the local health department. Establishments operating on July 15th without a proper license shall be ordered closed by the Health Officer. Failure to comply will result in the issuance of a uniform citation with current bond as set forth in §1-18, Appleton Municipal Code. Each violation and each day a violation continues or occurs shall constitute a separate offense.

Sec. 9-862. Suspension or revocation of license.

The Health Officer may suspend or revoke any license issued pursuant to this article for violations of ordinances or laws regulating activity and for other good cause.

Sec. 9-863. Emergency powers of health officer.

Whenever the Health Officer has reasonable or probable cause to believe that the premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises, tattooist, and/or body piercer constitute an immediate health hazard.

Sec. 9-864. Appeals.

Any person aggrieved by the denial of a license or by suspension or revocation of a license required under this article by the Health Officer or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a license or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

Secs. 9-865 – 9-979. Reserved.

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

MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RESPONSIBILITIES OF MANAGEMENT.

(Board of Health – 09-20-2023)

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

Section 1: That Section 11-27(8) of Chapter 11 of the Municipal Code of the City of Appleton, relating to responsibilities of management, is hereby amended to read as follows:

Sec. 11-27. Responsibilities of management.

(b) The attendant or person in charge and the community's licensee shall operate the community in compliance with the chapter and regulations and ordinances of the city and state and their agents or officers, and shall have the following duties:

- (8) No person shall store LP gas containers under a unit. All containers, full or empty, shall be secured in place, and all containers and LP gas service shall comply with all Wisconsin laws and regulations concerning Liquefied Petroleum Gas, including Wisconsin Administrative Code SPS Chapter 340.

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

137-23

AN ORDINANCE AMENDING SECTION 11-49(1) OF CHAPTER 11 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MANUFACTURED AND MOBILE HOME COMMUNITY LICENSE – STANDARDS OF ISSUANCE.

(Board of Health – 09-20-2023)

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

Section 1: That Section 11-49(1) of Chapter 11 of the Municipal Code of the City of Appleton, relating to manufactured and mobile home community license – standards of issuance, is hereby amended to read as follows:

Sec. 11-49. Manufactured and mobile home community license – standards of issuance.

Manufactured and mobile home community licenses shall be granted subject to the following standards:

- (1) Compliance with state law and local ordinances, rules and regulations. Proof of valid Manufactured Home Community permit issued by the Wisconsin Department of Safety and Professional Services is required.

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

138-23

AN ORDINANCE REPEALING SECTIONS 11-52 THROUGH 11-62 OF CHAPTER 11 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO HEALTH DEPARTMENT LICENSES.

(Board of Health – 09-20-2023)

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

Section 1: That Sections 11-52 through 11-62 of Chapter 11 of the Municipal Code of the City of Appleton, relating to health department licenses, are hereby repealed:

- Sec. 11-52. Health Department license – required.**
- Sec. 11-53. Health Department license – application.**
- Sec. 11-54. Health Department license – fees.**
- Sec. 11-55. Health Department license – pre-inspection; fee.**
- Sec. 11-56. Health Department license – issuance.**
- Sec. 11-57. Health Department license – expiration and renewal.**
- Sec. 11-58. Health Department license – suspension and revocation; appeal.**
- Sec. 11-59. Health Department license – transfer.**
- Sec. 11-60. Health Department license – regulations.**
- Sec. 11-61. Health Department license – inspection.**
- Sec. 11-62. Health Department license – enforcement.**

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

139-23

AN ORDINANCE AMENDING SECTION 6-12(b)(1)a OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OPEN OUTDOOR FIRES, OUTDOOR FIREPLACES, COOKING FIRES AND BARBECUE GRILLS, KETTLES AND OUTDOOR HIBACHIS; BARBECUE GRILLS, KETTLES, OUTDOOR HIBACHIS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-12(b)(1)a of Chapter 6 of the Municipal Code of the City of Appleton, relating to open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis; barbecue grills, kettles, outdoor hibachis, is hereby amended to read as follows:

Sec. 6-12. Open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis.

(b) Barbecue grills, kettles, outdoor hibachis.

(1) Charcoal burners and other open-flame devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction in all dwellings. Exceptions:

a. One- and two-family dwellings.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

140-23

AN ORDINANCE REPEALING SECTION 6-14 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LOCK BOX.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-14 of Chapter 6 of the Municipal Code of the City of Appleton, relating to lock box, is hereby repealed.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

141-23

AN ORDINANCE AMENDING SECTION 6-56 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ADOPTION OF CODES AND STANDARDS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-56 of Chapter 6 of the Municipal Code of the City of Appleton, relating to adoption of codes and standards, is hereby amended to read as follows:

Sec. 6-56. Adoption of codes and standards.

(a) The state codes listed in this section are hereby adopted by reference and made a part of the City Fire Prevention Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Inspectors shall have the authority to cite such violations on fire inspections.

- (1) General Hazard on Fire Prevention, Wisconsin Administrative Code, SPS chapter 314;
- (2) General Orders on Existing Buildings, Wisconsin Administrative Code, SPS chapters 375 to 379;
- (3) Wisconsin Administrative Code, Wisconsin State Electrical Code, SPS Chapter 316;
- (4) Wisconsin Administrative Code, Wisconsin Commercial Building Code, SPS Chapters 361 - 366;
- (5) Elevator Code, Wisconsin Administrative Code, SPS chapter 318;
- (6) Existing Building Code, Wisconsin Administrative Code, SPS chapter 370;
- (7) Flammable and Combustible Liquids Code, Wisconsin Administrative Code, SPS 310.

Overall enforcement responsibility is equally shared by the Building Inspection Division

and the Fire Department. Primary responsibility for particular sections of the above provisions shall be as indicated in the Wisconsin Administrative Code.

(b) The International Fire Code 2021 Edition, hereinafter “IFC” is hereby adopted as though fully set forth herein, with the following exceptions:

- (1) Chapter 1 and Chapter 57 are not included in the adoption of the 2021 edition of the IFC.
- (2) Appendices A, J, K, L, and M are not included as part of the adoption of the 2021 IFC.

(c) Any fire prevention issue not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standards.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

142-23

AN ORDINANCE AMENDING SECTION 6-57(e) OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AUTOMATIC SPRINKLER SYSTEMS; SYSTEM TYPES AND APPROVAL OF PLANS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-57(e) of Chapter 6 of the Municipal Code of the City of Appleton, relating to automatic sprinkler systems; system types and approval of plans, is hereby amended to read as follows:

Sec. 6-57. Automatic sprinkler systems.

(e) *System types and approval of plans.* Approved automatic sprinkler equipment shall be installed, connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by adopted Standard 13, of the National Fire Prevention Association. Automatic sprinkler systems shall be designed with a minimum five (5) psi water supply safety factor. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to fire prevention and reviewed. Electronic plans, including specification sheets and calculations as necessary, shall be submitted in an approved format to the Fire Department for review. Once reviewed and conditionally approved, plans shall be electronically signed and returned to the

requesting party.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

143-23

AN ORDINANCE REPEALING SECTION 6-58 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WELDING AND CUTTING OPERATIONS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-58 of Chapter 6 of the Municipal Code of the City of Appleton, relating to welding and cutting operations, is hereby repealed.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

144-23

AN ORDINANCE REPEALING SECTION 6-59 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OUTSIDE STORAGE OF RECYCLABLES AND BUILDING MATERIALS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-59 of Chapter 6 of the Municipal Code of the City of Appleton, relating to outdoor storage of recyclables and building materials, is hereby repealed.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

145-23

AN ORDINANCE REPEALING SECTION 6-62 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MISCELLANEOUS STANDARDS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-62 of Chapter 6 of the Municipal Code of the City of Appleton, relating to miscellaneous standards, is hereby repealed.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

146-23

AN ORDINANCE AMENDING SECTION 6-63(d) OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIREWORKS AND PYROTECHNIC DEVICES.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-63(d) of Chapter 6 of the Municipal Code of the City of Appleton, relating to fireworks and pyrotechnic devices, is hereby amended to read as follows:

Sec. 6-63. Fireworks and pyrotechnic devices.

(d) This section shall prohibit the use of any pyrotechnic device indoors of an occupancy without a permit from the Fire Chief. Such permits shall not be issued for any event in an unsprinkled occupancy. Permit applications will be made in writing seven (7) days in advance of the date of the display.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

147-23

AN ORDINANCE REPEALING SECTION 6-65 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIRE APPARATUS ACCESS ROADS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-65 of Chapter 6 of the Municipal Code of the City of Appleton, relating to fire apparatus access roads, is hereby repealed.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

148-23

AN ORDINANCE REPEALING SECTION 6-66 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ATRIUM FURNISHINGS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-66 of Chapter 6 of the Municipal Code of the City of Appleton, relating to atrium furnishings, is hereby repealed.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

149-23

AN ORDINANCE AMENDING SECTION 6-67(a) OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WORKING PLANS OF SUPPRESSION/DETECTION AND CONTROL SYSTEMS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-67(a) of Chapter 6 of the Municipal Code of the City of Appleton, relating to working plans of suppression/detection and control systems, is hereby amended to read as follows:

Sec. 6-67. Working plans of suppression/detection and control systems.

(a) Working plans of all fire suppression, detection and control systems shall be submitted to the Fire Department Prevention Division in an approved electronic format for review prior to any installation of new equipment or modification to existing equipment. Deviation from approved plans shall require permission of the authority having jurisdiction.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

150-23

AN ORDINANCE AMENDING SECTION 6-68 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PLAN REVIEW FEE STRUCTURE AND REQUIREMENTS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-68 of Chapter 6 of the Municipal Code of the City of Appleton, relating to plan review fee structure and requirements, is hereby amended to read as follows:

Sec. 6-68. Plan review fee structure and requirements.

A schedule of plan review fees shall be maintained in the City Clerk's Office. This schedule specifies the fees for plan examination and approval for projects located within the city of Appleton.

Note: If the property is subject to state plan review, the additional fee required under Wisconsin Administrative Code, SPS Table 302.31-3 will be added to the appropriate municipal fee.

- (1) ***Miscellaneous fee.*** The miscellaneous fee shall apply to any fire protection system that is not a fire sprinkler system as defined in section 903 of the International Fire Code or a fire alarm system as defined in section 907 of the International Fire Code. For standpipe systems as defined in section 905 of the International Fire Code, the miscellaneous fee shall not apply if the standpipe plans were submitted as part of a fire sprinkler system. The miscellaneous fee shall also apply to the following:
 - a. Fire protection systems that include a fire pump.
 - b. Fire protection systems for buildings that exceed five (5) stories in height, with an additional miscellaneous fee for every five (5) stories thereafter.
- (2) ***Fire doors/shutters.*** Fire door/shutter plan review and inspection shall be assessed an initial minimum fee as indicated on the fee schedule for the first fire door/shutter and as indicated on the fee schedule for each additional door/shutter. This fee does not apply to fire doors/shutters

already reviewed as part of an ongoing project.

- (3) ***Re-submission fee.*** A fee shall be assessed for review of plans submitted following denial of plan approval.
- (4) ***Re-inspection fee.*** The inspection of work performed under an approved plan is included in the fee for plan reviews. This fee does not include any re-inspections required because the inspected work failed to pass inspection. A re-inspection fee equaling twenty-five percent (25%) of the original plan review fee, two hundred and fifty dollars (\$250.00) minimum, shall be assessed due to system failure during the initial inspection.
- (5) ***Fee for initiation without a permit.*** Penalty for failure to obtain a permit before starting work shall automatically triple the applicable fees, and all work shall cease until the proper permits have been attained.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

151-23

AN ORDINANCE AMENDING SECTION 6-69 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MAINTENANCE, APPROVAL AND REGISTRATION OF INSTALLED FIRE PROTECTION SYSTEMS.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-69 of Chapter 6 of the Municipal Code of the City of Appleton, relating to maintenance, approval and registration of installed fire protection systems, is hereby amended to read as follows:

Sec. 6-69. Maintenance, approval and registration of installed fire protection systems.

(a) ***Maintenance.*** All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specifications shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled, added to or changes occupancy hazard. All additional, repairs, alterations and servicing shall be in accordance with recognized standards and copies of such work sent to

Fire Prevention of the Fire Department.

(b) **Approvals.** All fire protection systems shall be tested and approved in accordance with their respective National Fire Protection Association standards and shall be subject to periodic tests as may be required. A copy of all test results of the above systems must be provided to the Fire Chief or his/her designee upon completion of the testing. The location and size of all Fire Department hose connections shall be approved by the Fire Chief or his/her designee.

(c) A fee may be assessed to any installer and/or monitoring agent deemed responsible for causing a false alarm. Said fee will be billed to the responsible party, if not the alarm user, and will be that amount indicated in the false alarm fee schedule. Failure to pay fees could result in failure to obtain permit(s) for future work. An appeal of a false alarm assessment can be made by writing the Fire Chief or his/her designee within ten (10) business days after notification of the fee. Contesting the Chief's decision involves a review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.

152-23

AN ORDINANCE REPEALING SECTION 6-71 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIRE DIVISION WALLS AND OCCUPANCY SEPARATION WALL IDENTIFICATION.

(Safety and Licensing Committee – 09-20-2023)

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

Section 1: That Section 6-71 of Chapter 6 of the Municipal Code of the City of Appleton, relating to fire division walls and occupancy separation wall identification, is hereby repealed.

Section 2: This ordinance shall be in full force and effect on January 1, 2024.