



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, March 18, 2020

7:00 PM

Council Chambers

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- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES  
[20-0411](#) Common Council Meeting Minutes of March 4, 2020

**Attachments:** [CC Minutes 3-4-20.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR
- F. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS  
[20-0407](#) Public Hearing for Zoning Text Amendments

**Attachments:** [PublicHearingNotice\\_ZOTextAmendments\\_2020\\_UPDATED.pdf](#)

- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[19-1886](#)

R/B-Request to rescind approval for "The Collective" sculpture within the E. College Avenue and N. Catherine Street right-of-way.

**Attachments:** [The Collective log of public dialogue-.pdf](#)

**Legislative History**

12/9/19	Municipal Services Committee	held
	<i>Item 19-1886 held until January 13, 2020.</i>	
1/13/20	Municipal Services Committee	recommended for approval
	<i>Amend item 19-1886. City to work on alternate location in first quarter of 2020.</i>	
1/22/20	Common Council	referred to the Municipal Services Committee
1/27/20	Municipal Services Committee	held
	<i>Item 19-1886 be held until February 19, 2020 meeting.</i>	
2/19/20	Municipal Services Committee	held
	<i>Item 19-1886 be held until March 9th meeting.</i>	
3/9/20	Municipal Services Committee	recommended for approval

[20-0281](#)

Resolution #2-R-20, designating the month of May, 2020 as No Mow May.

**Attachments:** [Resolution #2-R-20-No Mow May.pdf](#)  
[Resolution #2-R-20-Citizen Comments.pdf](#)  
[Issues to address for Municipal Services Committee.pdf](#)

**Legislative History**

2/24/20	Municipal Services Committee	held
	<i>Item 20-0281 be held and referred to staff</i>	
3/9/20	Municipal Services Committee	recommended for approval
3/9/20	Municipal Services Committee	recommended for denial

[20-0360](#)

Request from two business owners to convert two 2-hour meters (CAW 608 and CAW 610) to 30-minute "red head" meters on the north side of the 600 West block of College Avenue be approved.

**Attachments:** [Request to convert two 2 hr meters to 30 min meters CAW 608 & CAW 610.pdf](#)

**Legislative History**

3/9/20	Municipal Services Committee	recommended for approval
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[20-0364](#) Request from Jake Viane of Bard Media for a permanent street occupancy permit to install a timelapse camera on a city-owned street light pole at 820 W. College Avenue to capture the construction project at 825 W. College Avenue be approved.

**Attachments:** [Permanent Street Occupancy 825 W College Ave.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee  
*Amend item 20-0364 Contingent upon capturing video of 825 W. College Avenue only. Motion by Croatt, 2nd by Coenen. Motion passed 4-0.*

[20-0366](#) Preliminary Resolution 2-P-20 for Concrete Pavement, Driveway Aprons and Sidewalk Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate.

**Attachments:** [Resolution 2-P-20.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee

[20-0367](#) Approve parking restriction changes on Capitol Drive near Classical Charter School (Follow-up to six month trial period).

**Attachments:** [Parking changes Capital Drive-Classical Charter School.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee

[20-0369](#) Approve parking restriction changes on the 900 block of E. Commercial Street (Follow-up to six month trial period).

**Attachments:** [Parking changes 900 block of E. Commercial Street.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee

[20-0370](#) Approve parking restriction changes on Spencer Street, between Story Street and Pierce Avenue (Follow-up to six month trial period).

**Attachments:** [Parking changes Spencer St between Story St & Pierce Ave.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee

[20-0372](#) Approve parking restriction changes on W. Packard Street, between Outagamie Street and Badger Avenue (Follow-up to six month trial period).

**Attachments:** [Parking changes W. Packard St-Outagamie St to Badger Ave.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee

[20-0373](#) Approve parking restriction changes on Durkee Street near Classical Charter School (Follow-up to six month trial period).

**Attachments:** [Parking changes Durkee St Classical Charter School.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee

[20-0376](#) Approve installation of STOP signs on Durkee Street at Brewster Street (Follow-up to six month trial period).

**Attachments:** [Intersection traffic control Brewster St & Durkee St.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee

[20-0377](#) Approve installation of STOP signs on Jarchow Street at Marquette Street (Follow-up to six month trial period).

**Attachments:** [Intersection traffic control Marquette St & Jarchow St.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee

[20-0378](#) Approve permanent street occupancy permit request for monument signage and landscaping in the Peregrine Boulevard terrace area contingent upon the following:

- \*City installs and maintains all terrace trees.
- \*Developer installs and maintains monument signs and landscaping.
- \*City has no liability of any plant or monument sign damage due to plowing or any other public works related services.
- \*\$40 permit fee
- \*Certificate of Insurance

**Attachments:** [Permanent Street Occupancy Peregrine Boulevard.pdf](#)

**Legislative History**

3/9/20 Municipal Services recommended for approval  
Committee

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[20-0391](#)

Request to authorize the City Clerk as the Designated Municipal Official to Issue Operator's Licenses, Pursuant to 2019 Wis. Act 166

**Attachments:** [Designating City Clerk as the Municipal Official to Issue Operator Licenses.pdf](#)

**Legislative History**

3/11/20 Safety and Licensing Committee recommended for approval

[20-0345](#)

Appleton Police Department received \$22,902.92 in funding through Octoberfest for the purchase of the Autovu 2 Camera System.

**Attachments:** [Octoberfest Notice to Accept Funds.pdf](#)

**Legislative History**

3/11/20 Safety and Licensing Committee recommended for approval

[20-0309](#)

Temporary Premise Amendment application for Sangria's Mexican Grill, Sarah Gregory, Agent, located at 215 S Memorial Dr, contingent upon approval from all departments.

**Attachments:** [Sangrias Mexican Grill 2020.pdf](#)

**Legislative History**

3/11/20 Safety and Licensing Committee recommended for approval

[20-0310](#)

Class "B" Beer and "Class C" Wine application for Miss Brown's Fine Foods II LLC d/b/a Miss Brown's Fine Food II, Donnahugh (Phill) Brown, Agent, located at 400 N. Richmond St Ste G, contingent upon approval from all departments.

**Attachments:** [Miss Brown's Fine Foods II.pdf](#)

**Legislative History**

3/11/20 Safety and Licensing Committee recommended for approval

[20-0325](#)

"Class B" Liquor and Class "B" Beer License application for Asian Thai 2 Inc d/b/a Asian Thai, Rong Zhang, Agent, located at 201 W. Northland Ave, contingent upon approval from all departments.

**Attachments:** [Asian Thai.pdf](#)

**Legislative History**

3/11/20 Safety and Licensing Committee recommended for approval

- [20-0337](#) Class "B" Beer License application for Breakout Green Bay LLC d/b/a Appleton Axe, Patrick Van Abel, Agent, located at 1400 W College Ave, contingent upon approval from all departments.

**Attachments:** [Appleton Axe.pdf](#)

**Legislative History**

3/11/20 Safety and Licensing Committee recommended for approval

- [20-0390](#) Operator Licenses

**Attachments:** [3-11-2020.pdf](#)

**Legislative History**

3/11/20 Safety and Licensing Committee recommended for approval

**3. MINUTES OF THE CITY PLAN COMMISSION**

- [20-0240](#) Request to approve proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Sec. 23-21 Purpose, Sec. 23-22 Words and Terms Defined, Sec. 23-35 Transition Rules, Sec. 23-42 Nonconforming Buildings, Structures, Uses and Lots, Sec. 23-44 Fences and Walls, Sec. 23-50 Dimensional Exceptions and Modifications, Sec. 23-63 Board of Appeals, Sec. 23-65 Zoning Amendments, Sec. 23-66 Special Use Permits, Sec. 23-67 Variances, Sec. 23-91 AG Agricultural District, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, Sec. 23-96 R-3 Multifamily District, Sec. 23-112 C-1 Neighborhood Commercial District, Sec. 23-113 C-2 General Commercial District, Sec. 23-114 CBD Central Business District, Sec. 23-131 M-1 Industrial Park District, Sec. 23-132 M-2 General Industrial District, Sec. 23-172 Off-Street Parking and Loading Standards, Sec. 23-422 Special Use Permit Requirements, Sec. 23-570 Site Plan Review and Approval, and Sec. 23-601 Landscaping and Screening Standards, as identified in the attached document

**Attachments:** [StaffReport\\_TextAmendment\\_2020Bundle\\_For02-25-20.pdf](#)  
[EmailsSubmittedAtPCMTg\\_ProposedDistilleryRegs\\_ZoningCode.pdf](#)

**Legislative History**

2/25/20 City Plan Commission recommended for approval  
*Proceeds to Council on March 18, 2020.*

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**

**5. MINUTES OF THE FINANCE COMMITTEE**

- [20-0413](#) Request to approve changes to Sec. 2-29(a) Alderperson absence; participation electronically, of the Appleton Municipal Code  
*Attachments:* [AMEND058 Redlined.pdf](#)
- [20-0414](#) Request to repeal Sec. 2-561 of the Appleton Municipal Code re: Authority of City Clerk regarding elections.  
*Attachments:* [AMEND059.pdf](#)
- [20-0415](#) Request the approval of Mayor's Proclamation Declaring a State of Emergency pursuant to Ch. 323, Wis. Stats.  
*Attachments:* [COVID-19 Proclamation.pdf](#)
- [20-0347](#) CEA Review Committee Report  
*Attachments:* [CEA MeetingMinutes04-Mar-2020-03-22-35.pdf](#)  
  
Legislative History  
3/9/20 Finance Committee recommended for approval
- [20-0348](#) Request to approve the following 2020 Budget adjustment:  
  
**Police Grants Fund**  
Equipment +\$22,903  
Local Grants +\$22,903  
  
to record receipt of Octoberfest grant to purchase Automatic License Plate Recognition equipment  
  
*Attachments:* [Finance Committee Plate Recognition Grant.pdf](#)  
  
Legislative History  
3/9/20 Finance Committee recommended for approval  
*Alderson Martin was excused at 6:27pm*
- [20-0349](#) Request to approve Resolution #0202-02 Sales Tax Shared Revenue  
  
*Attachments:* [#2020-02 County Sales Tax Resolution.pdf](#)  
[Sales Tax Revenue Sharing Correspondence 2019.pdf](#)  
[County Sales Tax Municipal FAQ.PDF](#)  
  
Legislative History  
3/9/20 Finance Committee recommended for approval

[20-0350](#)

Request to award the City of Appleton 2020 Park Pavilion HVAC Upgrades contract to J.F. Ahern Co in the amount of \$68,900 with a contingency of \$1,100 for a project total not to exceed \$70,000

**Attachments:** [2020 Park Pavilion HVAC Upgrades.pdf](#)

**Legislative History**

3/9/20 Finance Committee recommended for approval

[20-0351](#)

Request to award the City of Appleton 2020 Fire Station #5 HVAC Upgrades contract to Sure-Fire, Inc in the amount of \$37,525 with a contingency of \$5,000 for a project total not to exceed \$42,525

**Attachments:** [2020 Fire Station #5 HVAC Upgrades.pdf](#)

**Legislative History**

3/9/20 Finance Committee recommended for approval

[20-0361](#)

Request to approve the 2019-2020 Budget carryover appropriations:  
1. Items not under contract \$9,143,149  
2. Items requesting Special Consideration \$323,353

**Attachments:** [2019-20 Not Under Contract Carryover List.pdf](#)

[2019-20 Special Consideration Carryover List.pdf](#)

**Legislative History**

3/9/20 Finance Committee recommended for approval



[20-0362](#)

Request to approve the following 2019 Budget adjustments:

**Community Development Block Grant Fund**

Grant Payments	+\$45,000
Federal Grants	+\$45,000

to record additional grant proceeds and related expenditures (2/3 vote of Council required)

**Emergency Housing and Homeless Grant Fund**

Grant Payments	+\$38,253
State Grants	+\$24,012
Fund Balance	- \$14,241

to record additional grant proceeds and related expenditures (2/3 vote of Council required)

**Police Grants Fund**

Federal Grants	+\$ 447
State Grants	+\$38,825
Salaries	+\$38,059
Supplies	+\$ 684
Equipment	+\$ 529

to record additional grant proceeds and related expenditures (2/3 vote of Council required)

**TIF 8 Capital Projects Fund**

Other Contracts/Obligations	+\$77,100
Fund Balance	- \$77,100

to provide funding for developer payments in excess of budget (2/3 vote of Council required)

**Information Technology Capital Projects Fund**

Transfer Out - Facilities Capital Projects Fund	+\$115,216
Fund Balance	+\$115,216

**Facilities Capital Projects Fund**

Transfer In - Information Technology Capital Projects Fund	+\$115,216
Fund Balance	+\$115,216

to transfer remaining proceeds from the 2017 G.O. Note borrowing from the IT Capital Projects fund to the Facilities Capital Projects Fund in order to meet spend down requirements (2/3 vote of Council required)

**Attachments:** [2019 Final Budget adjustments .pdf](#)

**Legislative History**

3/9/20 Finance Committee recommended for approval

[20-0371](#)

Request to approve the following 2020 Budget adjustment:

**Stormwater Utility**

Stormwater Utility Fund Balance	- \$10,000
Stormwater Capital Projects Fund	+\$10,000

to allocate in-lieu of funds set aside for stormwater management

**Attachments:** [Stormwater Budget Adj.pdf](#)

**Legislative History**

3/9/20 Finance Committee recommended for approval

[20-0374](#)

Resolution #4-R-20 Hmong Deportation

**Attachments:** [#4-R-20 Hmong Deportation .pdf](#)

**Legislative History**

3/9/20 Finance Committee recommended for approval

[20-0375](#)

Resolution #6-R-20 Purple Heart City

**Attachments:** [#6-R-20 Purple Heart City.pdf](#)

**Legislative History**

3/9/20 Finance Committee recommended for approval

[20-0382](#)

Request to approve Finance Committee Report 1-P-20 for Sanitary Laterals, Storm Laterals and Storm Main

**Attachments:** [Report 1-P-20.pdf](#)

**Legislative History**

3/9/20 Finance Committee recommended for approval

[20-0383](#)

Request to approve Finance Committee Report 2-P-20 for Concrete Pavement, Sidewalk Construction and Driveway Aprons

**Attachments:** [Report 2-P-20.pdf](#)

**Legislative History**

3/9/20 Finance Committee recommended for approval

## 6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[20-0331](#)

Request to approve the REVISED 2020-2021PY Community Development Block Grant (CDBG) funding as specified in the attached community partner allocation recommendations

**Attachments:** [Alloc Recs Memo to CEDC Final Award 03-11-2020.pdf](#)

[Alloc Recs Memo to CEDC 11-5-19.pdf](#)

[REVISED 2020 CDBG Community Partner & Simple Summary Recommendation](#)

[REVISED 2020 CDBG Simple Summary Recommendations.pdf](#)

[2020 CDBG Affordable Housing Project Recommendations.pdf](#)

**Legislative History**

3/11/20	Community & Economic Development Committee	recommended for approval
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## 7. MINUTES OF THE UTILITIES COMMITTEE

[20-0336](#)

Award Contract for Asbestos and Hazardous Materials Abatement to Asbestos Removal Inc. for an amount not to exceed \$39,986.

**Attachments:** [Lake Station Hazardous Materials Contract 03-03-20.pdf](#)

**Legislative History**

3/10/20	Utilities Committee	recommended for approval
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[20-0380](#)

Preliminary Resolution 1-P-20 for Sanitary Laterals, Storm Laterals and Storm Main be adopted and refer the matter to the Finance Committee to determine the assessment rate.

**Attachments:** [Resolution 1-P-20.pdf](#)

**Legislative History**

3/10/20	Utilities Committee	recommended for approval
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[20-0386](#)

Award America's Water Infrastructure Act Project to AECOM in the amount of \$43,500 with a 15% contingency of \$6,525 and total cost not to exceed \$50,025.

**Attachments:** [utilities memo - AWIA RRA Memo 03-06-20.pdf](#)

**Legislative History**

3/10/20	Utilities Committee	recommended for approval
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## 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[20-0354](#) Request to award Heartland Business Solutions the contract to purchase and implement a new Audio Visual (AV) system for Fire and Police. The amount requested is \$89,628.50 with a 10.4% contingency for a total of \$100,000.

**Attachments:** [AFD - APD AV Memo.pdf](#)

**Legislative History**

3/11/20 Human Resources & Information Technology Committee recommended for approval

[20-0355](#) Request to award Heartland Business Solutions the contract to purchase and implement a new Audio Visual (AV) system for Council Chambers. The amount requested is \$89,937.81 with a 10% contingency for a total of \$100,000.

**Attachments:** [Council Chambers AV Memo.pdf](#)

**Legislative History**

3/11/20 Human Resources & Information Technology Committee recommended for approval

[20-0358](#) Request approval to over hire a Master Electrician in the Department of Public Works for approximately 30 days with an estimated fiscal impact of \$8,400.

**Attachments:** [DPW Overhire Master Electrician 3-11-20.pdf](#)

**Legislative History**

3/11/20 Human Resources & Information Technology Committee recommended for approval

[20-0384](#) Request approval to over hire a Health Officer in the Health Department for approximately 30 days with an estimated fiscal impact of \$12,000.

**Attachments:** [Health Officer over hire.pdf](#)

**Legislative History**

3/11/20 Human Resources & Information Technology Committee recommended for approval

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

**10. MINUTES OF THE BOARD OF HEALTH**

19-1184 Resolution #10-R-19 Beekeeping Permit Process Change

**Attachments:** [#10-R-19 Beekeeping Permit Process Changes.pdf](#)  
[Current - Residential Bee Keeping Permit Requirements.pdf](#)  
[Proposed - Residential Apiary Permit Requirements .pdf](#)  
[Current - Residential Apiary Permit Application .pdf](#)  
[Proposed - Residential Apiary Permit Application .pdf](#)

**Legislative History**

8/14/19	Board of Health	presented
11/13/19	Board of Health	held
1/8/20	Board of Health	held
2/12/20	Board of Health	held
3/11/20	Board of Health	amended
		<i>Motion made to amend #2 of the Resolution's list of changes so that the notifications are made, but the objection process for property owners is removed from section 2.(b)2. of the beekeeping permit requirements.</i>
3/11/20	Board of Health	recommended for approval

## M. CONSOLIDATED ACTION ITEMS

## N. ITEMS HELD

20-0109 Request to approve proposed changes to the Art in Public Places Policy as identified in the attached revised policy

**Attachments:** [Memo to CEDC Revised APAC Policy February 2020.pdf](#)  
[StaffReport Revised Art in Public Places Policy For2-4-20.pdf](#)

**Legislative History**

1/29/20	Community & Economic Development Committee	recommended for approval
2/5/20	Common Council	held

## O. ORDINANCES

20-0406 Ordinances 18-20 to 57-20 Regarding Zoning  
Ordinances 58-20 and 59-20  
Ordinance 60-20 Ratification of Declaration of Emergency

**Attachments:** [Ordinances 18-20 to 57-20 for 3-18-2020 CC.pdf](#)  
[Ordinances 58-20 and 59-20 for 3-18-2020 CC.pdf](#)

## P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

## Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

[20-0412](#) Recognition of Service of Alderperson Christopher Croatt

S. ADJOURN

Kami Lynch, City Clerk

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



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, March 4, 2020

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Mayor Hanna at 7:00 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Croatt.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt, Alderperson Corey Otis and Mayor Timothy Hanna

**Excused:** 1 - Alderperson Katie Van Zeeland

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Director of Human Resources Matz, Director of Information Technology Fox, Director of Parks, Recreation & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit General Manager Mc Donald*

*The following departments were excused:*

*Library*

*Information Technology*

*Human Resources*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[20-0318](#)

Common Council Meeting Minutes of February 19, 2020

**Attachments:** [CC Minutes 2-19-20.pdf](#)

**Alderperson Croatt moved, seconded by Alderperson Coenen, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

**Excused:** 1 - Alderperson Katie Van Zeeland

**Abstained:** 1 - Mayor Timothy Hanna

## G. BUSINESS PRESENTED BY THE MAYOR

[20-0333](#) Presentation of a check from M. A. T. C. H. (Making Appleton Tennis Courts Happen)

**The check was presented.**

[20-0311](#) Historic Preservation Commission Appointments

**Attachments:** [Hist Pres. Reappointments REV.pdf](#)

**Alderperson Lobner moved, seconded by Alderperson Schultz, that the Appointments be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

**Excused:** 1 - Alderperson Katie Van Zeeland

**Abstained:** 1 - Mayor Timothy Hanna

## H. PUBLIC PARTICIPATION

*Bill Weitzel, 2800 Schaefer Circle spoke on Item 20-0238, Special Use Permit*

## I. PUBLIC HEARINGS

[20-0321](#) Public Hearing for Rezoning #13-19 E. Glenhurst Lane

**Attachments:** [ClassIIPublicHearingNoticeNewspaper Glenhurst Rezoning.pdf](#)

*The public hearing was held, no one spoke during the hearing.*



[20-0322](#)

Public Hearing on Amending the Comprehensive Plan Future Land Use Plan #3-19

**Attachments:** [PublicHearing\\_CPA E Glenhurst Lane.pdf](#)

*The public hearing was held, no one spoke during the hearing.*

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[20-0305](#)

Resolution introduced by Alderperson Meltzer-District 2, Alderperson Firkus -District 3, Alderperson Martin -District 4, Alderperson Van Zeeland-District 5, Alderperson Fenton -District 6, Alderperson Thao -District 7, Alderperson Schultz -District 9, Alderperson Williams -District 10, Alderperson Coenen -District 11, Alderperson Spears -District 12, Alderperson Lobner -District 13, Alderperson Croatt -District 14, Alderperson Otis-District 15 at the February 19, 2020 Common Council meeting relating to redistricting legislative districts at its next session following federal census:

#3-R-20

WHEREAS the Wisconsin State Legislature is directed to redistrict legislative districts at its next session following each federal census.

AND WHEREAS the goal of redistricting should be the creation of fair maps, not partisan gain.

AND WHEREAS transparency is necessary in executing any governmental responsibility.

AND WHEREAS on April 3, 2018, Outagamie County held an advisory referendum in which 72% of the voters supported a nonpartisan redistricting process.

AND WHEREAS a January 2019 Marquette University Law School poll showed that 72% of respondents supported having a nonpartisan commission draw the maps.

THEREFORE BE IT RESOLVED that the Appleton Common Council supports a transparent non-partisan redistricting process for the State of Wisconsin.

**Alderperson Croatt moved, seconded by Alderperson Lobner, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

**Nay:** 1 - Alderperson Matt Reed

**Excused:** 1 - Alderperson Katie Van Zeeland

**Abstained:** 1 - Mayor Timothy Hanna

[20-0293](#)

Request from Cozy Corner (111 N. Walnut Street) for a permanent street occupancy permit to place their two dumpsters in the Johnston Street right-of-way blocking the sidewalk.

**Attachments:** [Cozy Corner permanent street occupancy.pdf](#)

**Aldersperson Croatt moved, seconded by Aldersperson Lobner, that recommendation to deny the request be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matt Reed, Aldersperson Alex Schultz, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner, Aldersperson Chris Croatt and Aldersperson Corey Otis

**Excused:** 1 - Aldersperson Katie Van Zeeland

**Abstained:** 1 - Mayor Timothy Hanna

## L. COMMITTEE REPORTS

### Balance of the action items on the agenda.

**Aldersperson Croatt moved, Aldersperson Lobner seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matt Reed, Aldersperson Alex Schultz, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner, Aldersperson Chris Croatt and Aldersperson Corey Otis

**Excused:** 1 - Aldersperson Katie Van Zeeland

**Abstained:** 1 - Mayor Timothy Hanna

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[20-0280](#)

Request from FORE Development to convert two metered parking stalls on the east side of S. Morrison Street to designated parking only for the financial institution that will be located on the first floor of Gabriel Lofts, Monday through Friday from 8:00 am to 5:00 pm, be approved until such time Morrison Street is reconstructed. At that time, alternative locations to be considered.

**Attachments:** [FORE Development-metered parking stalls.pdf](#)

**This Report Action Item was approved.**

[20-0282](#)

Award contract for 2020 Bridge Inspections to Westbrook Associated Engineers, Inc. in an amount not to exceed \$30,000.

**Attachments:** [Contract for 2020 Bridge Inspections-Westbrook Ass. Eng.pdf](#)

This Report Action Item was approved.

[20-0285](#)

Award Contract for 2020 Bridge Dive Inspections to Collins Engineers, Inc. in an amount not to exceed \$36,098.25.

**Attachments:** [Contract for 2020 Bridge Dive Inspections.pdf](#)

This Report Action Item was approved.

[20-0289](#)

Request from OMNNI Associates for a permanent street occupancy permit to install two (2) groundwater monitoring wells in Foster Street and Oneida Street for 1725 S. Oneida Street.

**Attachments:** [OMNNI Associates permanent street occ.pdf](#)

This Report Action Item was approved.

[20-0298](#)

Request from Casey Bungert for a permanent street occupancy permit for an underground dog fence within the street terrace and sidewalk area at 1011 E. Rustic Road be denied.

**Attachments:** [Casey Bungert-1011 E. Rustic Rd.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

## 3. MINUTES OF THE CITY PLAN COMMISSION

[20-0093](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #3-19 for the subject parcels generally located on East Glenhurst Lane, west of North Lightning Drive (Tax Id #31-1-6501-03 and #31-1-6501-04) from future Multi-Family Residential land use designation to One and Two-Family Residential land use designation as shown on the attached map and approve the attached Resolution (Associated with Action Item #20-0095)

**Attachments:** [StaffReport\\_Glenhurst\\_CompPlan+Rezoning\\_For1-21-20.pdf](#)

This Report Action Item was approved.

[20-0095](#)

Request to approve Rezoning #13-19 to rezone the subject parcels generally located on East Glenhurst Lane, west of North Lightning Drive (Tax Id #31-1-6501-03 and #31-1-6501-04), including all of the adjacent one-half right-of-way of East Glenhurst Lane and North Lightning Drive, as shown on the attached maps, from C-O Commercial Office District to R-1B Single-Family District (Associated with Action Item #20-0093)

**Attachments:** [StaffReport\\_Glenhurst\\_CompPlan+Rezoning\\_For1-21-20.pdf](#)

**This Report Action Item was approved.**

[20-0238](#)

Request to approve Special Use Permit #1-20 for a restaurant and sidewalk cafe with alcohol sales and service located at 500 West College Avenue (Tax Id #31-5-1070-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_ACOCACoffee\\_SUP\\_For02-25-20.pdf](#)

**This Report Action Item was approved.**

[20-0241](#)

Request to approve the dedication of land for public right-of-way for a portion of West Lawrence Street and a portion of South Appleton Street, generally located south and east of their intersection (part of Tax Id #31-2-0142-00), as shown on the attached maps

**Attachments:** [StaffReport\\_LawrenceStAppletonSt\\_StreetDedication\\_For02-25-20.pdf](#)

**This Report Action Item was approved.**

#### **4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**

[20-0270](#)

Request Approval of the Updated Recreation Program Fee Policy

**Attachments:** [Recreation Program Fee Policy Request.pdf](#)

**This Report Action Item was approved.**

#### **5. MINUTES OF THE FINANCE COMMITTEE**

[19-1586](#)

Request authorization to engage outside counsel for assistance with current labor negotiations

**The recommendation to deny was approved.**

[20-0277](#)

Request approval of Pre-Annexation Agreement regarding Plamann Park between Outagamie County and the City of Appleton, contingent on County approval

**Attachments:** [Plamann Park - Pre Annexaton Agreement - City - CLEAN 02-12-2020.pdf](#)

**This Report Action Item was approved.**

[20-0299](#)

Request to award Unit B-20 Asphalt Paving to Vinton Construction Company in the amount of \$2,395,748 with a 1.8% contingency of \$42,000 for a project total not to exceed \$2,437,748

**Attachments:** [Award of Contract Unit B-20.pdf](#)

**This Report Action Item was approved.**

[20-0300](#)

Request to award Unit H-20 Spartan Drive area Utilities, Grade and Gravel, and Stormwater Ponds to MCC, Inc in the amount of \$968,523 with a 6.5% contingency of \$62,949 for a project total not to exceed \$1,031,472

**Attachments:** [Award of Contract Unit H-20.pdf](#)

**This Report Action Item was approved.**

[20-0301](#)

Request to award Unit Y-20 Newberry Street Sewer & Water Reconstruction No. 2 to PTS Contractors, Inc in the amount of \$2,535,221 with a 4% contingency of \$101,409 for a project total not to exceed \$2,636,630

**Attachments:** [Award of Contract Unit Y-20.pdf](#)

**This Report Action Item was approved.**

[20-0302](#)

Request to award Unit Z-20 Ballard Road Water Reconstruction to Advance Construction in the amount of \$1,108,331 with a 4% contingency of \$44,333 for a project total not to exceed \$1,152,664

**Attachments:** [Award of Contract Unit Z-20.pdf](#)

**This Report Action Item was approved.**

## 6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[20-0265](#)

Request to approve the City of Appleton maintain its current selling prices for business/industrial park land and adjust option fees as described in the attached documents

**Attachments:** [Business-Industrial Park Land Value Memo 2-5-20.pdf](#)  
[Exhibit A-Ind Land Sales Comparison.pdf](#)  
[Exhibit B-Ind Land Asking Price Comparison.pdf](#)  
[Southpoint Commerce Park Map.pdf](#)  
[NE Business Park Map.pdf](#)

This Report Action Item was approved.

## 7. MINUTES OF THE UTILITIES COMMITTEE

[20-0222](#)

Request to calculate Stormwater Utility bill for parcel 31-1-9221-00 (7500 N. Purdy Parkway) by creating a residential area and a non-residential area as shown on the attached map.

**Attachments:** [Stormwater Utility Bill for 7500 N. Purdy Parkway.pdf](#)

This Report Action Item was approved.

[20-0231](#)

Approve 2019 Annual Stormwater Report to WDNR

**Attachments:** [2019 MS4 Annual report to UC w attachments.pdf](#)

This Report Action Item was approved.

[20-0242](#)

Award single source 2020E Spartan Drive Stormwater Ponds and Roadway Construction Related Services Contract to Brown & Caldwell, in an amount not to exceed \$43,900.

**Attachments:** [Brown Caldwell 2020E Spartan Ponds and Roadway CRS Contract Util Memo FINAL 02-18-2020.pdf](#)

This Report Action Item was approved.

[20-0263](#)

Award Engineering Services Contract for the Ridgeway Tower Recoating Project to Strand Associates, Inc., in the amount of \$41,900 and a 10% contingency of \$4,200 for a project total not to exceed \$46,100.

**Attachments:** [Ridgeway Tower Engineering Award 0219-20.pdf](#)

This Report Action Item was approved.

[20-0266](#)

Approve Updates to Municipal Code Chapter 20, Article VII, Illicit Discharges and Connections, specifically:

- Section 20-401 relating to definitions
- Section 20-412 relating to allowed discharges
- Section 20-423 relating to requirement to prevent, control and reduce stormwater pollutants by the use of best management practices
- Section 20-433 relating to Notice of Violation

**Attachments:**     [2020 IDDE Ord Update Util Memo.pdf](#)  
[2020 IDDE Ordinance changes.pdf](#)

**This Report Action Item was approved.**

[20-0269](#)

Award of Single Source Contract with NES Ecological Services for 2020 Wetland Delineation Services in an amount not to exceed \$22,778.55.

**Attachments:**     [2020F Wetland Delineations Contract Award Memo Util Cmte final 02-18-2020.pdf](#)

**This Report Action Item was approved.**

[20-0306](#)

Approve proposed modifications to the Water Leak Policy.

**Attachments:**     [Water Leak Policy.pdf](#)

**This Report Action Item was approved.**

[20-0307](#)

Approve proposed modifications to Municipal Code Chapter 20, Article II - Water Utility.

**Attachments:**     [Municipal Code - Water Utility.pdf](#)

**This Report Action Item was approved.**

[20-0327](#)

Award AWWTP Filtrate Tank Joint Repair Contract to R-Industries in the amount of \$12,400 plus a 15% contingency of \$1,860 for a total cost not to exceed \$14,260.

**Attachments:**     [200227 UC Memo Filtrate Tank Joint Repair RFQ Work Award Memo.pdf](#)

**This Report Action Item was approved.**



[20-0328](#)

Award AWWTP Filtrate Tank Piping Repair and Modifications Contract to Great Lakes Mechanical in the amount of \$39,969 plus a 7.5% contingency of \$3,000 for a total cost not to exceed \$42,969.

**Attachments:** [200227 UC Memo Filtrate Tank Pipe Repair RFQ Work Award Memo.pdf](#)

This Report Action Item was approved.

**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

[20-0114](#)

Transit Development Plan Discussion and Adoption

**Attachments:** [Maps combined.pdf](#)  
[City-of-Appleton-Transit-Development-Plan-2019.pdf](#)

This Report Action Item was approved.

**10. MINUTES OF THE BOARD OF HEALTH**

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[20-0320](#)

Ordinances 16-20 and 17-20

**Attachments:** [Ords for 3-4-2020 CC.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*Resolution #4-R-20*

*Opposing the Deportation of Hmong and Lao Refugees*

*Submitted By: Alderperson Thao, District 7*

*Co-signers: Fenton, District 6; Van Zeeland, District 5; Meltzer, District 2; Firkus, District 3; Schultz, District 9; Williams, District 10 & Otis, District 15*

*Date: March 4, 2020*

*Referred To: Finance Committee*

*WHEREAS, Secretary of State Mike Pompeo, on behalf of the Trump Administration, has engaged in discussions with the Lao People's Democratic Republic; and WHEREAS, the State Department is calling on Laos to accept deported U.S. residents; and*

*WHEREAS, Wisconsin is home to over 61,287 Hmong, Lao, Vietnamese, Cambodian and other ethnic minority groups from Laos, many of whom are refugees as a result of the American involvement in the Vietnam War; and*

*WHEREAS, the state of Wisconsin is home to the third largest Hmong population in the United States and the City of Appleton has 3156 Hmong residents, ranking us 4th in the state of Wisconsin by the 2010 Census; and*

*WHEREAS, the Hmong community came to Wisconsin as refugees after fighting alongside US soldiers during the Vietnam War, in order to be rescued from retribution and genocide at the hands of the Communist Laotian government for the role they played in supporting the US fight for freedom and democracy; and*

*WHEREAS, proposed deportations would tear apart families and communities across the state of Wisconsin, harming not just the Hmong community but destabilizing the entire community at large, and subjecting individuals to the threat of imminent death in a foreign country; and*

*WHEREAS, Vietnamese and Cambodian refugees have already been subject to deportation for years and have faced severe hardship and retaliation; and*

*WHEREAS, the Hmong community is a vital inseparable part of our Wisconsin community, and Hmong communities across the state of Wisconsin have picked up the torch in furthering the values and ideas that have forged the state, becoming successful in agriculture and farming, in small businesses and entrepreneurship, and in working hard to support their families and to make the community a better place to live; now, therefore, be it*

*RESOLVED, that the City of Appleton Common Council opposes efforts by the State Department and Trump Administration to allow for the deportation of Hmong and Lao U.S. residents to the Lao People's Democratic Republic; and, be it further*

*RESOLVED, That the city clerk shall transmit a copy of this resolution to all members of the Wisconsin Congressional delegation, Secretary of State Mike Pompeo, and President Donald Trump.*

*Resolution #5-R-20*

*Naming of the Hydroelectric Heritage Trailway*

*(HHT / Hydro)*

*Submitted By: Alderperson Schultz, District 9; Alderperson Martin, District 4 & Alderperson Williams, District 10*

*Date: March 4, 2020*

*Referred To: Parks & Recreation Committee*

*WHEREAS, the City of Appleton has long recognized the Fox River as the primary*

driving force behind its early development and the ongoing desire to showcase the Fox River's rich history of early exploration, pioneering hydroelectric power generation, industrial innovations and even its past exploitation, by creating improved access, usability, development, and tourism opportunity, while being sensitive to the ecological and cultural value of this shared resource, and;

WHEREAS, establishing a cohesive identity of place is widely recognized as the primary unifying component of existing and/or future informational displays and wayfinding programs along the Fox River, essential for driving visitation to the riverfront and showcasing the historical connections of our unique hydroelectric history along the expanding river trails system, and;

WHEREAS, Chapter 8 of the adopted 2016 Comprehensive Plan; Agriculture, Natural, Historic, and Cultural Resources, recognizes the significance of many historic buildings and sites situated along the Fox River corridor, many of which are listed on the National Register of Historic Places, including the Appleton Woolen Mills, the Appleton Locks Historic Districts, the Hearthstone Historic House Museum, and the Vulcan Street Hydro-Electric Central Station Replica, all of which have shared historical connections to early hydroelectricity, and furthermore, Chapter 13; Fox River Corridor Plan, specifically identifies a desire to establish this corridor identity in an effort to "preserve and interpret the cultural, historical, natural, and recreational resources of the Fox River corridor" stating that "the riverfront lacks a "sense of place" that could be enhanced through wayfinding, design guidelines, and streetscape enhancements that create a destination," and;

WHEREAS, the City of Appleton's Bicycle and Pedestrian Advisory Committee recommends said naming of the riverfront corridor and its trails and connections, and this proposed naming is endorsed by; Appleton Downtown, Appleton Yacht Club, Appleton Historical Society, Fox Cities Greenways, Fox River Tours, Fox Locks, Fratello's Riverfront Restaurant, Riverview Gardens, Hearthstone Historic House Museum, Historic Fox River Mills, Lawrence University, Paper Discovery Center, Riverheath, and Sculpture Valley, among others, now therefore;

BE IT RESOLVED, that the Fox River trails system that lies within the municipal boundaries of the City of Appleton, hereby defined as those trails which generally run parallel to the Fox River and encompassing a total of 8.3 miles of existing and future trails and connections including, but not limited to; Alicia Park to Vulcan Heritage Park, Ellen Kort Peace Park to Lawrence University, Lawe Street Trestle to Riverside Cemetery, Telulah Park to Olde Oneida Street, Olde Oneida Street to Memorial Drive, and Edison Trestle to Lawe Street Trestle, further delineated on the trails map marked Exhibit A, be named and henceforth identified as, the Hydroelectric Heritage Trailway.

Resolution #6-R-20

Purple Heart City

Submitted By: Alderperson Croatt, District 14; Alderperson Otis, District 15, Alderperson Williams, District 10 & Alderperson Siebers, District 1

Date: March 4, 2020

Referred To: Finance Committee

WHEREAS, the Purple Heart Medal was the first American service award or decoration made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States of America; and

WHEREAS, the organization now known as the "Military Order of the Purple Heart," was formed in 1932 for the protection and mutual interest of all who have received the Purple Heart Medal, and it is the only veterans service organization comprised strictly of "combat" veterans; and

*WHEREAS, the mission of the Military Order of the Purple Heart is to foster an environment of goodwill among the combat-wounded veteran members and their families, promote patriotism, support legislative initiatives, and most importantly – make sure we never forget; and*  
*WHEREAS, the City of Appleton has long been supportive of the United States Armed Forces and is proud and supportive of our high veteran population and all visiting veterans.*  
*THEREFORE, BE IT RESOLVED that the city of Appleton supports the mission of the Military Order of the Purple Heart, and therefore desires to be designated as a Purple Heart City in honor of the sacrifices our Purple Heart recipients have made in defending our freedoms.*

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Aldersperson Lobner moved, seconded by Aldersperson Martin, that the meeting be adjourned at 7:32 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matt Reed, Aldersperson Alex Schultz, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner, Aldersperson Chris Croatt, Aldersperson Corey Otis and Mayor Timothy Hanna

**Excused:** 1 - Aldersperson Katie Van Zeeland

Kami Lynch, City Clerk

**NOTICE OF PUBLIC HEARING**  
**OF THE**  
**APPLETON COMMON COUNCIL**

NOTICE IS HEREBY GIVEN pursuant to Section 23-65(b)(1) and Section 23-65(c)(3) of the City of Appleton Municipal Code of a Public Hearing to be held before the Appleton Common Council in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, March 18, 2020, at 7:00 P.M., or as soon thereafter as can be heard, for the purpose of the following proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code:

The City of Appleton is considering amending Sec. 23-21 Purpose, Sec. 23-22 Words and Terms Defined, Sec. 23-35 Transition Rules, Sec. 23-42 Nonconforming Buildings, Structures, Uses and Lots, Sec. 23-44 Fences and Walls, Sec. 23-50 Dimensional Exceptions and Modifications, Sec. 23-63 Board of Appeals, Sec. 23-65 Zoning Amendments, Sec. 23-66 Special Use Permits, Sec. 23-67 Variances, Sec. 23-91 AG Agricultural District, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, Sec. 23-96 R-3 Multifamily District, Sec. 23-112 C-1 Neighborhood Commercial District, Sec. 23-113 C-2 General Commercial District, Sec. 23-114 CBD Central Business District, Sec. 23-131 M-1 Industrial Park District, Sec. 23-132 M-2 General Industrial District, Sec. 23-172 Off-Street Parking and Loading Standards, Sec. 23-422 Special Use Permit Requirements, Sec. 23-570 Site Plan Review and Approval, and Sec. 23-601 Landscaping and Screening Standards of Chapter 23 Zoning Ordinance of the Municipal Code.

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

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. You may also address the Common Council by letter at the address below.

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

APPLETON COMMON COUNCIL

CITY HALL  
100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799

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

Y = Keep it where it is. I = Indifferent N = Move it

Sculpture Valley Thank you all for your positive comments. For those of you with divergent opinions, you should also feel welcome to share them here. This is about community dialogue and the collective arts experience. Keep the conversations going and please share this post with others who have options about this work, we want to hear from everyone :)

I Jessy Glaser What is the artist trying to express through this sculpture? I live very close to this artwork and there's been a lot of discussion about it.

Sculpture Valley Jessy Glaser so, first I'll share some info that was posted by Lee Snodgrass about the sponsors and who the artwork is honoring;

My dear friend Jeni Moore and her dad, retired Dr. Brian Moore sponsored this as a tribute to her mom who passed away afte...See More



FINDAGRAVE.COM

Linda Kuplic Moore (1944-2006) - Find A Grave...

Lauren Gougeon Diedrich Who is the artist?

Sculpture Valley Lauren Gougeon Diedrich Paul Bobrowitz Jr.

Y Eric Stadler I love the sculpture at the west end of the College Avenue bridge! So cool. Nice work out there by you and your band of volunteers and sponsors.

Y Tinna R. Carper I love this sculpture. It sparked a conversation with my grandkids. Ages 3,7,10 and 13. Everyone had something to add. The most amazing thing is they all appreciated the piece.

Y Lisa Grosz I really love and appreciate this sculpture!

Y Shawn Van Deusen We loved this piece when we saw it the other day!!

Y John Nebel Worthy Work result ALEX ?

I Adrienne Fuhrmann Is there a statement or story that goes with it?

Sculpture Valley Adrienne Fuhrmann and then I'll share some insight into the artists inspiration and how we, the ACRE jury, thought it would say about our community.

The artist described the work as an amalgamation of the many voices that spoke to him as he works to come up with ideas for sculpture. A collection of divergent thoughts distilled into something more defined.

Y Kristi Lyn Thank you so much for this awesome piece of art. My kids and I loved every inch of it. The minute we seen it we had to stop and have a close look!!! My oldest loves his nose while I thought the eyes were very curious!!!!!! Thanks again!!!!



Y Judy Gaines I look forward to seeing this as I drive across the bridge. I haven't been able to look long enough so will soon walk over. Thanks for the gift.

Y Brian Leone Tracy I drove past it this weekend and it surprised me and made me smile. Happy to see this one make a home in Appleton, for a few years at least.

I Kimberly Ann I noticed it this morning on the way to work! Looking forward to getting a closer look at it this weekend.

Y Adrianna Thank you for making this happen! I'm so excited to see it in person. My mom would have absolutely loved it.

Y Jim Denney Knowing the name helps a lot with some understanding of the meaning. It is a beautiful piece and I enjoy driving past it a number of times each day.

Y Jeni Moore It's magnificent! She would have absolutely loved this. Can't wait to see it in person! Thank you Sculpture Valley and Acre of Art!

Chelsea Jean Judy Cahee

I Samantha Patterson I will be honest, this creeped me out when i saw it. I understand it is art, it is also creepy seeing all those faces staring back at you. I can only imagine how long it took the artist to make it. I do enjoy learning the history behind it and will be sharing this with my family and friends. Thank you

Kristi Ross-Clausen That is positively ugly - how fun!

Y Jeni Moore Linda Moore would have loved this. She would have found a way to photograph it, make it into amulets and silkscreen it on gift bags. It would have been our family holiday card (sent in February) and must-see destination for out-of-town guests. This year would have been her 75th birthday and my parents 50th wedding anniversary. A magnificent tribute indeed. #sculpturevalley #acreofart

Y Laurie Kuplic Love it...  
yes she would

Y Patti Yugovich Beltz Beautiful

Y Trish Kuplic It is magnificent in person!



Abby SchmidtShelley Nulton Have you heard about this sculpture in Appleton? It was commissioned in honor of a local artist named Linda Moore.  
<https://www.facebook.com/539622322790557/posts/2546947542058015?d=n&sfns=mo>

I Nulton kind of strange?

Y Linda Moore Priestap I think it's cool. Colorful. Evoking discussion. Obviously honoring a very special woman. ( Linda was the #1 or #2 name for girls that year I think.)

I have received a lot of contacts about this sculpture between College Avenue and Green Bay Road on the southeast corner of District 2. In response to these contacts, I have requested that the location of this sculpture be returned to committee for more discussion. On December 9th at 4:30pm, the Municipal Services Committee will consider revoking the current location of the statue. The committee meeting is open to the public and will allow public comment. The meeting will be in Council Chambers at City Hall, on the 6th floor of City Center off Appleton Street.

Y Kathy Flores Encourage public art!!! Not everyone will like it or agree about art, but it's already doing what art does.....making people think and now discuss. ð

Y Christoph Wahl I suppose the immediate neighborhood should have some say in what is done with common public space, but I'd urge the neighbors to keep this where it is and enjoy it.

I Ronna Jean Swift I would like to see it in a park where folks can read and find out what it represents. I found it confusing and distracting to drive by. I agree that music and art feed the soul and lead to discussion.

Y Jennifer L. Arndt That is a great spot for it!

Y Dottie LeClair I love it - it speaks to diversity.

Lee Snodgrass Jeni Moore

I Donna Gasbarro This is near a property that once belonged to my great grandfathers family. Is this artwork included in a walking tour? Lovely neighborhood.

I Donna Gasbarro I'd like to see it up close & in person. Haven't had the chance yet.

Y Karen Bruno What have the complaints been about? I think it's great to have more public art and hope it can stay where it is for the predetermined time.

✍ Author

District 2 Alderperson in Appleton - Vered MeltzerSome say it scares their children. Complaints include that the installation generally feels invasive and disruptive in their neighbourhood; no one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Becky Stahl I love public art and would encourage more of it. That being said, my first encounter with this sculpture was certainly a surprise. It is a giant head after all? But it's an interesting piece and we enjoy having art in this spot. I did initially worry that it may distract drivers from the pedestrian crossing however. I think it may just take a little time for the community to grow used to the piece.

District 2 Alderperson in Appleton - Vered MeltzerFrom a traffic engineering standpoint, attention-getting installations generally slow traffic down.

Y John Keller I think it looks awesome and should stay...can you lend some context to the referenced "contacts"

✍ Author

District 2 Alderperson in Appleton - Vered Meltzer I've received emails, phone calls, and text messages. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Mary Hatch What a cool piece! Each of us is the dna from all of our ancestors, and each of our descendants share our dna. Our face and bodies are a family tree. It's lovely!

Y Karon Sandberg What a beautiful tribute to Linda, thank you Moore family!

Y Matt Troge What are the complaints? It's a cool art piece that breathes some uniqueness to Appleton and it's in a spot where folks can see as they enter downtown. Why waste time talking about moving it? Personally, I'm gonna reach out with complaints if gets moved so might as well just

leave it be.

 Author

District 2 Alderperson in Appleton - Vered Meltzer I shared the input I've received in a couple other comments on this thread.

Y Emily Tseffos We live on the 800 block of College Ave and my two year old loves it! Hoping it will stay in our neighborhood ?

Y Amy Karner King I've been enjoying this piece! I discover additional unexpected details the more I experience it. Appreciate the public art displays in our city and the hard work from those who make it reality.

I Julie Keller My daughter saw it as we were driving home last week and we are taking a walk this morning to get a closer look!

Y Dean Wolf Awesome piece of art, leave it where it is.

Y Emily Reetz I love this. Right where it is, in my neighborhood.

Y Mary Beth Pritzl Not sure why the location needs to be changed. This is in our neighborhood and we like it.

Y Marsha Dawson It's public art, enjoy it and encourage more.

Y Jennifer Schneider We love it!!!! We live on the 900 block of East Franklin.

Y R.c. Mac I love it. It's amazing. What kind of asshole would complain about this and for what reason?

Y Tru Em Now that is a cool piece of art

Y William Baxter Nothing like disrespecting an amazing piece of artistic work and talent because certain members of the community don't understand its message. How would you feel as an artist to have your work approved and then later removed due to local politics? If you didn't think the location

through in the first place that should be the fault of the community planners.... not the artist!

 Author

District 2 Alderperson in Appleton - Vered Meltzer I can only speculate that the neighbours might have been more receptive and supportive of the installation if they had been informed of the proposal before the art was installed. In the future the city will notify adjacent property owners about proposa...See

Isabel Fevola



Y Isabel Fevola I think it's awesome Clever how they made them metals tanks and made it in to a face. I seen other face sculptures and adults and kids like them so why is this one any different ?

Y Tara Firkus Jordana and I go passed this twice a day on the way to 4k. She loves it. Calls it "the Big Man".

I Sandi England Rohde What's the main concerns?

Vered Meltzer People don't want it to be there. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Lee Snodgrass Vered Meltzer ?

Y Julie Haurykiewicz I saw it in person for the first time yesterday and think it is awesome!

Y Nora Johnston I love this sculpture! I was pleasantly surprised to see it when I came over the bridge. I find it curious, somewhat whimsical and oddly charming.

Y Nate Wolff I think it's really cool and is in a good spot.

Y Ann Gain For what is worth I live in this neighborhood and I really like it. And it's only there for 2 years if I understand correctly

Y Polly Snodgrass Put it in my yard!

Y Helen Kramer i'd love it in front of my house.

Y Matt Lederer My first reaction was basically, "What the heck is that scary thing?" Followed by a closer look. Then I drove by a few times and was intrigued. And now, the more I look at this sculpture, the more I like it.

I hope it isn't moved, but if it is, I hope it'll be somewhere with high visibility.

Y Matt Lederer Also, as the "owner operator" of 2 kids (aged almost 9 and almost 6), they are decidedly not scared by it. They like that "there are faces that make a face, and all the faces are funny and strange."

I Trisha Fischer Kostelny Coming off the bridge you have to be careful because you want to look at it, but need to keep your eyes on the road- especially with the curve.

Y Babette Doll I think it's really cool! I hope it does not get moved out of my neighborhood!!!

Y Emily Tseffos We live a block from the sculpture and love it ?  
Manage

N Christina Marie Rappel Thank goodness! Unfortunately, art is not always beautiful. That said, the city should try to focus on beautification. This is rather an eyesore.

John De Bruin <https://www.prageru.com/video/why-is-modern-art-so-bad/>  
Manage

Y Julie Keller My daughter saw it as we were driving home last week and we are going to walk this morning to get a closer look as she thought it was "super cool". So that's the feedback from a 16 year old!

Y John Nebel Grt PC of Art ? Art serves all as inviting human response to biggest tent in each viewer/participant ?

**Matt Troge**

Y This is so quintessentially the mindset of a majority of Appleton. One tiny little change is

complained about because it's change and instead of being able to enjoy something like an art installation that brings some unique character to our community, now the local government has to take time to discuss where it could go and if they should move it. ? super frustrating

Sculpture Valley Thanks Matt Troge, we share your sentiments and are looking forward to a robust and lively discussion about public art and placement of it on the 9th. Art should stimulate discussion, I think this piece has ?

Y Matt Troge It's a super interesting piece and while a tad strange, it made my wife and I really happy to see something pop up like that! I hope it stays

Y Chris Burns I am a fan of community art projects like this one. However, 100% confident that people will complain about anything if given a soapbox to voice their opinion. #NoTimeForNegativity

### **Brad Knapp**

Y This first time I saw this sculpture I said outloud to everyone in the car (I was alone) "that thing is badass".

Y Terry Phelan I was coming across bridge about three weeks ago and saw this for first time. Needless to say I almost took the curb out in awe!

Y Michelle Eilers I love this installation. I hope it gets to stay in its current location.

N Jared Huber It's grotesque!!! ?

Y Mandy Holm Love it! I drive past it twice a day, and think that it adds unique character to that location. I hope it stays also.

Y Jeni Moore I can't be at this meeting can I be present via FaceTime?!?

Y Adrianna I would also like to be present via phone or facetime, if possible.

Concerned citizens have asked their district alderperson, Vered Meltzer, to introduce a reconsideration of the approved placement of The Collective, the 2019 Jury's Choice for ACREofART III at this Municipal Services meeting.

Whether you support the idea of relocation or are in favor of leaving it in place, it is important that we hear from the public, particularly from those residents who live in the neighborhood or in close proximity to it. We welcome all perspectives as it brings about a healthy discussion of the merits of our public art program and the boundaries it operates in.



MON, DEC 9 AT 4:30 PM

Vote to rescind approved placement of The Collective

Sculpture Valley From a Private property-owner standpoint, a piece of public artwork at this location is introducing a significant feature into what have always been an open green space. Particularly for the few properties adjacent to the site, that space is ostensibly ...See More

Y Deb Forslund Sculpture Valley I see nothing wrong with the placement; as stated, it's a gateway into and out of the downtown area. And unless adjacent property owners, who consider this space an extension of their yards, are paying property taxes on this parcel, t...See More

Sculpture Valley This is a discussion about the appropriateness of the location and we can see both sides of this unique public / private site. From a public standpoint, the location is a highly visible gateway sculpture opportunity which gets a significant amount of traffic into and out of the downtown. It's an ideal location, which is why an ACRE work has been placed there.

Y Rachel Pieper We love it! We look for it every time we pass off Er bridge.

Y Sara Duroy I admit the first time I saw it I jumped cuz it scared me but its cool... I always see something new in it... I like it and vote for it stays

Y Molly Trochta-Van Landghen Wait people are upset about the placement of this?

Y Cody Bob-Los Deisenroth Molly Trochta-Van Landghen lol that's what I'm confused about

N Nikki Jackson That thing is so ugly!

Y Jennifer Feagans Thompson I love this..

N Ian Keberlein Def move that stupid thing

N J Robert Oliver YES !!!!

Y Rochelle Isaacson Max and I have named this piece "Schnozzle"



## RESOLUTION #2-R-20

Designating the month of May, 2020, as **No Mow May**

*Date: February 5, 2020*

*Submitted By: Alderperson Schultz – District 9, Alderperson Martin – District 4, Alderperson Meltzer – District 2, Alderperson Otis – District 15, Alderperson Fenton – District 6, Alderperson Firkus – District 3*

*Referred To: Municipal Services Committee*

**WHEREAS**, as a BEE CITY USA affiliate, the City of Appleton and its designated community advocacy group for pollinator awareness and engagement, Pollenablers-Fox Cities, is directed to “Develop and implement a program to create or expand pollinator-friendly habitat on public and private land, to galvanize communities to adopt sustainable pollinator-friendly land management practices, and;

**WHEREAS**, the City of Appleton is in a unique position, being both a BEE CITY USA affiliate and also hosting a BEE CITY CAMPUS, to leverage both designations to significantly increase pollinator-friendly habitat by encouraging pollinator-friendly lawn-care practices and by incentivizing its citizens to take direct and meaningful action on their own properties, and


**WHEREAS**, ideal pollinator-friendly habitat is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming in succession throughout the growing season, is free or nearly free of pesticides, is comprised of undisturbed spaces including leaf and brush piles, un-mown fields or field margins, fallen trees and other dead wood for nesting and overwintering; and provides connectivity between habitat areas to support pollinator movement and resilience; and

**WHEREAS**, the formative period for establishment of pollinator insect species occurs in late spring and early summer when pollinator species emerge from hibernation or suspended animation and when supporting plants emerge and blossom, offering crucial life cycle habitat and forage opportunities; and these opportunities are dramatically reduced with early spring leaf litter removal and grass mowing; now, therefore,

**BE IT RESOLVED**, that the City of Appleton and Pollenablers-Fox Cities, along with their partnering organizations, jointly recognize **No Mow May** to actively promote and educate the community about the critical period of pollinator emergence, generation of crucial pollinator-supporting habitat and early spring foraging opportunities, and;

**BE IT FURTHER RESOLVED**, that for the duration of the month of May, the City of Appleton shall suspend the enforcement of Municipal Code Chapter 12, Article III - Weeds and Wild Growth, permitting all residents to voluntarily delay lawn-care and litter removal practices until June, allowing pollinators to emerge and early flowering grasses and forbes to establish, which may result in ground-cover exceeding established ordinance height restrictions, and; that following the month of May, the City of Appleton shall not issue citations for excessive “weed” growth for an additional grace period of 2 weeks.

TO: Municipal Services Committee

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

SUBJECT: RESOLUTION #6-R-20 (No Mow May)

DATE: February 7, 2020

Resolution #6-R-20 would suspend enforcement of the high grass and weeds for the month of May and first two weeks of June. Things to consider when deliberating on this resolution:

- 1) **Complaints.** Our Department receives the most complaints for high grass and weeds in the months of May and June. Below is a chart with the average number of complaints by month over the last six years.

Average Weed Complaints (2014-2019)	
January	0.00
February	0.00
March	0.00
April	0.00
May	69.17
June	85.17
July	58.50
August	44.33
September	38.00
October	14.50
November	3.00
December	0.00

- 2) **Increase Cost.** Once we do begin enforcing the regulations of Section 12-57 of the Municipal Code, the grass and weeds will be very high and difficult to mow. The mowing contractor will charge considerably more to cut the vegetation. (see attached examples).
- 3) **Essential Service.** Many Appleton residents consider the City function of cutting high vegetation to be an essential service and will not understand or tolerate excessively high vegetation in residential neighborhoods. Our department will experience higher call volume and many multiple complaints on the same property.
- 4) **Noxious Weeds.** State statute 66.407 requires municipalities to destroy noxious weeds. Allowing noxious weeds to grow, in some cases, will affect neighboring property owners because noxious weeds could spread to other properties.
- 5) **Managed Natural Landscape.** Section 12-59 of the Municipal Code (attached) already permits property owners to maintain grass over eight inches, as long as the standards of the ordinance are met. Therefore, anyone who is motivated to allow grass to grow long may do this and comply with existing code.

**Sec. 12-59. Landscape maintenance.**

(a) *Purpose.* The use of wildflowers and other native plants in a managed landscape design can be economical, low-maintenance and effective in soil and water conservation. However, it is not the intent of this section to allow vegetated areas to be completely unmanaged or overgrown.

Areas that present either a direct health hazard or provide a demonstrated breeding ground for fauna known to create a safety or health hazard will not be permitted. Certain noxious weeds defined in this section are recognized indicators of neglect. The City recognizes the desirability of permitting natural vegetation within the city limits while maintaining public health and safety at the same time.

(b) *Managed natural landscaping.*

- (1) Native and naturalized plants including, but not necessarily limited to, ferns, wildflowers, grasses, shrubs and trees may be grown in a managed landscape design provided said plants were not obtained, or are not growing, in violation of any local, state or federal laws.
- (2) Nuisance weeds and noxious weeds are defined by W.S.A. §23.235 and §66.0407, respectively, as amended, and also include those weeds set forth in §12-56. Such weeds are prohibited in all cases and shall be subject to destruction under §12-59 and §12-58.
- (3) Natural landscape areas shall be set back a minimum of seven (7) feet from all property lines and driveways unless the property is abutted by a roadway, fence or similar barrier separating it from adjoining residential properties, then the natural landscaping may be planted up to the property line (inside the sidewalk).
- (4) Natural landscape areas shall be subject to §6-6 governing fire hazards. Those areas located within residential districts and containing dense plantings of tall grasses (in excess of 8") or similar light weight fuels (as determined by the Fire Department) shall be limited in area to two hundred (200) square feet, separated from other like areas according to the setback requirements in sec. (3) and set back a minimum of seven (7) feet from all structures.
- (5) This section shall not apply to properties owned by governmental entities or where federal, state or local regulations provide otherwise.



TO: Appleton City Council  
FROM: REALTORS® Association of Northeast Wisconsin  
DATE: February 20, 2020  
RE: RESOLUTION #2-R-20 Designating May as No Mow May

The REALTORS® Association of Northeast Wisconsin (RANW) appreciates the opportunity to review and provide input regarding the proposal to suspend the enforcement of requirements related to weeds and wild growth and lawn-care and litter removal practices during the month of May and two weeks into the month of June.

Our Association commends the City of Appleton and the Pollenables-Fox Cities for their efforts to protect pollinator-friendly habitat and maintain Appleton's prestigious designation as a BEE City USA affiliate and host of a BEE CITY CAMPUS. However, based on our initial review, we would like to highlight some concerns related to the impact of this proposal on property owners, especially those that are in the process of trying to sell their homes.

Spring is a critical time in the real estate market as many homeowners begin to get their properties ready for sale and marketing. Given that the ideal selling season is shorter in the Midwest, this process usually starts in April and is in full swing by May. The value behind the idiom "curb appeal" cannot be overemphasized in the importance of selling a home in a timely manner and for a fair market price. Buyers understand that they are not just buying a home, they are buying into a neighborhood. The level of home and lawn care taken by neighboring property owners can lead to either a positive or negative overall impression of the culture and experience of a neighborhood. Therefore, we believe that overgrown, unattended lawns would negatively impact the desirability of prospective homes for sale.

Additionally, we have concerns regarding the length of time it may take the City Appleton to achieve compliance with requirements of the municipal code after the designated time period. Compliance is often complaint-based and requires a certain amount of time for notification and enforcement. Neighbors could find themselves surrounded by unsightly lawns well into July before the city is able to require remedy.

We hope that the City reconsiders the overall implications this proposal will have not only on the real estate selling season, but on the peace and harmony of Appleton neighborhoods.

Thank you for your consideration. Please let us know if you have any questions.

*to other sites, the City of Appleton does not guarantee, approve or endorse the information or products available at these sites.*

**Hours:** Monday through Friday - 8 a.m. to 4:30 p.m.

**Email Address:**  
[jjones4@new.rr.com](mailto:jjones4@new.rr.com)

**First Name:**  
John

**Last Name:**  
Jones

**Address:**  
Not answered

**City:**  
Not answered

**State/Province:**  
Wisconsin

**Zip Code:**  
Not answered

**Phone Number:**  
Not answered

**Fax Number:**  
Not answered

**Comments/Questions:**  
Dandelions offer no nutritional value to honey bees. In fact, when feeding on dandelions alone honey bees will produce no offspring.

Keep cutting the grass and eliminate voles and field mice.

Thank you,  
Appleton, WI

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100 North Appleton Street  
Appleton, WI 54911-4799

**Mailing Address:**

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**Hours:**

Monday through Friday - 8 a.m. to 4:30 p.m.

**Email Address:**

[sbundy0219@gmail.com](mailto:sbundy0219@gmail.com)

**First Name:**

Clayton

**Last Name:**

Bundy

**Address:**

1421 N. Superior St.

**City:**

Appleton

**State/Province:**

Wisconsin

**Zip Code:**

54911

**Phone Number:**

(920) 572-9712

**Fax Number:**

Not answered

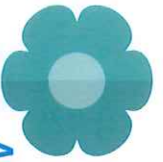
**Comments/Questions:**

Regarding your no mow may. How stupid. You people build apartment buildings all along the river destroying their habitat along with butterfly habitat. Now you want to try and fix what you helped to screw up. Unreal. If you go ahead with this you can come by in June and mow my lawn for free. It's hard on lawnmowers. I have a heart condition and cancer. I don't need to be out there struggling to mow the lawn- it's going to be hard enough for me as it is. What's the purpose? Save em in May so you can run them over in June? When can the public voice their opinion on this matter- or don't we get to?. Watching the news it sounds like you've already made up your minds and you're going to ram it through without any public input. I expect a response to my concerns and expect to hear from you.

Thank you,  
Appleton, WI

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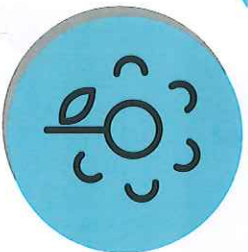
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# NOMOWMay A sustainability effort in our BeeCity



A summary explaining why mowing reduction benefits our local pollinators and makes Appleton more sustainable.



## What NOMow means for you

### The gist of it.

No Mow May is a sustainability initiative that promotes a culture of reducing lawn mowing intensity and the transformation of laws into urban meadows and prairies. The ultimate goal of this month is to produce early season forage for our native pollinators while educating our community about the value of pollination.

## Biodiversity in our backyard!

### Greenspaces and Biodiversity

- Increasing connectivity between urban greenspaces promotes a sustainability culture in protecting our biodiversity
- Moving away from monocultures (e.g. single species lawns) to more diverse habitats (e.g. urban meadows) results in increased forage resources and ultimately restores lost biodiversity (Lepczyk et al. 2017)
- Agrochemicals that negatively affect our pollinators are highest in the spring and early summer (Botas et al. 2017), we should instill a culture that reduces agrochemical overuse.



## What NoMow does for you!



Mowing less frequently is practical, economical and timesaving alternative to lawn replacement

Reduction of mowing intensity

resulted in 50% increase in wild bee diversity and 30% increase in abundance of bees in Tuebingen Germany (Wastian et al. 2016)

Lawns mowed every three

weeks rather than weekly have 2.5 times more flower resources for bees (Lerman et al. 2018).

Species often considered

'weeds' are important forage resources for wild and honey bees (Ramer et al. 2019)

Reduced mowing intensity lawns

will naturally transform to more abundant wild native prairie species (Sehrt et al. 2019) enhancing native plant biodiversity

## Any Downsides?

The short answer is No! Most unmowed lawns in the month of May are not likely to exceed 8 inches in height before mid June. Disease vector abundances and allergy frequencies are not increased

Contrary to popular belief, lawn mowing reduction has no significant effect on disease vectors like deer ticks (Lerman and D'Arrico 2019) or Mosquito species (Yang et al. 2019)

Reduced mowing will result in increased spring emergence of dozens of species of beneficial insects

Most spring allergies result from mold and tree pollen and will not be increased by NoMow





# What to plant this spring!

Consider adding these plants to your yard and reduce the amount of lawn you have to care for



## SOURCES

Bellis, C. A. David, E. M. Hill, and D. Goulson. 2017. Quantifying exposure of wild bumblebees to mixtures of agrochemicals in agricultural and urban landscapes. *Environmental Pollution*.

Lerczyk, G. A., M. F. J. Aronson, K. L. Evans, M. A. Goddard, S. B. Lemman, and J. S. Meevor. 2017. Biodiversity in the City: Fundamental Questions for Understanding the Ecology of Urban Green Spaces for Biodiversity Conservation.

Lemman, S. B., A. R. Contosta, J. Nilam, and C. Bang. 2018. To mow or to not mow (yet): Lawn mowing frequency affects bee abundance and diversity in suburban yards. *Biological Conservation*.

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Ramer, H., K. C. Nelson, M. Spivak, E. Malinin, J. Wolfen, and M. L. Putscher. 2019. Exploring park visitor perceptions of 'flowering bee lawns' in neighborhood parks in Minneapolis, MN, US. *Landscape and Urban Planning*.

Schitt, M., O. Bessdorf, M. Freitag, and A. Bucharova. 2019. Less is more! Rapid increase in plant species richness after reduced mowing in urban grasslands. *Basic and Applied Ecology*.

Wastan, L., P. A. Unterwiesing, and O. Betz. 2016. Influence of urban lawn mowing on wild bee diversity (Hymenoptera, Apoidea). *Journal of Hymenoptera Research*.

Yang, L., K. J. Turn, C. B. Kling, E. A. Inceoglu, J. Tran, N. C. Hoedeker, P. M. Pimentelli, and M. M. Gardner. 2019. Can urban greening increase vector abundance in cities? The impact of mowing, local vegetation, and landscape composition on adult mosquito populations. *Urban Ecosystems*.

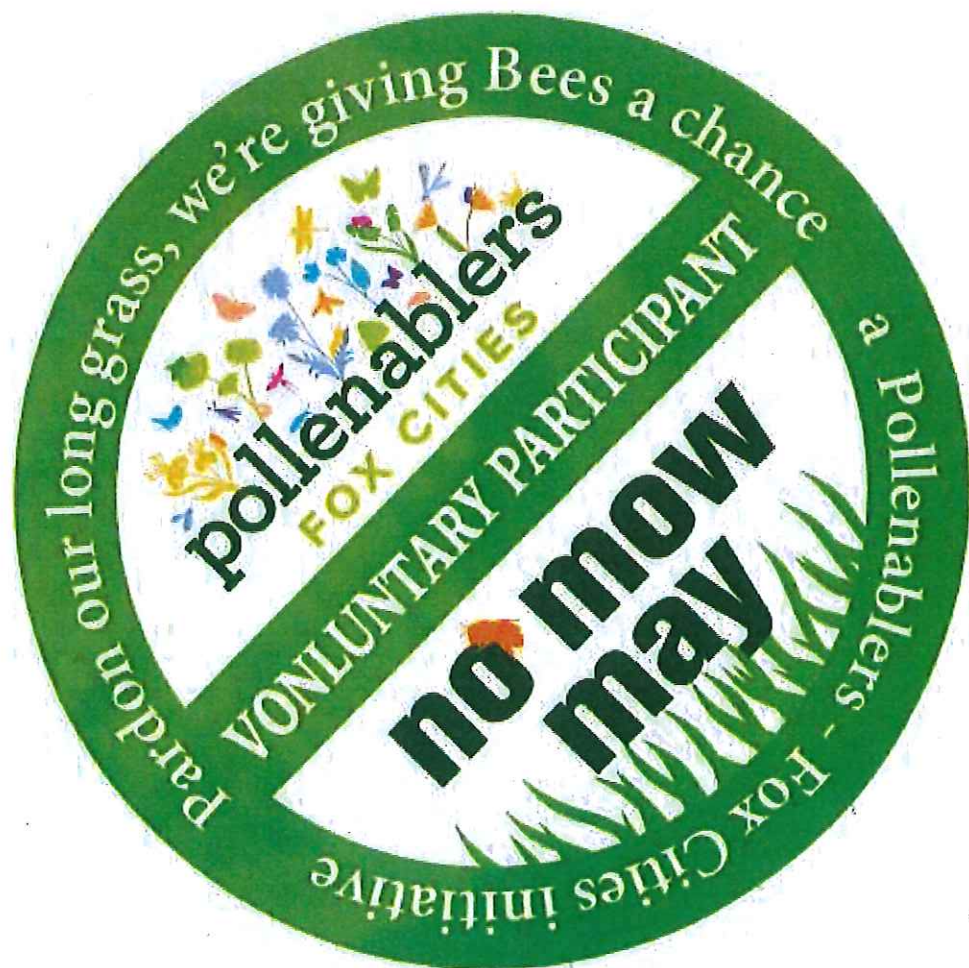
# No Mow May, 2020

## Issues to address for Municipal Services Committee

1. Isn't 8" tall enough along with the natural landscaped areas already allowed in the Ordinance? In other words, can't we just promote what is already allowed? **The authors of the Resolution really want No Mow May to be a tool to get the conversation started. They believe that through this process significant education about what the current ordinance allows will help give a new perspective. The No Mow May Resolution will help promote early season habitat for all small "critters."**
2. What else can a property owner that cares deeply about pollination and bees be doing already? Certain flowers or other plantings? Bee attraction items in backyards?
  - ❖ **Avoid using pesticides**
  - ❖ **Provide water**
  - ❖ **Create a nesting shelter**
  - ❖ **Plant colorful native wildflowers**
  - ❖ **Grow flowers in clusters**
  - ❖ **Plant a wide variety of flowering plants that bloom during different times of the year**
  - ❖ **Plant trees, herbs, and flowering fruits and vegetables**
3. Idea of No Mow May - **Backyards** compromise? **The authors of the resolution feel this compromise could lessen the opportunity for education and conversation. However, this is a compromise the Municipal Services Committee could consider.**
4. Alderperson Firkus' idea of property owners registering their desire to participate? **Pollenablers Fox Cities will create a registration for property owners wishing to participate in No Mow May. The City will include a link to their registration site. These registered participants will receive an education packet and signage.**
5. How will education occur? **Pollenablers Fox Cities will prepare a packet of information that will be delivered to all registered participants of No Mow May. This information will also be on the website (<https://www.facebook.com/pollenablers/>) which link can be found on the City's website ([www.appleton.org](http://www.appleton.org)). Considering outreach opportunities such as Farmers Market and Earth Day.**
6. Who will provide signage and how? **Pollenablers will provide signs to all registered participants of No Mow May. (See attached sample signage)**

7. What happens if grass gets so long during these 6 weeks that it can't be cut with a typical mower? This issue will be included in the packet of information provided by the Pollenablers so that property owners are aware of this possibility and prepared to address it accordingly.
8. How do we make sure the clippings stay out of the street/don't clog our storm sewer system? This concern will be included in the packet of information provided by the Pollenablers so that property owners are aware that this is in violation of Municipal Code Section 16-8 Littering and that Grass clippings can cause slippery conditions for bikes and motorcycles, can clog the catch basins preventing stormwater from properly draining off the street, and add unnecessary nutrients which help feed harmful algal blooms.
9. How do we get the word out that the fee is \$4 per bag of grass clippings? This issue will be included in the packet of information provided by the Pollenablers so that property owners are aware of this cost. The Lawrence University Sustainability Gardens will accept grass clippings for free from registered participants.
10. How do we address concerns about rodents? The City's current Ordinance Section 7-70(a) Extermination Residential Premises will continue to be enforced.
11. How do we address concerns about allergies? Attached is a document from WebMD.
12. How do we address concerns about ticks? Attached is a document from CDC and research articles regarding ticks and mosquitos. The research articles found:  
  
*"In our study system, taller grasses did not result in more ticks but did support higher abundances and diversity of native bees [15]. Thus, promoting shorter grasses and the removal of grass clippings could have minimal impacts on tick microhabitats but would be consequential for beneficial wildlife such as pollinators,"*  
  
*"We demonstrated that periodic mowing did not affect adult mosquito abundances in urban vacant land, suggesting that less intensive management does not increase risks of mosquito-borne disease transmission. These findings provide further support for the potential of vacant land as a conservation space."*
13. How does State Statute 66.0407 play into No Mow May? Per the City Attorney's Office, No Mow May cannot supersede State Statutes. If noxious weeds are present, the City will continue to enforce Section 12-58(g) per State Statute 66.0517. This may be challenging as the noxious weeds could be dispersed amongst the tall grass from No Mow May.

14. How do subdivision covenants play into No Mow May? Per the City Attorney's Office, No Mow May does not supersede subdivision covenants. However, the City does not have the authority to enforce these covenants.
15. How do we address fire code issues Section 6-6 (Removal of Fire Hazards)? Their concern is not when grass is green, but once it is cut and dries out/blows up against a building and becomes combustible. Information on proper waste management will be included in the Pollenablers information packet.
16. How do we educate on the proper way to compost within Municipal Code Section 12-37? Information on proper composting will be included in the Pollenablers information packet.
17. How quickly will staff be able to address complaints after the June enforcement date? Currently it takes 2-3 weeks from time of complaint until the lawn is cut. Steps are as follows:
- ❖ Complaint received
  - ❖ Inspector visits property and documents
  - ❖ Notice of non-compliance is issued and approximately 1 week is given for nuisance to be addressed
  - ❖ Inspector visits property to see if in compliance
  - ❖ If property is not in compliance a warrant is applied for
  - ❖ Contractor notified to cut lawn once warrant is received
- With No Mow May, we would expect this time line to take closer to 4-6 weeks depending on the number of complaints we receive.
18. How to best handle property owners upset about timeframe for addressing complaints (i.e. graduation parties)? Staff will explain that this was approved by the Common Council for May, 2020 only, and that Alderpersons are interested in any feedback they have. Staff will document the number of complaints received and report out to Municipal Services Committee in July, 2020. The Pollenablers will also conduct a post No Mow May survey.
19. Staff's recommendation? Educate the community on all the things that property owners can already do within the existing ordinance language. The attached research article found that mowing every 2 weeks offered the bee-friendliest balance of grass height and flowers.



CHECK YOUR SYMPTOMS

FIND A DOCTOR

FIND A DENTIST

FIND LOWEST DRUG PRICES

SIGN IN

SUBSCRIBE



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A-Z

DRUGS &  
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Allergies >

# How does an unmowed lawn make grass pollen allergies worse?

## ANSWER

Most types of grass release pollen only when they grow tall. The pollen comes from a feathery flower that grows at the top. If you keep your lawn mowed, it's less likely to release pollen. But Bermuda grass and some other types can still release the sneezy stuff even if you keep it short.

From: Am I Allergic to Pollen From Grass? WebMD Medical Reference

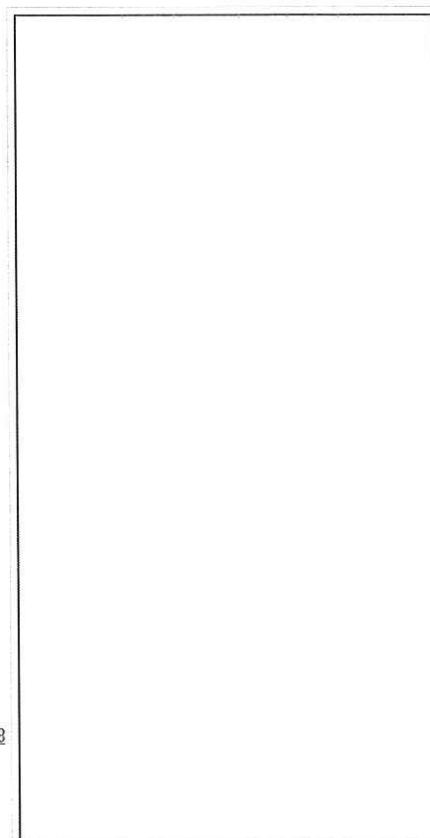
Sources | Reviewed by Carol DerSarkissian on October 28, 2018 Medically Reviewed on 10/28/2018

NEXT QUESTION:

**How do I know if I have an allergy to grass pollen?**



WAS THIS ANSWER HELPFUL SHARE



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## Other Answers On:

ASTHMA COLD AND FLU

### More Answers On Allergies

How do I avoid triggers of grass pollen allergies?

What types of lawn grasses are less likely to trigger allergies?

How do I treat grass pollen allergies?



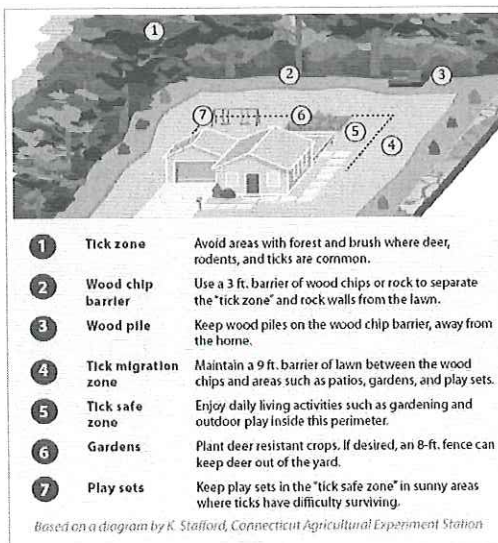
## Lyme Disease

# Preventing Ticks in the Yard

## Create a Tick-Safe Zone Through Landscaping

You can make your yard less attractive to ticks depending on how you landscape. Here are some simple landscaping techniques that can help reduce tick populations:

- Clear tall grasses and brush around homes and at the edge of lawns.
- Place a 3-ft wide barrier of wood chips or gravel between lawns and wooded areas and around patios and play equipment. This will restrict tick migration into recreational areas.
- Mow the lawn frequently and keep leaves raked.
- Stack wood neatly and in a dry area (discourages rodents that ticks feed on).
- Keep playground equipment, decks, and patios away from yard edges and trees and place them in a sunny location, if possible.
- Remove any old furniture, mattresses, or trash from the yard that may give ticks a place to hide.
- Refer to the Connecticut Agricultural Experiment Station's Tick Management Handbook [\[PDF - 84 pages\]](#) [\[icon\]](#) for a comprehensive guide to preventing ticks and their bites through landscaping.



## Apply Pesticides Outdoors to Control Ticks

Use of acaricides (tick pesticides) can reduce the number of ticks in treated areas of your yard. However, you should not rely on spraying to reduce your risk of infection.

If you have concerns about applying acaricides:

- Check with local health officials about the best time to apply acaricide in your area.
- Identify rules and regulations related to pesticide application on residential properties (Environmental Protection Agency and your state determine the availability of pesticides).
- Consider using a professional pesticide company to apply pesticides at your home.

Page last reviewed: February 22, 2019

## RESEARCH ARTICLE

# Lawn mowing frequency in suburban areas has no detectable effect on *Borrelia* spp. vector *Ixodes scapularis* (Acari: Ixodidae)

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## Abstract

Forests have become increasingly fragmented throughout the US, with residential development serving as the primary driver of these changes. These altered landscapes have provided suitable conditions for a broad range of wildlife, including blacklegged ticks and their hosts. Lawns dominate residential landscapes, and thus their management has the potential to reduce the likelihood of contact with ticks in residential yards. We tested the hypothesis that lawn mowing frequency influences tick occurrence in 16 suburban yards in Springfield, MA. We conducted 144 tick drags in lawns of various lawn mowing frequencies (mowed every week, every 2-weeks and every 3-weeks) and did not collect any ticks of any species. Promoting frequent mowing (i.e., shorter lawns) and the removal of grass clippings could have minimal impacts on tick microhabitats, but is consequential for beneficial wildlife and other ecosystem services associated with urban biodiversity.

## Introduction

Large tracts of contiguous forests have become increasingly fragmented throughout the US, with residential development serving as the primary driver of these changes [1]. Residential development fractures the landscape, interspersing novel habitats such as yards (e.g., lawns, ornamental and exotic plants, vegetable gardens) amidst forest fragments and forest patches [2]. Although many species have disappeared from residential areas [3], these altered landscapes have provided suitable conditions for a broad range of wildlife, including white-tailed deer (*Odocoileus virginianus*), the preferred host for blacklegged ticks *Ixodes scapularis* [4] and white-footed mice (*Peromyscus leucopus*), the reservoir host for the bacterium *Borrelia burgdorferi* [5,6]. When hosting *B. burgdorferi* these ticks can transmit the bacteria to the bitten person, resulting in *Lyme borreliosis* (Lyme disease), a tick-borne infection that is prevalent throughout the northeastern US [7]. In the 10-year period between 2006 and 2015, confirmed cases of Lyme disease in the US reached a mean of 8.1 cases per 100,000 individuals. In Massachusetts, the focal area of our study, over 30,000 confirmed cases were reported during the



## OPEN ACCESS

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same period [8]. The urban/suburban environment of Springfield MA, our study area, might appear poor habitat for white-tailed deer, but hunters harvested over 700 deer in the Springfield area management zone in 2017 (MA Division of Fisheries and Wildlife, <https://www.mass.gov/service-details/deer-harvest-data>).

Identifying opportunities to mitigate contact with ticks in residential landscapes presents an important public health issue. Since lawns dominate the vegetation component of yards [9] altering their management could help reduce contact. Consumer Reports, a non-profit organization that researches and tests products and services provided five recommendations for discouraging ticks from private properties, with two recommendations focusing on lawn mowing: 1) let grass grow to 10.2 cm– 11.4 cm, then cut to 7.6 cm and 2) remove grass clippings [10].

A body of literature exists that anecdotally recounts the dangers of acquiring tick bites and subsequent Lyme disease through exposure to lawns, but the scientific literature has more nuanced results. Ticks found “in” lawns in studies were closely associated with adjacent woodlands [11–13], or represented part of a pooled sample that included woodland edge and other habitats [14]. Meanwhile, other studies that distinguished between different habitat features in residential landscapes have demonstrated a negative relationship between lawn presence and tick abundance, and a positive relationship with woodlands [4,13]. The woodlands, particularly in urban and suburban areas, consist of small forests with mature trees, understory shrubs and leaf litter, with the shrub and litter providing good habitat for ticks [6].

In a study assessing management applications for improving pollinator habitat in lawn-dominated yards, Lerman et al. [15] demonstrated that lawns mowed less frequently, with grass height averaging 12.5 cm supported higher abundances of native bees compared with lawns with grass heights of 11.2 cm. Thus managing for the removal of pest species (e.g., ticks) could have negative impacts for beneficial species (e.g., pollinators). As part of the broader scope of the investigation on the impacts of lawn management behavior on biodiversity and ecosystem function, Lerman et al. [15] surveyed for ticks, recognizing the public concern taller grasses might pose for ticks. If the taller grasses supported higher abundances of bees and ticks, then opportunities to promote pollinator habitat in less frequently mowed lawns might not be widely adopted due to the health risks associated with ticks. Similar to the other studies investigating relationships between lawn mowing frequency and bee diversity [15] and CO<sub>2</sub> emissions [16], we tested the hypothesis that lawn mowing frequency would influence tick abundance.

## Materials and methods

### Study site

We conducted the study in 16 lawn-dominated yards in Springfield, MA, the third largest city in Massachusetts, USA. The yards were categorized as medium density residential land use and embedded within a suburban matrix. The yards were predominantly comprised of lawns, although some included limited flower borders or hedges, and two yards abutted forest fragments. Yards were not treated with herbicides or watered for the duration of the study. Participating yard parcel size ranged from 0.03 to 0.18 ha. Householders gave permission to conduct the study in their yards.

### Lawn mowing

Lawns were mowed from May through September in 2013 and 2014, using a Toro 19” self-mulching push mower, (mowing height set at 6.35 cm). Grass clippings remained on the lawn. We assigned each yard to a mowing frequency regime: mowed every week, two-weeks or three-weeks to represent the range of typical mowing behaviors (1–2 weeks) to a more extreme (but realistic) frequency (3-weeks; [17]).

## Vegetation measurement

Grass height was measured immediately prior to every mowing event in each yard at three separate locations. We randomly selected and measured the height of three individual swards for a total of nine height measurements per yard per sampling event. These nine replicates were averaged to produce a single grass height per yard per measurement date. We define height as the length of the sward from the soil surface to the sward tip.

## Tick drags

We used BioQuip's tick drag sailcloth sheet (58 x 114 cm) to document tick abundance in suburban lawns with various grass lengths. Surveys were conducted roughly every three weeks, prior to the mowing event, and coinciding with peak tick presence [18]. Tick drags consisted of a 5-minute drag in three different locations of the yard, coinciding with the grass measurement locations mentioned above. Tick drag sampling is an efficient and accurate method for estimating the abundance of *Ixodes scapularis* in various different landscape settings, including residential properties [19–22]. The drag method has been used with some success for other species occurring in the study area [23].

## Results

Mean grass height prior to mowing for lawns mowed weekly, every two weeks and every three weeks was 11.2 cm, 12.5 cm, and 15.1 cm, respectively. We conducted 144 tick drags over the course of two years (every three weeks between May and September) and did not collect any ticks of any species (Table 1).

**Table 1. Summary statistics for grass height, and number of ticks detected for each lawn mowing frequency (1-week, 2-weeks, 3-weeks) and for the entire study, regardless of treatment. Tick drags and grass height measurements were conducted at each site, ten times per season in 2013 and 2014 for a total of 144 tick drags and measurements.**

	Mowing frequency	Grass height (cm)	Ticks detected (#)
Mean	1 wk	11.20	0
	2 wks	12.52	0
	3 wks	15.06	0
	Study	12.91	0
Minimum	1 wk	6.70	0
	2 wks	7.80	0
	3 wks	9.40	0
	Study	6.70	0
Maximum	1 wk	18.20	0
	2 wks	23.40	0
	3 wks	26.00	0
	Study	26.00	0
Median	1 wk	11.05	0
	2 wks	12.40	0
	3 wks	13.95	0
	Study	12.30	0
Standard error	1 wk	0.42	0
	2 wks	0.59	0
	3 wks	0.70	0
	Study	0.36	0

<https://doi.org/10.1371/journal.pone.0214615.t001>

## Discussion

Our results support previous findings of the lack of ticks in the lawn zone of residential landscapes. A study conducted in Westchester County, NY investigated four distinct zones of residential properties including wood lots, unmaintained edges (the ecotone), ornamental vegetation and lawns, and their propensity to support blacklegged ticks. Less than 2% of the ticks were collected from lawns with the majority collected from the wood lots and ecotone [24]. Duffy et al. [13] also found that for yards in Suffolk County, NY, nymphs were primarily encountered at the ecotone with few encounters on lawns. Blacklegged ticks are highly sensitive to low humidity and dehydration, and rely on habitat which provides opportunities to rehydrate [25]. Together, these results acknowledge the presence of ticks in residential landscapes—but context matters [4]. Both property size and the surrounding matrix have implications for tick presence. For example, larger properties (e.g., > 0.5 ha) are more likely to have wood lots, and hence, more opportunities to encounter ticks [24]. A study of coastal Maine microhabitats showed grasses to be the poorest quality habitat for ticks even in an unmanaged setting [26]. These and other studies suggest that lawns, particularly those with full exposure to sunlight, provide poor habitat for blacklegged ticks.

Tick-borne diseases pose a serious public health risk [27]. The blacklegged tick is now recognized as a vector of three species of *Borrelia*, a different bacterium causing anaplasmosis, a parasite causing babesiosis, and the Powassan virus [24]. The loss of urban biodiversity and concomitant invasion by nonnative plants also exacerbates the transmission of some tick-borne diseases due to the dilution effect (i.e., the loss of additional vertebrate hosts [28,29]) although this effect varies with landscape scale [6,30]. Further, studies have shown many nonnative plants, particularly understory shrubs, to be especially good tick habitat. Yard management strategies aimed at reducing contact with ticks should consider removing nonnative plants to provide an opportunity for individual households to combat some of the ecosystem disservices associated with forest fragmentation [18]. In addition, identifying where and whether the risk is occurring can help provide support for ensuring individual efforts lead to desired results of fewer interactions with ticks in lawns.

Providing solutions for reducing contact with ticks, such as promoting frequent lawn mowing, is an apparently simple practice with the potential to be widely adopted. However, we suggest that recommendations be supported by research [31], acknowledge the limitations for protecting against ticks, and enumerate the trade-offs associated with frequent mowing. In our study system, taller grasses did not result in more ticks but did support higher abundances and diversity of native bees [15]. Thus, promoting shorter grasses and the removal of grass clippings could have minimal impacts on tick microhabitats but would be consequential for beneficial wildlife such as pollinators, and other ecosystem services associated with urban biodiversity [32].

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## Author Contributions

**Conceptualization:** Susannah B. Lerman.

**Data curation:** Susannah B. Lerman.



# Can urban greening increase vector abundance in cities? The impact of mowing, local vegetation, and landscape composition on adult mosquito populations

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## Abstract

Worldwide, cities are investing in greenspace to enhance urban quality of life and conserve biodiversity. Cities should ensure these investments do not unintentionally result in ecosystem disservices. Municipal management decisions regarding urban greenspaces, such as mowing frequency, could influence mosquito communities and public health. We examined how mowing, resultant vegetation characteristics, and landscape context influenced adult mosquito abundance in urban vacant lots. We sampled adult *Culex* and *Aedes* mosquitoes in a network of vacant lots within eight Cleveland, Ohio, USA neighborhoods in 2015 and 2016 using CO<sub>2</sub>-baited light traps and grass-infused gravid traps. For each lot, we quantified vegetation characteristics, including plant diversity, bloom area, and biomass, as well as the surrounding landscape composition at radii of 60 and 1000 m. We found that periodic mowing did not significantly affect mosquito abundances. However, vacant lots with more diverse plant communities were associated with a greater light trap capture of both *Culex* and *Aedes*. Both mosquito genera declined in light trap catches with increased impervious surface at 60 m. Similarly, *Culex* (gravid trap) declined with the amount of built infrastructure at 1000 m. In contrast, *Aedes* (light trap) increased with the concentration of buildings in the landscape at 1000 m. Our findings indicate that reducing the frequency of mowing within vacant lots will not necessarily increase adult mosquito abundance. Nonetheless, mosquito surveillance and management should be considered when planning conservation-focused greenspaces, as vegetation design choices and the landscape context of a site do influence vector abundance and potentially disease risk.

**Keywords** Urban greenspace management · Ecosystem disservices · Landscape composition · Mosquito control · Shrinking city

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## Introduction

Cities are increasingly investing in urban conservation initiatives including the establishment and maintenance of urban greenspaces through a process referred to as urban greening (Goddard et al. 2010; Gardiner et al. 2013; Hicks et al. 2016). Urban greenspaces can be valuable in supporting biodiversity and supplying important ecosystem services and functions (Sandström et al. 2006; Gardiner et al. 2014; Braaker et al. 2014; Wolch et al. 2014; Riley et al. 2018a). Urban greening aimed at enhancing biodiversity often focuses on reducing habitat mowing to allow plants to flower and provide resources for species of concern, such as urban pollinators (Sivakoff et al. 2018). However, reduced greenspace management may unintentionally result in *ecosystem disservices*, such as increasing suitable habitats for vector species. Vector species, including disease-carrying arthropods such as the northern house mosquito, *Culex pipiens*, can negatively impact human health (Hamer et al. 2008) and reduce greenspace

value (Shepard et al. 2014). Thus, it is essential to determine how urban greening practices influence vector abundances in order to accurately guide greenspace development.

Evaluating greenspace management practices is especially relevant to shrinking cities where economic decline has created extensive greenspace holdings in the form of vacant land. For example, the city of Detroit, Michigan, USA contains over 10,000 ha of vacant land (Burkholder 2012), and the European countries Poland and Romania contain 800,000 and 900,000 ha of urban vacant lots, respectively (Ferber and Schlappa 2016). In these areas, municipalities are responsible for the long-term management of greenspaces resulting from urban shrinkage and finding ways to positively utilize the spaces without contributing to ecosystem disservices. One common management approach is to seed vacant lots with turf grass and maintain them with periodic mowing (Gardiner et al. 2013). However, many shrinking cities are also investing in planting native vegetation, such as sunflowers (Lokman 2017) or urban prairies (Burkman and Gardiner 2015) as conservation habitat. As both growing and shrinking cities alike consider how best to manage urban greenspaces, it is critical to ascertain whether these management strategies may have unintended consequences.

Potential disservices from varying management strategies include negative financial, environmental, and social impacts (Lyytimäki and Sipilä 2009; Escobedo et al. 2011). Cost could be incurred by cities budgeting for consistent mowing. For instance, Cleveland spends 3 million USD annually to mow their 27,000+ vacant lots (Community Research Partners and Rebuild Ohio 2008; Delgado de la Flor et al. 2017). Likewise, mowing or trimming vegetation may cause ecosystem disservices and biodiversity losses by directly killing resident arthropods, disrupting habitats, or reducing floral availability for specialist pollinator species (Cizek et al. 2012; Wastian et al. 2016). However, while reducing mowing frequency or planting native wildflowers could lower greenspace management costs and increase a habitat's value for biodiversity, this approach may also result in concerns from neighborhood residents (Turo and Gardiner 2019). Taller vegetation can raise aesthetic and safety concerns (Jansson 2013; Nassauer and Raskin 2014) or even create habitat for vector species, such as mosquitoes, that lead to higher prevalence of insect-borne diseases (Hamer et al. 2008).

Vector-borne diseases have become an increasing burden to public health due to globalization and urbanization (Gratz 1999; Norris 2004; Weaver 2013) and represent a significant ecosystem disservice. As cities increasingly invest in urban greenspaces or are tasked with managing newly created vacant lots, natural resource managers and urban planners must assess variable management strategies and their impacts on mosquito communities and public health (LaDeau et al. 2015). When conservation plans are developed, variables such as vegetation density and management of potential larval

habitats (i.e. discarded containers) can influence mosquito abundance and taxonomic composition as well as interactions with potential hosts and predators (Freed and Leisnham 2014; Dowling et al. 2013; Gardner et al. 2013). The habitat characteristics associated with higher vector abundances can be complex; for instance, reduced vegetation was positively related to the abundance of juvenile *Aedes albopictus* except when abandoned infrastructure was common, in which case increased vegetation was positively related to vector abundance (Little et al. 2017a). Habitat management can also influence disease prevalence (Mackay et al. 2016); for example, mosquitoes collected from Chicago residential yards were more likely to be infected by West Nile virus (WNV) than those found in other urban greenspaces (e.g. parks and cemeteries) (Newman et al. 2017).

At larger scales, landscape composition, habitat connectivity, and the interweaving of land cover types may also influence mosquito communities and disease outbreaks (Pradier et al. 2008; Lambin et al. 2010; Deichmeister and Telang 2011; Ghosh 2011; Marcantonio et al. 2015). While urban areas often have reduced mosquito populations due to decreased resources and increased disturbance (Ferraguti et al. 2016), many taxa are highly adaptive to urban environments, e.g., *Ae. albopictus*, *Ae. aegypti* (Hemme et al. 2010; Ferraguti et al. 2016), and some *Culex* spp. (*Cx. pipiens*/*Cx. restuans*/*Cx. quinquefasciatus*) (Chaves et al. 2009; Deichmeister and Telang 2011). For example, when comparing exurban and suburban populations, urban sites have higher captures of *Culex* species (Pecoraro 2007; Deichmeister and Telang 2011) and a higher proportion of WNV positive mosquitoes (Deichmeister and Telang 2011). Within urban landscapes, mosquito populations have been positively correlated with landscape features including impervious surface, abandoned buildings, medium height trees (3–9 m), vacant lots, and residential habitats (Landau and Van Leeuwen 2012; Little et al. 2017a; Little et al. 2017b). Especially in the context of shrinking cities, abandonment or poverty at a landscape level is often associated with increased garbage or dumping, which is in turn associated with higher mosquito production (Little et al. 2017a; LaDeau et al. 2015). However, patterns can be variable and highly influenced by precipitation and temperature (Little et al. 2017a; Becker et al. 2014). For instance, while some studies have found greater mosquito abundance within a city block with a low number of abandoned buildings (Becker et al. 2014), others have found the opposite trend (Little et al. 2017a), and these relationships are mediated by seasonal variation.

The goal of our study was to evaluate how site management and landscape context influence adult mosquito communities and potential risks of a mosquito-borne disease (i.e. WNV) within an urban ecosystem. To address this, we studied mosquito abundance within Cleveland, Ohio, USA, a shrinking city where economic decline has resulted in 1,500 ha of

vacant land (Western Reserve Land Conservancy 2015). We investigated if decreased mowing frequency, a practice that would reduce management costs and potentially increase the conservation value of vacant land, would have unintended consequences such as increased mosquito abundances and disease transmissions. Specifically, we measured how periodic mowing activity, resultant vegetation characteristics, and landscape context in the inner-city of Cleveland influence adult *Culex* spp. and *Aedes* spp. abundance, and WNV-positive mosquito pools. We hypothesized that periodic mowing would reduce mosquito abundance and the number of WNV-positive mosquito pools because mowing is likely to disrupt adult resting sites and foraging resources. We also hypothesized that vacant lots embedded in landscapes with a higher proportion of greenspace would support a greater abundance of mosquitoes. These landscapes could aid mosquito dispersal into sampled patches and are likely to support a higher richness and abundance of hosts and nectar resources. Finally, we hypothesized that diverse, bloom rich habitats would exhibit greater mosquito abundances as more diverse habitat plantings with increased bloom area are likely to provide more nectar foraging options for adult mosquitoes.

## Materials and methods

### Study sites

This study was conducted in the city of Cleveland, Ohio, USA. A total of 16 vacant lots (each lot is approximately 30 m × 12 m in size) located in eight inner-city neighborhoods were selected for this study (Fig. 1). Two vacant lots were located within each neighborhood and were assigned to either a Control or Meadow treatment (Fig. 2). The Control treatment was managed following city guidelines, mown monthly to a height of approximately 10 cm (May–October). The Meadow treatment was mowed annually in October and remained unmanaged throughout the remainder of the growing season. To control for the effects of differential littering among sites on mosquito larval habitat, we removed trash twice per month so that garbage did not confound drivers of interest (mowing, local vegetation, landscape composition).

### Mosquito sampling

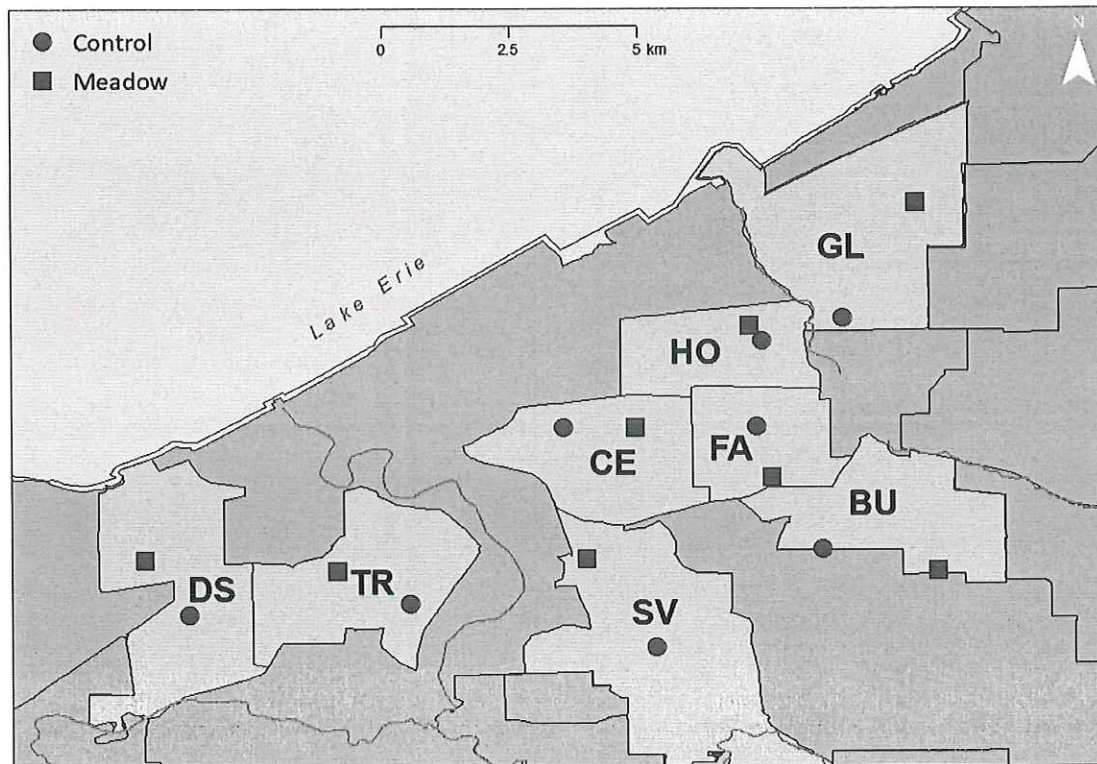
Adult mosquitoes were collected once every four weeks from July to August in 2015 (Jul 7, Aug 4, Aug 31). During 2016, mosquitoes were collected once in June and once every two weeks from July to August in 2016 (Jun 6, Jul 5, Jul 21, Aug 2, Aug 17, Aug 29). In order to treat collection time as

a continuous rather than categorical variable, calendar dates were converted to Julian dates for statistical analyses (2015: 188, 216, 243; 2016: 158, 187, 203, 215, 230, 242). Two types of mosquito traps were used: A) a grass infusion-baited CDC gravid trap (GT) (Model 1712, John W. Hock Company, Gainesville, FL) placed at ground level in the center of each vacant lot, and B) a dry ice-baited CDC mini light trap (LT) with incandescent light (Model 2836BQ, BioQuip Products, Rancho Dominguez, CA) suspended from a tree branch at a height of approximately 1.5–2.0 m at the perimeter of each vacant lot. We elected to deploy gravid traps for their known effectiveness in trapping female *Culex* spp., the primary vector of WNV. Light traps were selected to attract a broad spectrum of mosquito species. Traps were set in the morning of each sampling date and retrieved approximately 24 h later. Captured mosquitoes were then transferred to a cooler with ice and transported to the Ohio Agricultural Research and Development Center (OARDC) in Wooster, OH where they were stored at –20 °C until further processing. All mosquitoes, except *Culex* females, were identified to species using a dissecting scope following the guide of Restifo (1982). *Culex* females were only identified to genus per recommendation from the Ohio Department of Health (ODH), as their standard traps can alter key identifiable features on the abdomen and all *Culex* in Cleveland are capable of transmitting WNV. After identification, *Culex* mosquitoes from each trap and site were pooled and stored at –80 °C until they were transferred to ODH for WNV detection using an established RT-PCR approach (Lanciotti et al. 2000). Two gravid traps collections were lost in 2015 and seven light trap and two gravid trap collections were lost in 2016 due to vandalism or theft.

### Vegetation sampling

Local vegetation variables at each site were measured twice in 2015: early season (Jun. 16 – Jul. 3) and late season (Jul. 22 – Aug. 13), and three times in 2016, early season (Jun. 13 – Jun. 24), midseason (Jul. 11 – Jul. 22) and late season (Aug. 4 – Aug. 16). A 15 m × 7 m sampling grid, composed of 105 quadrats, was placed in the center of each site and 20 quadrats (1 m<sup>2</sup>) were randomly selected. Within the 20 selected quadrats we placed a 0.5 m<sup>2</sup> PVC pipe square centrally and measured vegetation biomass and dominant plant species diversity.

Biomass was estimated with the comparative yield method which was developed to efficiently estimate plant biomass without removal of a significant amount of vegetation from a research site (Haydock and Shaw 1975). In order to compare biomass across the 20 randomly selected quadrats, five “standards” were initially selected to represent the range of biomass per quadrat within each lot. The standards ranged from 1 (lowest biomass) to 5 (highest biomass) and each “standard” consisted of 0.5 m<sup>2</sup> area. After the standards were



**Fig. 1** Map of mosquito collection sites in Cleveland, OH. Light gray shading indicates the eight neighborhoods where mosquitoes were studied: 1) Buckeye (BU), 2) Slavic Village (SV), 3) Central (CE), 4)

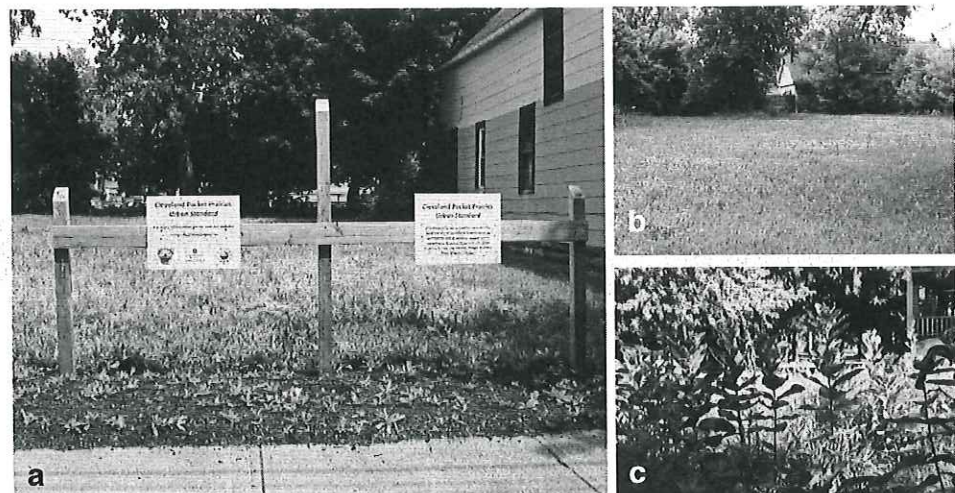
Tremont (TR), 5) Detroit Shoreway (DS), 6) Fairfax (FA), 7) Glenville (GL) and 8) Hough (HO). Circles (Control) and squares (Meadow) indicate the location of each sampled vacant lot

established, the comparative yields of twenty  $0.5 \text{ m}^2$  areas were estimated within random quadrats by comparing the average biomass to those five standards. Estimated scores ranged from 1 to 5 and allowed for quarter step (e.g. 4.25) measurements. After comparative yield scores were estimated, all vegetation within the 5 standards was harvested, dried, and weighed. The five dry weights were then used to form a linear regression equation and all 20 estimated yield scores were inserted into

this equation to calculate biomass per quadrat. The calculated biomass of the 20 ( $0.5 \text{ m}^2$ ) quadrats was then averaged and used to represent average site biomass in  $\text{g}/\text{m}^2$ .

Plant diversity was measured from the same twenty, randomly selected,  $0.5 \text{ m}^2$  quadrats where biomass was estimated. In each quadrat, the top three most abundant plants were recorded, and species occurrences were summed by site. Dominant plant species diversity per site was then calculated

**Fig. 2** Our vacant lot research sites were bordered on the roadside edge with fencing, signage, and bark mulch (a). All sites were cleaned of refuse twice per month. The Control (b) and Meadow (c) treatments were distinguished by mowing frequency. Control treatments were mown monthly and Meadow treatments were cut annually in October. This variation in management influenced vegetation characteristics such as plant diversity, biomass, and the availability of floral resources



with a Shannon-Wiener Index ( $H$ ),  $H = -\sum_{i=1}^R P_i \ln P_i$ , where  $R$  is the species richness and  $P_i$  is the proportion of  $i$ th plant species of total number of plants.

Total bloom area was measured at each site from 6 additional, randomly selected, quadrats ( $1 \text{ m}^2$ ). In each quadrat, a  $0.5 \text{ m}^2$  PVC square was placed centrally, and all flowering species were recorded. Bloom abundance was determined by counting all blooms per flowering species within the sub-quadrat. Then, five individual blooms of each plant species were measured ( $\text{mm}^2$ ) and averaged to determine the mean bloom size for each species. Total bloom area at a site was then calculated as the product of plant species abundance multiplied by each species' mean bloom size. No vegetation data were obtained from the Meadow treatment of Detroit Shoreway for three vegetation samplings (late season 2015, early season 2016, late season 2016) due to accidental mowing by the City of Cleveland Land Bank.

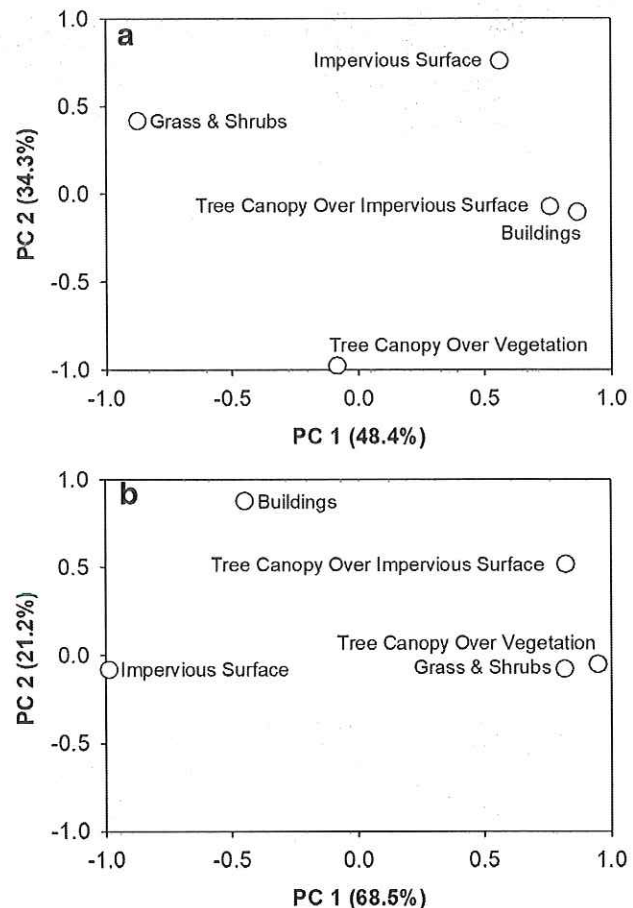
### Landscape variables

The Cleveland City Planning Commission provided landscape data for all sites at a  $1 \text{ m}^2$  resolution which were combined into the following land cover classes for analysis: *Grass & Shrubs*, *Buildings*, *Impervious Surface* (e.g. streets, highways, railroads), *Tree Canopy over Vegetation*, and *Tree Canopy over Impervious Surface* (buildings and other paved infrastructure). Water was not included in our analysis (despite the importance of water in mosquito biology) because the percentage of water was  $<2\%$  of any landscape. Landscape composition was quantified at 60 and 1000 m radii surrounding the central point of each vacant lot site.

### Principal components analysis of landscape variables

To reduce the dimensions of the landscape variables, we performed a principal component analysis (PCA) using JMP version 14 (SAS Institute Inc., Cary, NC). Principal component axes were extracted using correlations among variables. A PCA was performed at two spatial scales, 60 m and 1000 m, which encompass a range of average flight distances for weak (*Aedes*) and strong (*Culex*) mosquito fliers. We restricted our analysis to the first two eigenvectors. The variation in landscape variables explained by principal components 1 and 2 ranged from 71.8% to 89.6%.

The interpretation of principal components 1 and 2 was dependent on the spatial scale of analysis (Fig. 3). At 60 m radii, the variables *Buildings* and *Tree Canopy Over Impervious Surfaces* loaded positively on PC1 while the variable *Grass & Shrubs* loaded negatively. Therefore, sites with positive values of PC1 suggest a landscape dominated by built infrastructure, whereas sites with negative values of PC1 suggest a landscape with a higher concentration of grass and



**Fig. 3** Principal components analyses (PCA) for landscape variables surrounding 16 vacant lots at radii of (a) 60 m and (b) 1000 m. Circles indicate the principal component loadings of each landscape variable

shrubs. For PC2, sites with positive loadings were associated with more abundant *Impervious Surface* while sites with negative loadings were associated with more *Tree Canopy Over Vegetation* in the landscape (Fig. 3), suggesting sites with high PC2 values were embedded in landscapes with a high concentration of roadways, parking lots and railways whereas sites with low PC2 values were found in landscapes with a greater amount of tree-covered greenspaces.

At a 1000 m landscape radius, *tree canopy* variables and *Grass and Shrubs* loaded positively on PC1, and *Impervious Surface* loaded negatively, indicating that landscapes with high positive PC1 values had a greater green infrastructure whereas landscapes with negative PC1 values were dominated by roads and parking lots. For PC2, *Buildings* had the highest positive loading whereas *Impervious Surface*, *Grass & Shrubs*, and *Tree Canopy Over Vegetation* loaded most negatively (Fig. 3). Therefore, landscapes with high PC2 values were dominated by built structures whereas landscapes with low PC2 values had a greater concentration of greenspace and paved surfaces.



## Statistical analyses

To determine if periodic mowing (i.e. a treatment effect) influenced mosquito abundance, we developed generalized linear mixed models (GLMMs) using the “lme4” package (Bates et al. 2015) in R (R Core Team 2014). Due to overdispersion all GLMM models used a negative binomial distribution (Lindén and Mäntyniemi 2011). All analyses were performed separately by trap type (*light* and *gravid*) and mosquito genus (*Aedes* and *Culex*). We examined three response variables: 1) *Aedes* abundance and 2) *Culex* abundance from the light trap collections, and 3) *Culex* abundance from the gravid trap collections. Predictor variables included *Treatment* (Control and Meadow), *Julian date* (as a proxy for seasonal variation in temperature and precipitation), the interaction between *Treatment* and *Julian date*, and *Year*. Random terms included *Julian date* as a random slope and *Neighborhood* (sites located in 8 inner-city neighborhoods) as a random intercept. The ‘Anova’ function in the “car” package (Fox and Weisberg 2011) was then used to perform a Type II analysis of variance that generated analysis of deviance tables from which likelihood-ratio test statistics were obtained. An alpha level of 0.05 was specified for all statistical tests.

To examine how mosquito abundance was influenced by landscape composition and local vegetation characteristics, we developed generalized linear models (GLMs) with a negative binomial distribution using the “MASS” package (Venables and Ripley 2002) in R. We again examined three response variables: 1) *Aedes* abundance and 2) *Culex* abundance from the light trap collections, and 3) *Culex* abundance from the gravid trap collections. Landscape composition variables included *PC1* and *PC2* at both the 1000 m and 60 m scales. Local vegetation variables included *Biomass*, *Diversity*, and *Bloom area*. Additionally, full models included the predictor variables *Julian date* and *Year*. Variance inflation factors were calculated and assessed for each predictor variable to ensure the absence of multicollinearity ( $VIF < 3$ ). Backwards model selection was then performed until reduced models contained predictors significant at an alpha of 0.05.

## Results

### Mosquito abundance and West Nile virus testing

A total of 2,350 mosquitoes were collected across our 2015 and 2016 sampling periods. *Culex* spp. were most abundant and represented 64.6% and 82.2% of the total mosquitoes captured in 2015 and 2016, respectively. We collected five species of *Aedes* (*Ae. japonicus*, *Ae. vexans*, *Ae. triseriatus*, *Ae. trivittatus* and *Ae. albopictus*), *Anopheles punctipennis*, *Orthopodomyia signifera*, *Uranotaenia sapphirina* and *Coquillettidia perturbans* (Table 1). In 2015 and 2016, *Ae.*

*japonicus* and *Ae. albopictus* were respectively the most abundant *Aedes* species in our collections; both are invasive species in North America (Bonizzoni et al. 2013; Kaufman and Fonseca 2014). Notably, the abundance of *Ae. albopictus* increased in all traps from 2015 to 2016 (Table 1); this species was collected in four neighborhoods in 2015 (i.e. Central (Control), Glenville (Control and Meadow), Hough (Control) and Tremont (Meadow)), and all eight neighborhoods in 2016.

Of the 92 and 136 pools of *Culex* mosquitoes tested for WNV in 2015 and 2016, respectively, one pool was positive in 2015 (Tremont Control- 8/4) and 4 pools were positive in 2016 (Buckeye Control- 8/2, Slavic Village Meadow- 8/2, Hough Meadow- 8/2, and Hough Meadow- 8/17).

### Mosquito abundance: Mowing frequency

*Aedes* and *Culex* mosquito abundances within CO<sub>2</sub>-baited light traps did not significantly differ between mowed Control and unmanaged Meadow treatments in either 2015 or 2016 (*Aedes*:  $\chi^2 = 1.06$  (1,  $N = 127$ ),  $P = 0.30$ ; *Culex*:  $\chi^2 = 1.77$  (1,  $N = 127$ ),  $P = 0.18$ ) (Table 2, Fig. 4a-d). Similarly, abundances of *Culex* adults caught by gravid traps did not significantly differ between treatments in either year ( $\chi^2 = 0.28$  (1,  $N = 129$ ),  $P = 0.60$ ) (Fig. 4e-f). While mowing did not influence mosquito abundance, sampling period was a significant predictor; Julian date was positively associated with *Aedes* abundances from light traps and negatively associated with *Culex* abundances from gravid traps (Table 2). Light traps caught significantly more *Culex* adults in 2015 while gravid traps captured a greater number in 2016 (Table 2).

### Mosquito abundance: Local vegetation and landscape variables

*Aedes* and *Culex* mosquito abundances were significantly influenced by both landscape composition and local vegetation variables. Greater vegetation diversity within a vacant lot was positively associated with increased *Aedes* and *Culex* catches from CO<sub>2</sub>-baited light traps (Table 3). Vegetation biomass also positively influenced *Aedes* abundances within light traps (Table 3). However, we did not find a significant relationship between bloom area and mosquito abundance. At the 60 m radius landscape scale we found a negative relationship between *Aedes* and *Culex* light trap captures and PC1, indicating that mosquitoes were collected more frequently in lots surrounded by a high proportion of grass and shrub habitat (Fig. 3). We also found a negative relationship between PC2 and *Aedes* light trap captures at 60 m (Table 3), indicating that these mosquitoes were collected more frequently in sites surrounded by increased urban tree canopy over vegetation versus impervious surface (Fig. 3). We found no significant

**Table 1** Mosquito abundance collected by (A) CO<sub>2</sub>-baited light traps and (B) gravid traps from Control and Meadow treatment sites in Cleveland, OH in 2015 and 2016

Species	2015 Mosquitoes (n = 511)				2016 Mosquitoes (n = 486)			
	Control (n = 254)		Meadow (n = 257)		Control (n = 274)		Meadow (n = 212)	
	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM
<i>Culex spp.</i>	151 (59.45)	4.72 ± 1.32	114 (44.36)	3.80 ± 0.59	149 (54.38)	3.31 ± 0.74	93 (41.89)	2.27 ± 0.68
<i>Aedes vexans</i>	29 (11.42)	0.91 ± 0.31	43 (16.73)	1.43 ± 0.42	16 (5.84)	0.36 ± 0.20	3 (1.35)	0.08 ± 0.04
<i>Ae. japonicus</i>	31 (12.20)	0.97 ± 0.30	53 (20.62)	1.77 ± 0.46	19 (6.93)	0.42 ± 0.16	16 (7.21)	0.40 ± 0.21
<i>Ae. trivittatus</i>	20 (7.87)	0.63 ± 0.37	34 (13.23)	1.13 ± 0.51	1 (0.36)	0.02 ± 0.02	0	0
<i>Ae. triseriatus</i>	9 (3.54)	0.28 ± 0.11	4 (1.56)	0.13 ± 0.06	10 (3.65)	0.22 ± 0.12	33 (14.86)	1.08 ± 0.63
<i>Ae. albopictus</i>	9 (3.54)	0.28 ± 0.14	3 (1.17)	0.10 ± 0.06	65 (23.72)	1.44 ± 0.66	64 (28.83)	1.60 ± 0.64
<i>Anopheles punctipennis</i>	5 (1.97)	0.16 ± 0.08	4 (1.56)	0.13 ± 0.08	10 (3.65)	0.22 ± 0.15	2 (0.90)	0.05 ± 0.05
<i>Orthopodomyia signifera</i>	0	0	1 (0.39)	0.03 ± 0.03	1 (0.36)	0.02 ± 0.02	0	0
<i>Coquillettia perturbans</i>	0	0	1 (0.39)	0.03 ± 0.03	3 (1.09)	0.07 ± 0.07	1 (0.45)	0.03 ± 0.02
Species	2015 Mosquitoes (n = 251)				2016 Mosquitoes (n = 1102)			
	Control (n = 115)		Meadow (n = 136)		Control (n = 568)		Meadow (n = 534)	
	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM
<i>Culex spp.</i>	109 (94.78)	3.52 ± 1.52	118 (86.76)	4.21 ± 1.46	556 (97.89)	11.83 ± 3.57	508 (95.13)	11.81 ± 2.32
<i>Aedes vexans</i>	1 (0.87)	0.03 ± 0.03	0	0	0	0	0	0
<i>Ae. japonicus</i>	3 (2.61)	0.10 ± 0.07	17 (12.50)	0.59 ± 0.14	8 (1.41)	0.17 ± 0.06	17 (3.18)	0.40 ± 0.09
<i>Ae. triseriatus</i>	1 (0.87)	0.03 ± 0.03	0	0	0	0	5 (0.94)	0.12 ± 0.10
<i>Ae. albopictus</i>	0	0	0	0	2 (0.35)	0.04 ± 0.03	4 (0.75)	0.09 ± 0.07
<i>An. punctipennis</i>	1 (0.87)	0.03 ± 0.03	1 (0.74)	0.03 ± 0.03	1 (0.18)	0.02 ± 0.02	0	0
<i>Uranotaenia sapphirina</i>	0	0	0	0	1.00 (0.18)	0.02 ± 0.02	0	0

Mean ± SEM was calculated across sites and sampling dates

relationship between gravid trap captures of *Culex* females and either PC1 or PC2 at 60 m (Table 3). At the 1000 m radius scale, we found a positive relationship between *Aedes* within CO<sub>2</sub>-baited light traps and PC2 (Table 3), indicating that a greater number of adult *Aedes* were found in sites surrounded by a high concentration of built infrastructure (Fig. 3). We found no significant relationship between *Culex* light trap captures and either PC1 or PC2 at 1000 m. Finally, we observed a negative relationship between PC2 at 1000 m and gravid trap captures of *Culex* (Table 3), which illustrated that females seeking oviposition sites were more common in landscapes with fewer buildings and a greater proportion of grass and shrub habitat and impervious surface (Fig. 3).

## Discussion

Cleveland, OH has lost over 50% of its peak human population and currently maintains over 27,000 vacant lots with periodic mowing. Our study aimed to understand the impacts of mowing activity, resultant vegetation, and landscape composition on adult mosquito communities within inner-city vacant lots. While this overabundance of vacant land is unique to shrinking cities contexts, management through mowing is a common practice for urban greenspaces. Whether the target is

spontaneous plant communities on vacant land or seeded turf grass in parks or cemeteries, mowing is viewed as a means to improve aesthetics and address nuisance species including mosquitoes (Heynen et al. 2006; McCormack et al. 2014; Riley et al. 2018b). However, mowing is a significant financial burden when considering the large area of vacancy in many cities and can reduce the conservation value provided by these reclaimed greenspaces (Cizek et al. 2012; van de Poel and Zehm 2014; Wastian et al. 2016). Many conservation-based management strategies for vacant land suggest reducing the intensity of site management to promote desired wildlife (i.e., Gardiner et al. 2013), however, these initiatives may have unintended consequences if they influence vector-host-disease relationships (Riley et al. 2018a). Importantly, we documented that reduced mowing did not result in higher *Aedes* or *Culex* abundance within vacant lots. However, we did find local plant diversity and biomass as well as surrounding landscape context shape the distribution of adult mosquitoes within vacant land, resulting in implications for conservation initiatives.

Heterogeneity in habitat persistence, size, and quality are known to influence vector survivorship and transmission potential (LaDeau et al. 2015). Therefore, we hypothesized that periodic mowing, representing a significant habitat disturbance, would result in localized reductions in mosquito

**Table 2** Summary of generalized linear mixed models examining the impact of treatment across seasons and years on adult mosquito abundances from CO<sub>2</sub>-baited light and gravid traps

Predictors	CO <sub>2</sub> -baited light traps										Gravid traps				
	<i>Aedes</i>					<i>Culex</i>					<i>Culex</i>				
	RE	SE	IRR	ER	p	RE	SE	IRR	ER	p	RE	SE	IRR	ER	p
<i>Intercept</i>	-3.56	1.94	0.03		0.066	2.22	1.81	9.23		0.220	8.34	1.51	4196		< <b>0.001</b>
<i>Treatment: Meadow</i>	0.57	2.19	1.77	77%	0.794	0.35	2.43	1.42	42%	0.885	-0.49	2.40	0.61	-39%	0.839
<i>Julian date</i>	0.02	0.00	1.02	2%	<b>0.017</b>	0.00	0.00	1.00	0	0.836	-0.03	0.01	0.97	-3%	< <b>0.001</b>
<i>Year: 2016</i>	-0.35	0.29	0.70	-30%	0.224	-0.70	0.27	0.50	-50%	<b>0.009</b>	0.84	0.26	2.31	131%	<b>0.001</b>
<i>Treatment* Julian date</i>	0.00	0.01	1.00	0	0.900	0.00	0.01	1.00	0	0.778	0.00	0.01	1.00	0	0.797

p value <0.05 considered significant (bolded)

RE regression estimate, SE standard error, IRR incidence rate ratio, ER effect on response variable

\* indicates interaction

populations. Mowing could negatively impact mosquito populations by causing direct mortality, reducing suitability of a patch for host populations (i.e. birds), or by removing floral resources utilized by adult mosquitoes (Swengel 2001; Cizek et al. 2012). Instead, our findings suggest that mowing, an economically and ecologically costly activity (Wastian et al. 2016; Community Research Partners and Rebuild Ohio 2008), is not necessarily helpful in mosquito control. This information is informative to vacant lot management as well as urban parks and open spaces, which employ strategies such as reduced mowing frequency or establishment of taller meadow plantings to promote conservation initiatives (Southon et al. 2017).

Importantly, we did not measure how mowing frequency might impact mosquito reproductive success, which is key to

understanding how this shift in management could impact public health. In some instances, mowing has resulted in improved conditions for mosquito larvae (MacKay et al. 2016). For example, plant detritus resulting from mowing was found to enrich aquatic microhabitats for larval mosquitoes within dry retention basins (Mackay et al. 2016). Removing emergent vegetation from semi-aquatic habitats can also interrupt predator-prey interactions (Grieco et al. 2005), increase bacteria that facilitate larval growth (Walton and Jiannino 2005) and increase the attraction of female mosquitoes to sites for oviposition (Jiannino and Walton 2004). Conversely, larval development may also be enhanced in sites with reduced management or mowing. Sites that are considered unmanaged by passersby are at higher risk of dumping (Nassauer and Raskin 2014) and litter can serve as breeding sites for mosquitoes

**Table 3** Summary of generalized linear models examining the impact of landscape and local vegetation variables across seasons and years on adult mosquito abundances from CO<sub>2</sub>-baited light and gravid traps

Predictors	CO <sub>2</sub> -baited light traps										Gravid traps				
	<i>Aedes</i>					<i>Culex</i>					<i>Culex</i>				
	RE	SE	IRR	ER	p	RE	SE	IRR	ER	p	RE	SE	IRR	ER	p
<i>Intercept</i>	-6.43	1.84	0.00		< <b>0.001</b>	-1.46	1.27	0.23		0.253	8.13	0.97	3404		< <b>0.001</b>
<i>Year: 2016</i>											0.87	0.26	2.39	139%	< <b>0.001</b>
<i>Julian date</i>	0.02	0.01	1.02	2%	<b>0.004</b>						-0.03	0.00	0.97	-3%	< <b>0.001</b>
<i>PC2 1000 m</i>	0.44	0.15	1.56	56%	<b>0.003</b>						-0.26	0.12	0.77	-23%	<b>0.03</b>
<i>PC1 60 m</i>	-0.22	0.10	0.80	-20%	<b>0.027</b>	-0.20	0.09	0.82	-18%	<b>0.022</b>					
<i>PC2 60 m</i>	-0.41	0.17	0.66	-44%	< <b>0.001</b>										
<i>Biomass</i>	0.01	0.00	1.01	1%	<b>0.008</b>										
<i>Diversity</i>	1.85	0.75	6.37	537%	<b>0.014</b>	1.45	0.67	4.27	327%	<b>0.031</b>					

The inclusion of predictor variables associated with each response variable was based on backwards model selection. Blank values in the table indicate that the predictor variable's p value was >0.05 and the variable was subsequently removed from the final model

p value <0.05 considered significant (bolded)

RE regression estimate, SE standard error, IRR incidence rate ratio, ER effect on response variable

(Dowling et al. 2013; Becker et al. 2014; Little et al. 2017a). For instance, the abundance of water-holding containers littering a habitat has been found to be a key predictor of *Ae. albopictus* occurrence (Dowling et al. 2013). Further, shading from tall vegetation could slow evaporation from water-holding garbage during hot/dry periods. Within our sampled vacant lots, trash was removed twice per month from all sites, reducing potential larval habitats. However, within standard city-managed vacant lots, trash removal is not typical. We might have found different results had we left trash unmanaged as mowing is likely to destroy a proportion of water-holding refuse containers whereas unmown lots would have remained undisturbed. Thus, future research incorporating larval trends with adult populations would help disentangle these variable drivers at different timepoints in mosquito species' life cycle. If conservation initiatives do prescribe reduced mowing, regular trash removal may also be helpful in avoiding unintentional mosquito increases (Dowling et al. 2013).

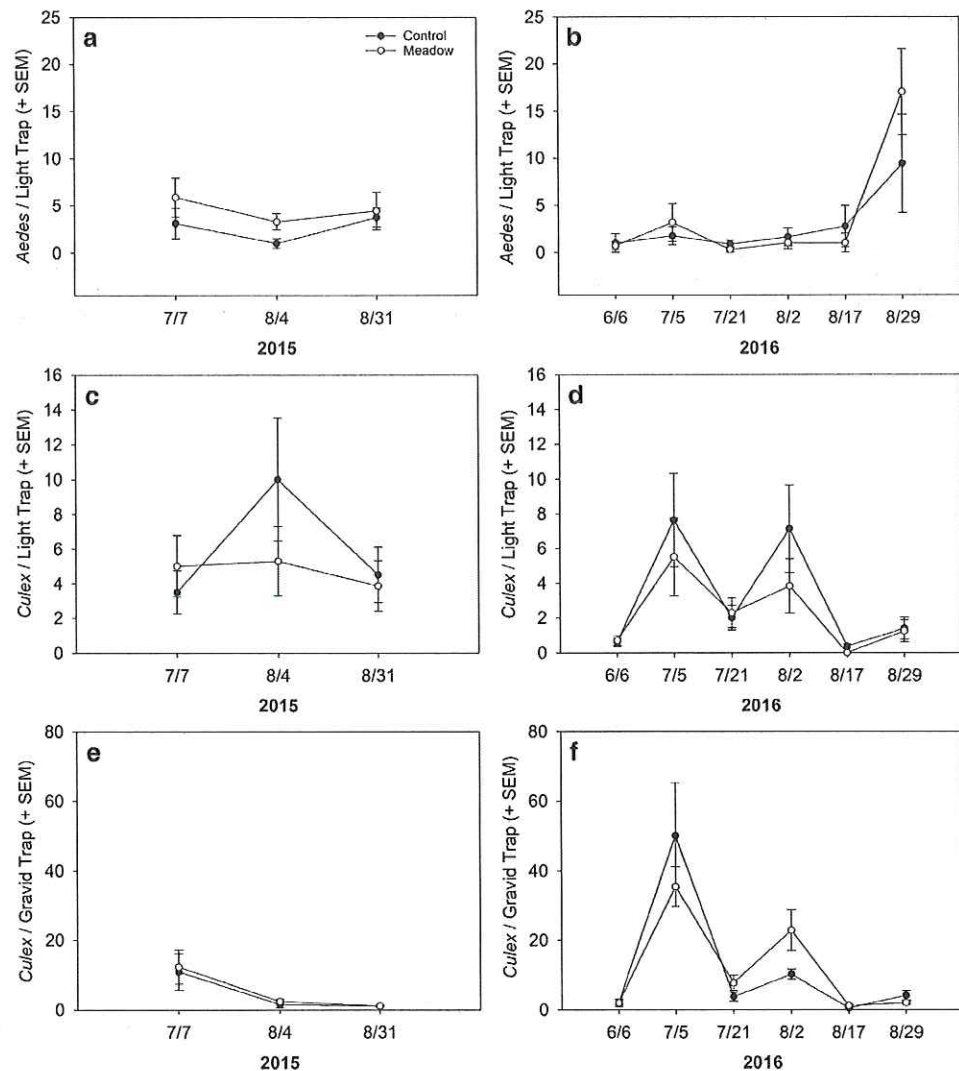
To date, urban conservation initiatives for vacant lot management have focused on altering existing weedy vegetation by creating habitats such as native wildflower plantings or urban farms (Burkman and Gardiner 2015; Delgado de la Flor et al. 2017; Sivakoff et al. 2018). To gauge how shifts in vegetation design might influence mosquito communities we also measured several vegetation variables and found that, as we had predicted, vegetation diversity and biomass were positively correlated with *Aedes* and *Culex* abundance in light traps. Species rich plant communities provide nectar and pollen resources (Foster 1995; Stone et al. 2012), and resting areas/refuge from predators (Gardner et al. 2013). As such, adult mosquitoes are often strongly associated with vegetation, which provides food, shade, and shelter for them (Zhou et al. 2007; Brown et al. 2008; Roiz et al. 2015). For instance, the abundance and condition of vegetation within an urban landscape (NDVI) as well as its internal water content (DNVI) have been positively related to mosquito abundance (Brown et al. 2008). Therefore, changing plant community composition and structural complexity can influence adult mosquito survival, biting rates, and vectorial capacity (Stone et al. 2012). This raises concern, as managing for a rich plant community is a common goal of conservation-minded plantings, focused on supporting beneficial arthropods and other wildlife (Burkman and Gardiner 2015; Hicks et al. 2016; Delgado de la Flor et al. 2017). However, our treatments were generally dominated by exotic and/or weedy species, such as chicory (*Cichorium intybus* L.), red clover (*Trifolium pratense* L.) and Queen Anne's lace (*Daucus carota* L.) (Supplementary Table 1). Therefore, our findings may not be directly applicable to conservation efforts focused on establishing and maintaining native plants within greenspaces. Some mosquito predators, such as birds, may also recruit to more diverse plant communities that incorporate native

vegetation (Burghardt et al. 2009) thereby mitigating plant diversity's positive influence on mosquito abundances. Moreover, our results indicated that bloom area was not a significant predictor of mosquito abundance. This finding implies that adding more flowering species to an urban conservation site may ultimately have no net effect on mosquito abundances, while still supporting local conservation targets.

The distribution of mosquitoes across Cleveland's vacant lots was also driven by landscape patterns. Following our hypothesis, we found partial support that mosquito abundances are higher in greener landscapes. At a localized scale of 60 m, we captured more mosquitoes in our light traps when landscapes had greater proportions of tree canopy over vegetation (*Aedes*) and grass and shrubs (both *Aedes* and *Culex*). Gravid *Culex* mosquitoes, however, did not follow any trends at a 60 m radius, potentially because *Culex* females tend to fly longer distances when seeking oviposition sites (Hamer et al. 2014). At a 1000 m radius scale, gravid *Culex* females captures declined as the land cover occupied by buildings increased. As *Culex* mosquitoes are known to utilize urban structures for oviposition, (e.g. drainage infrastructure, residential area) (Deichmeister and Telang 2011; Ferraguti et al. 2016), this result is somewhat surprising. Instead, gravid *Culex* females were more frequently captured from vacant lots surrounded by green land cover and impervious surface at 1000 m. Positive associations between mosquitoes and tree cover have also been detected previously (Landau and Van Leeuwen 2012). These patterns could be due to several variables, ranging from woody vegetation aiding adult dispersal (Lacroix et al. 2009), supporting increased vertebrate host abundance (Anderson et al. 2006; Molaci et al. 2006), and/or resulting in a higher number of both natural oviposition sites as well as tires and refuse commonly discarded in minimally-managed greenspaces (Kaufman et al. 2010; Bartlett-Healy et al. 2012; Gardner et al. 2013). Interestingly, at the 1000 m radius scale we found that landscapes with increasing concentrations of buildings and tree canopy over impervious surface resulted in higher *Aedes* captures in light traps. Variation in the response of *Aedes* could be due to a concentration effect at our larger landscape scale, wherein a greater proportion of the urban species pool relies on each individual habitat patch to provide critical resources when fewer sites are available (Veddeler et al. 2006, Sivakoff et al. 2018). A similar pattern has been documented for bees within vacant lots, where abundance was positively correlated with green landscapes locally and built infrastructure at larger landscape scales (Sivakoff et al. 2018).

Finally, temperature and precipitation can significantly influence mosquitoes and WNV prevalence (Chase and Knight 2003; Wang et al. 2010; Paaijmans et al. 2007; Ruiz et al. 2010; Little et al. 2017a). We observed significant annual variability for *Culex* abundances in both trap types, with fewer adults captured in light traps and more captured in gravid traps

**Fig. 4** Adult *Culex* and *Aedes* species collected within Control versus Meadow treatment vacant lots using CO<sub>2</sub>-baited light traps and grass-infused gravid traps in 2015 and 2016. Light-trapped *Aedes* mosquito abundances (a and b) and light-trapped *Culex* mosquito abundances (c and d) from 2015 and 2016 are shown. We found no difference in *Aedes* or *Culex* abundance among our treatments. Gravid *Culex* mosquito abundances from 2015 and 2016 (e and f) are also shown. We also found no difference in gravid *Culex* abundance among our treatments



in 2016. Warmer temperatures have been shown to result in a higher light trap catch of *Culex* mosquitoes (DeGaetano 2005), yet we found a reduced abundance of *Culex* in 2016, when average daily temperatures recorded within Cleveland, OH were three degrees warmer during our sampling period (21.2 versus 24.2 °C in 2015 and 2016, respectively (NOAA 2018)). This counterintuitive finding might be due to precipitation, as drier conditions have been shown to reduce *Culex* catches within light traps (DeGaetano 2005), and precipitation was reduced during our 2016 study period (6.7 versus 11.0 cm of rainfall from June–August) (NOAA 2018). Furthermore, drier conditions may also have resulted in decreased habitat quality, which has been shown to result in greater attraction of females to artificial oviposition sites and a higher concentration of collected mosquitoes within gravid traps (O'Meara et al. 1989).

## Conclusion

Managing urban greenspaces through periodic mowing can be very expensive and destructive to pollinators and other beneficial arthropod communities. However, reducing mowing intensity may also enhance arthropod vector abundances and harm public health. We demonstrated that periodic mowing did not affect adult mosquito abundances in urban vacant land, suggesting that less intensive management does not increase risks of mosquito-borne disease transmission. These findings provide further support for the potential of vacant land as a conservation space. However, additional research should clarify how reduced greenspace mowing influences mosquitoes' larval development and their interactions with potential hosts and predators. Successful greenspace management must balance ecosystem functioning, cities' financial resources, and

residents' opinions (Turo and Gardiner 2019). As urban greenspaces continue to grow in popularity and number, city planners and leaders need to consider how their greenspace designs and management strategies influence disease vectors and avoid unintended ecosystem disservices associated with mosquitoes and human health.

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MOTHER NATURE NETWORK

## 'lazy' lawn mowers are heroes for bees



*Mowing less often can benefit your local bees, a new study finds.*



RUSSELL MCLENDON

March 23, 2018, 12:24 p.m.



Bee abundance was highest in lawns mowed every two weeks, researchers report. (Photo: Irina Kozorog/Shutterstock)

There's no shame in an unmowed lawn. Not only can wild yards and gardens look better than commonly believed, but cutting back on cutting grass can save significant time, energy and money. According to a new study, it could even help save bees.

Led by ecologist Susannah Lerman at the University of Massachusetts Amherst and the U.S. Forest Service, the study examined how homeowners can boost bee habitat with their lawn-care habits. Mowing every other week seems to be the sweet spot.

"We found that backyards can be a surprisingly beneficial habitat for bees," Lerman says in a statement. "Mowing less frequently is practical, economical and a time-saving alternative to replacing lawns or even planting pollinator gardens."

### Flower power



Aside from costing time and money, mowing a lawn may limit its ability to support bees. (Photo: Gyvafoto/Shutterstock)

Why would bees care how often we cut our grass? By mowing every two weeks instead of weekly, we allow more blooming of "weed" flowers like clover and dandelions, thus providing more foraging habitat for local bees. Habitat loss is an increasingly dire problem for many bees and other pollinators, whose ancestral wildflower meadows are increasingly replaced by human development.

Yet because grassy lawns are so widespread in many human-altered landscapes — with roughly 40 million acres across the U.S., for example — their collective influence on bee populations could be huge. That's why Lerman and her colleagues decided to investigate the effects of a "lazy lawn mower" approach, as they call it.

For their study, published in the journal *Biological Conservation*, the researchers recruited 16 homeowners with lawns in Springfield, Massachusetts. They divided the homeowners into three groups, then mowed their lawns at one of three frequencies — every week, every two weeks or every three weeks — for two summers.

Each lawn received five scientific surveys per season, starting with a property-wide count of "yard flowers" (ornamentals unaffected by mowing) and "lawn flowers" (plants like clover and dandelion growing within the grass). The researchers also recorded average grass height for each lawn, as well as bee abundance and biodiversity, to see how the insects responded to different mowing rates.

### Lazy like a fox





A North American orange-bellied bumblebee explores a grassy lawn with dandelions. (Photo: Liga Petersone/Shutterstock)

More than 4,500 individual bees were observed during the study period, representing about 100 different species. This included a motley crew of native bees, the authors point out, from various bumblebees and carpenter bees to leafcutter, mason and sweat bees. The exotic European honeybee (*Apis mellifera*) made lots of appearances, too, but it was often outnumbered by native species.

Yards mowed every three weeks had up to 2.5 times more lawn flowers, the study found, and hosted a greater diversity of bee species. Yet the abundance of bees was highest in lawns mowed every two weeks, which supported 30 percent more bees than lawns mowed at one- or three-week intervals.

It makes sense that weekly mowing was associated with fewer bees, since it limits the availability of lawn flowers. But if a lawn mowed every three weeks has more flowers than a lawn mowed every two weeks, why wouldn't it also have more bees?

The study's authors aren't sure, but they have a theory. The taller grass in lawns mowed every three weeks, they write, "may have prohibited access to the flowers, rendering the floral-abundant lawns less attractive." **In other words, lawns mowed every two weeks offered the bee-friendliest balance of grass height and flowers.**



### Bee the change



Untreated lawns can host a surprising abundance and diversity of bees, researchers say. (Photo: MagicBones/Shutterstock)

It might seem trivial to study the landscaping preferences of bees, but only if you ignore the huge ecological and economic roles they play. Bees of all stripes are vital pollinators of wild plants and agricultural crops, enabling a wide array of foods and resources. That includes managed honeybees — which pollinate plants that provide a quarter of all food eaten in the U.S., accounting for more than \$15 billion in increased crop value per year — but also many less famous wild species.

About 87 percent of all flowering plants rely on pollination by bees or other animals, often pinning their hopes on just a few local species. Yet many important pollinators are now in decline around the world, a crisis that is widely linked to human-related trends like habitat loss, pesticide use, urbanization and invasive species. This has sparked urgent efforts to save bees, butterflies and other pollinators, including campaigns to curb insecticide use or restore swaths of native prairie.



A bumblebee and a monarch butterfly share a liatris plant. (Photo: Edward K. Boggess/U.S. Fish and Wildlife Service)

Big projects like those are important, but the new study also hints at the collective bee-boosting power of individual landowners. According to co-author Joan Milam, an ecologist and bee expert at UMass Amherst, these findings highlight how easy it can be for ordinary people to help bees. "I was amazed at the high level of bee diversity and abundance we documented in these lawns," she says in a university statement, "and it speaks to the value of the untreated lawn to support wildlife."

The "untreated" part is key to that value, adds co-author Alexandra Contosta, a post-doctoral research associate at the University of New Hampshire. "There is evidence that even though lawns are maintained to look uniform," she says, "they may support diverse plant communities and floral resources if the owners refrain from using herbicides to kill 'weeds' such as dandelions and clover."



Lawn flowers like clover, often vilified as weeds, can be valuable food sources for bees. (Photo: Maxim Tupikov/Shutterstock)

While this is promising, the new study does have some limitations, its authors point out, and it's just one piece of a puzzle we're still putting together. "We acknowledge our small sample size and the study's limitation to suburban Massachusetts," says co-author and Arizona State University ecologist Christofer Bang, although he adds "the findings may be applicable in all temperate areas where lawns dominate."

The findings may also help erode the laziness stigma for non-weekly mowers, since the every-two-weeks approach could appeal to people who aren't obsessive about grass height but aren't ready to embrace the no-mow movement, either.

"While I would never 'let my lawn go,'" one of the study participants says, "I can certainly let it get a little higher than my neighbors' lawns and not feel guilty."



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Russell McLendon ( [@russmclendon](#) ) writes about humans and other wildlife.

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## Paula Vandehey

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**From:** Dan Yde <cobbler2940@gmail.com>  
**Sent:** Monday, February 24, 2020 10:48 AM  
**To:** Paula Vandehey  
**Subject:** Parking Meter Changes 600 Block on College Ave

Hi Paula,

Hoping you can help us with changing the 2 parking meters to the East of the handicap stall on the Northside on College. CAW 608 and CAW 610. They are currently 2 hour meters and I'm hoping they can be changed to 30 minute meters to help the problems we are having. Paul at parking has been trying to patrol the area heavier and help with what he can but the problem still exists. Paul had suggested i contact you and change some meters to help and maybe even zone the block so that it becomes 2hr max in the whole block not just per stall. If you can keep us informed as when the next city meeting will be taking place John or Dan will be there to explain our situation to the council.

Thank you for your help looking forward to hearing from you, Appleton Cobbler Shoppe  
Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

## Paula Vandehey

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**From:** webmaster@appleton.org  
**Sent:** Wednesday, February 26, 2020 1:45 PM  
**To:** Paula Vandehey  
**Subject:** Appleton, WI: Contact Us email from website

A new entry to a form/survey has been submitted.

**Form Name:** Contact US- Paula Vandehey  
**Date & Time:** 02/26/2020 2:44 PM  
**Response #:** 1663  
**Submitter ID:** 42804  
**IP address:** 69.28.1.166  
**Time to complete:** 14 min. , 25 sec.

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### Survey Details

#### Page 1

**Email Address:**

juliethornell@yahoo.com

**First Name:**

Julie

**Last Name:**

Thornell

**Address:**

614 W. College Av

*CBD & Wellness*

**City:**

Appleton

#### Comments/Questions:

RE: Parking on 600 w college ave.

Request for a limited time parking meter put in the first two spots behind the handicap space on the north side. But hopefully it will be reinforce. For the last couple days there has been a black bmw park in front of the tattoo place all day with no consequences. And every time I walk pass there is no money in meter. For someday there will be someone getting hit by car. I just watch another older lady that can hardly walk park across street for it is the only space for land lord took the handicap one all day, for he is putting in new carpet. No cars wanted to stop for her, barely made it, for walking to cross walk would of been to much for her.

Google Maps W College Ave



Image capture: Jul 2019 © 2020 Google

Appleton, Wisconsin

Google

Street View



## Ross Buetow

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**From:** Jake Viaene <jake@bardmedia.com>  
**Sent:** Wednesday, February 19, 2020 11:51 AM  
**To:** Ross Buetow  
**Subject:** timelapse camera  
**Attachments:** Screenshot (15).png

Hi Ross,

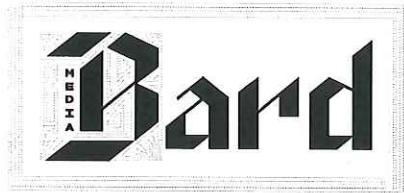
In the attached photo, the taller light post on the right of the picture is where we would like to set up the camera to capture the building across the street at 825 w College Ave. And ideally we would like to run power from that pole as well. It looks like there may be an outlet box higher up the pole?

Let me know what other questions you have for me. They would like the camera to be up and running by the 24th so the sooner we can get this figured out the better.

Thanks a lot for your help!

--

Jake Viaene  
Co-Founder, Bard Media  
[www.bardmedia.com](http://www.bardmedia.com)  
Cell: (920) 850-2396  
Office: (920) 903-9550



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CONCRETE PAVEMENT, DRIVEWAY APRONS, SIDEWALK CONSTRUCTION

RESOLUTION 2-P-20

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2011-2012.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

- Mackville Road (Ballard Rd to Purdy Pkwy)
- Purdy Parkway (Tiburon Ln to Mackville Rd)
- Henry Street (Warner St to Telullah Ave) – sidewalk only
- Prospect Avenue (Sunny Slope Ct to Hillcrest Dr) – sidewalk only

2. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.

3. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:

- a. In cash, or if entered on the Tax Roll;
- b. One installment, if the assessment is \$1000 or less;
- c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the rate of 7.75% per annum on the unpaid balance.

4. The Finance Committee is directed to prepare a report consisting of:

- a. Preliminary plans and specifications for said improvements.
- b. An estimate of the entire cost of the proposed street improvements.
- c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

5. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

S/TIMOTHY M. HANNA (Mayor)

Adopted: March 18, 2020

Attest: Kami L. Lynch (City Clerk)



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

**To:** Municipal Services Committee  
**From:** Michael Hardy, Assistant City Traffic Engineer  
**Date:** February 3, 2020  
**Re:** Parking restriction changes on Capitol Drive near Classical Charter School  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted in spring 2019 by the Principal of Classical Charter School regarding a parking restriction on Capitol Drive, adjacent to the school property. The concern is the existing posted *No Stopping/Standing/Parking* restriction by the small school parking lot driveway east of Durkee Street is too restrictive. The school's preference is to eliminate it to maximize the available curb space for pick-up and drop-off. Since this small lot is used by teachers, the Principal felt the teachers either arrive before drop-off or depart after pick-up, with low probability of conflict. Based on this, our office subsequently instituted a 6-month trial to test the change

Upon review at the end of the trial period, AASD was pleased with the effectiveness of the changes. Additionally, we have received no negative feedback from the neighborhood. As such we recommend making the changes permanent.

**To accomplish this, the following ordinance action is required:**

1. **Create:** "Five-minute loading zone, from 7:30 a.m. to 4:30 p.m. on School Days, on the south side of Capitol Drive from a point 25 feet east of Durkee Street to a point 15 feet west of Mariah Lane."



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**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** February 10, 2020  
**Re:** Parking restriction changes on the 900 block of E. Commercial Street  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted last year by former Alderperson Nagler regarding a possible change to on-street parking restrictions on the north side of Commercial Street, between Rankin Street and Fox Street. After consultation with several property owners on this block, Ms. Nagler asked that we review the existing two-hour parking zone on that block and consider the possibility of removing it.

Based on a review of our files, it appears this zone was originally created in 2000 in response to overflow parking associated with the adjacent Appvion industrial facility and/or other commercial properties in the area. However, the land use in the area has changed enough over the years that the two-hour zone appears to no longer be needed.

As such, a 6-month trial was instituted to test the changes. No feedback was received regarding the changes. As such, we recommend making the changes permanent.

**To accomplish this, the following ordinance action is required:**

1. **Repeal Ord. 6-00:** "Parking be restricted to two hours from 7:00 a.m. to 7:00 p.m., holidays excepted, on the north side of Commercial Street from a point 120 feet east of Rankin Street to Fox Street."



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**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** February 10, 2020  
**Re:** Parking restriction change on Spencer Street, between Story Street & Pierce Avenue  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted by a citizen regarding a parking issue on Spencer Street, between Story Street and Pierce Avenue. The citizen was questioning why parking was prohibited along the entire north side of this block, and whether the restriction could possibly be eliminated.

We believe the parking was initially removed in this area to address issues related to the Pierce Manufacturing building that was situated along the entire north side of the block. Subsequent to the demolition of the building about 10 years ago, the site was redeveloped and replaced with single-family homes, but the restriction was not removed at that time.

Based on our review of the situation, we felt the removal of this restriction would not come with any substantial downside. As such, we instituted a 6-month trial to test the change.

Upon review at the end of the trial period, it was determined the change had adequately addressed the issue. Additionally, we have received no negative feedback regarding this change. As such we recommend making the change permanent.

**To accomplish this, the following ordinance action is required:**

1. **Repeal Ord. 86-74:** "Parking be prohibited at all times on the north side of Spencer Street from the west right-of-way of Pierce Avenue westerly to the east right-of-way of Story Street."



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FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** March 4, 2020  
**Re:** Proposed parking change on W. Packard St (Outagamie St to Badger Av)  
*Follow-Up to Six-Month Trial Period*

In response to a request from Alderperson Christine Williams, the City's Traffic Section assessed the possibility of expanding the existing two-hour zone parking zone in the area of Appleton West High School to include the south side of Packard Street, between Outagamie Street and Badger Avenue. Alderperson Williams had received a number of complaints that students had been parking on both sides of this block on school days.

Property owners on this block were surveyed by mail and, based on the feedback received, two-hour parking restrictions were posted for a 6-month trial period.

This arrangement appears to have had the desired effect, and we have not received any feedback from the community. Based on this, we recommend the changes be made permanent.

**To accomplish this, the following ordinance action is required:**

1. **Create:** "Parking be restricted to two hours from 7:00 a.m. to 4:00 p.m. on School Days on the south side of Packard Street from Outagamie Street to a point 130 feet west of Badger Avenue."
2. **Create:** "Parking be prohibited on Packard Street from Badger Avenue to a point 130 feet west of Badger Avenue."



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FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Michael Hardy, Assistant City Traffic Engineer  
**Date:** March 4, 2020  
**Re:** Parking restriction changes on Durkee St Classical Charter School  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted in summer 2019 by the Appleton School District and Principal of Classical Charter School regarding a parking restriction request on Durkee Street, adjacent to the school property. There was an interest to add a designated area for buses along the east side of Durkee Street, south of the parking lot driveway that is currently used extensively for student drop-off and pick-up. In response to this, our office subsequently instituted a 6-month trial to test the change.

Upon review at the end of the trial period, AASD was pleased with the effectiveness of the changes. Additionally, we have received no negative feedback from the neighborhood. As such we recommend making the changes permanent.

Included in the ordinance action is a revision to an adjacent parking restriction to reflect actual signed conditions.

**To accomplish this, the following ordinance action is required:**

1. **Create:** "Stopping, standing and parking, except for buses, be prohibited from 1:00 p.m. to 3:30 p.m. on school days on the east side of Durkee Street from a point 178 feet south of Capitol Drive to a point 252 feet south of Capitol Drive."
2. **Create:** "Stopping, standing and parking be prohibited from 7:30 a.m. to 4:30 p.m. on school days on the east side of Durkee Street from Capitol Drive to a point 178 feet south of Capitol Drive."



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**To:** Municipal Services Committee  
**From:** Eric Lom, Traffic Engineer  
**Date:** February 10, 2020  
**Re:** Intersection traffic control at the Brewster Street / Durkee Street intersection  
*Follow-Up to Six-Month Trial Period*

As a follow-up to a *Safe Routes to School* evaluation, the Traffic Section recently reviewed the traffic control at the intersection of Brewster Street and Durkee Street, and subsequently initiated a six-month trial period to change from yield control to two-way stop control. This intersection is located two blocks north of Wisconsin Avenue and one block west of Drew Street, immediately adjacent to the Kaleidoscope Academy property (formerly known as Roosevelt Middle School). The land use in this area is mixture of institutional and residential.

In a typical intersection control study, we consider traffic volumes, crash history, safe approach speeds, etc. In this case, the estimated entering volume of this intersection is low to moderate, at approximately 1000 vehicles per day. A review of crash records indicated one crash for the recent five-year period of 2015 through 2019. The critical approach speed for the intersection was found to be approximately 10 mph. However, sight lines are severely impeded during the busy drop-off and pick-up times, primarily due to parked vehicles. Both streets are classified as *local*.

While this intersection does not meet the volume or crash thresholds for stop control, the critical approach speed is below standard, and the unique safety concerns related to the adjacent school suggest that stop control is appropriate. As such, we recommend maintaining the two-way stop control that was implemented for the trial period.

**To accomplish this, the following ordinance action is required:**

1. **Create:** "Install Stop signs on Durkee Street at Brewster Street."





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FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Eric Lom, Traffic Engineer  
**Date:** February 10, 2020  
**Re:** Intersection traffic control at the Marquette Street / Jarchow Street intersection  
*Follow-Up to Six-Month Trial Period*

As a follow-up to a *Safe Routes to School* evaluation, the Traffic Section recently reviewed the traffic control at the “T” intersection of Marquette Street and Jarchow Street, and subsequently initiated a six-month trial period to change from uncontrolled to one-way stop control. This intersection is located two blocks north of Glendale Avenue and two blocks east of Oneida Street, immediately adjacent to Franklin Elementary School. The land use in this area is mixture of institutional and residential.

In a typical intersection control study, we consider traffic volumes, crash history, safe approach speeds, etc. In this case, the estimated entering volume of this intersection is low to moderate, at approximately 1000 vehicles per day. A review of crash records indicated zero crashes for the recent five-year period of 2015 through 2019. The critical approach speed for the intersection was found to be approximately 9 mph. However, sight lines are severely impeded during the busy drop-off and pick-up times, primarily due to parked vehicles. Both streets are classified as *local*.

While this intersection does not meet the volume or crash thresholds for stop control, the critical approach speed is below standard for an uncontrolled intersection, and the unique safety concerns related to the adjacent school suggest that stop control is appropriate. As such, we recommend maintaining the one-way stop control that was implemented for the trial period.

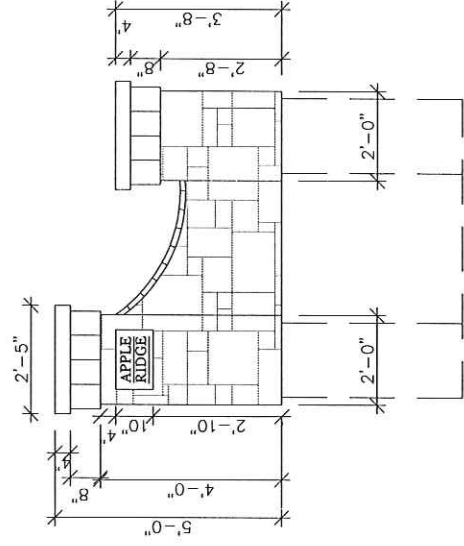
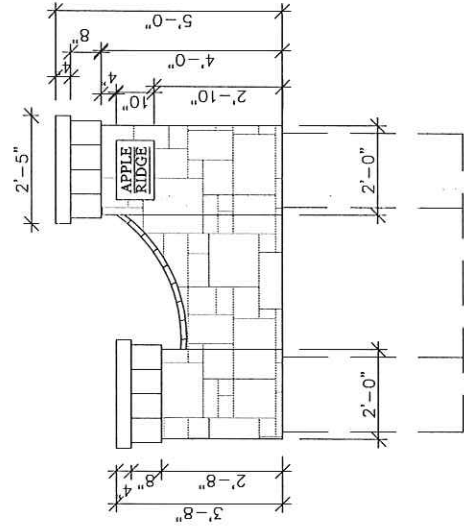
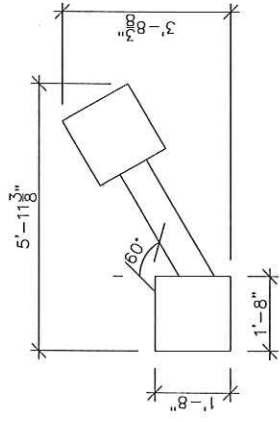
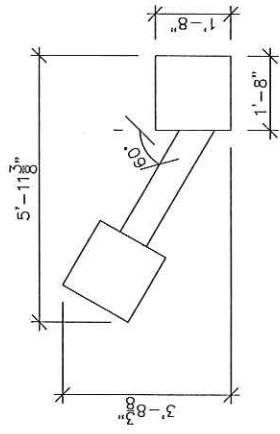
**To accomplish this, the following ordinance action is required:**

1. **Create:** “Install Stop signs on Jarchow Street at Marquette Street.”



# Apple Ridge Entrance Sign Detail

SCALE: 1/4" = 1'-0"





## LEGAL SERVICES DEPARTMENT

### Office of the City Clerk

100 North Appleton Street  
Appleton, WI 54911  
Phone: 920/832-6443  
Fax: 920/832-5823

### MEMORANDUM

March 6, 2020

To: Alderperson Lobner, Chair of Safety & Licensing Committee; Safety & Licensing Committee Members  
From: Kami Lynch, City Clerk

Re: Designating the City Clerk as the Municipal Official Authorized to Issue Operator Licenses

On March 3, 2020 the Governor signed into law 2019 Wisconsin Act 166. This law allows municipalities, by ordinance, to authorize a designated municipal official to issue an operator's license to any applicant who is qualified under s.125.04 (5).

I am requesting that the Safety & Licensing Committee recommend that Council enact an ordinance designating the City Clerk as the municipal official authorized to issue such licenses. Upon passage of this recommendation, an ordinance amending the current municipal code would be brought forth to Common Council and upon passage and publication, operators' licenses could be issued by the City Clerk without Common Council approval. Any licenses recommended for denial would follow the procedures currently in place. The procedures currently in place allow the applicant the opportunity to appeal the recommendation for denial before the Safety & Licensing Committee for its recommendation and action by the Common Council.

Please do not hesitate to contact me if there are any questions.  
Respectfully,



Kami Lynch



APPENDIX A

NOTICE OF INTENT TO APPLY FOR/ACCEPT FUNDS

Department & Grant Administrator Review Checklist:

- X Consistent with overall program goals of the City
- X Discussed local match requirements and/or other budget impacts
- X Discussed and identified personnel to implement objectives of the grant
- X Reviewed time line for implementing grant & identified staff responsible for program & fiscal monitoring
- Date of Review with Grants Administrator: \_\_\_\_\_
- Date approved by Committee of Jurisdiction: \_\_\_\_\_ Date: \_\_\_\_\_
- Date approved by Finance Committee: \_\_\_\_\_

DEPARTMENT: POLICE DEPARTMENT DATE: February 19, 2020

FUNDING SOURCE: Octoberfest

NAME OF GRANT: Autovu 2 Camera System

AMOUNT OF GRANT REQUEST: \$22,902.92 X Monetary Other

IF OTHER, EXPLAIN: \_\_\_\_\_

LOCAL MATCH REQUIREMENTS: None

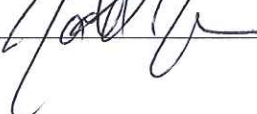
If there are match requirements, what is the source of this match.: X General Funds  
Non General Funds

WILL THE CITY OF APPLETON BE THE ADMINISTRATOR/GRANTEE OF THE FUNDS IF AWARDED? X Yes \_\_\_\_\_ No

HAS THE CITY OF APPLETON RECEIVED THIS GRANT BEFORE? X Yes \_\_\_\_\_ No

PURPOSE OF GRANT: Purchase Autovu 2 Camera System. This camera system will give us the ability to read license plates in a variety of conditions.

ADDITIONAL INFORMATION CAN BE OBTAINED FROM: \_\_\_\_\_

DEPARTMENT HEAD SIGNATURE: 



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

**REQUEST for  
Beer/Liquor License  
Premise Amendment**

<b>FEES ARE NON-REFUNDABLE</b>		Date Recv'd <u>2/18/2020</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>568-0023</u>	

SECTION 1 – LICENSE INFORMATION				
Name of Establishment <u>Sangria's Mexican Grill</u>				
Address of Establishment <u>215 S Memorial Dr Appleton 54911</u>				
Name of Agent <u>Sarah Gregory</u>			Phone Number <u>9209553755</u>	
SECTION 2 – PREMISE AMENDMENT				
Please describe the change in premises: *A drawing/diagram of the proposed area must also be submitted with this application* <u>We close off a couple spots of our parking lot for an annual Cinco de Mayo celebration.</u>				
Is this change Permanent?  <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		If this is temporary please specify the reason for the amendment: <u>annual may 5th celebration.</u>		
Please list the date(s) and time(s) that this temporary premise amendment will be utilized: <u>may 2-5 (11am-10pm) each day</u>				
SECTION 3 – PENALTY NOTICE				
I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council. Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.				
Signature of Applicant: <u>Sarah Gregory</u>				
FOR OFFICE USE ONLY				
Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L	Council	Date Issued	Exp. Date	License Number

Feet

40

30

20

10

NORTH



Total Area for  
Alcohol Consumption  
1926 sq. ft.

10

20

10

ADA Parking

Tent

Tent

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: \_\_\_\_\_ ending: 06/30/2020  
(mm dd yyyy) (mm dd yyyy)

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

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

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

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●●●●●●●●●●●	
FEIN Number ●●●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 100
<input checked="" type="checkbox"/> Class C wine	\$ 100
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60 + 7
<b>TOTAL FEE</b>	<b>\$ 267</b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
MISS BROWNS FINE FOODS II, LLC

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

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Brown</u>	<u>DONNA</u>	<u>HUGH</u>	<u>CORNELL 1020 N. Superior St. Appleton, WI 54911</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name MISS BROWN'S FINE FOODS II Business Phone Number (920) 358-7060  
 2. Address of Premises 400 N. Richmond St. STE G Appleton, WI 54911 Post Office & Zip Code 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)  
Alcohol will be served/sold on the interior and exterior of unit G at 400 N. Richmond St. Alcohol will be stored only in the interior of the same unit.  
Stored in cooler in the kitchen area.

4. Legal description (omit if street address is given above): [scribble]  
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  Yes  No  
 (b) If yes, under what name was license issued? Green Gecko Grocer & Deli



6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** .....  Yes  No  
Completed and passed.
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
**If yes, explain.** N/A
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** .....  Yes  No  
N/A
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 06-15-2017 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** .....  Yes  No  
N/A
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.**  Yes  No  
N/A
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] .....  Yes  No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .....  Yes  No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? .....  Yes  No

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

Contact Person's Name (Last, First, M.I.) <b>BROWN, DONNAHUGH, C.</b>	Title/Member <b>Owner</b>	Date <b>12/23/19</b>
Signature <i>Donnaugh Brown</i>	Phone Number 	Email Address 

**TO BE COMPLETED BY CLERK**

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



# City of Appleton

## Liquor License Questionnaire

1. Name of Applicant: Donnahugh Brown
2. Name of Business: MISS BROWNS FINE FOODS II LLC
3. Address of Business: 400 N. Richmond St. STE G Appleton, WI 54911

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes  No   
 AND/OR been convicted of a felony? Yes  No

If yes to either question, please explain in detail:

- ① 346.63(1)(a)/(b) → operating w/ PAC (2nd)
- ② 346.63(1)(b) → operating w/ PAC (3rd)

5. List all partners, shareholders or investors. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

N/A

First name	Initial	Last name	Date of Birth

6. Name of person/corporation you are buying the premises and equipment from?

Name: Dave Allen  
First name Initial Last name

Address: 400 N. Richmond St.

City, State, Zip: Appleton, WI 54911

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

Green Gecks Grocer & Deli → a deli-style restaurant that served beer & wine.

8. Are alcohol sales an existing use in this building? Yes \_\_\_\_\_ No    
 If no, When did the operation cease? 4 months ago.

9. Are alcohol sales a new use in this building? Yes \_\_\_\_\_ No    
 If yes, please contact the Community Development Department at 832-6468 to obtain a Special Use Permit.

10. Is your primary business restaurant? Yes  No \_\_\_\_\_

11. Seating capacity: Inside 50 Outside 20

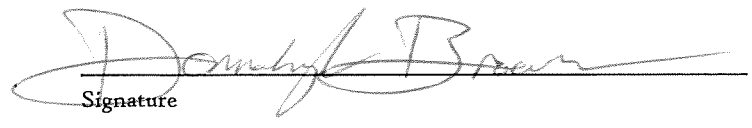
12. Operating hours: Mon-Thur 11am - 8pm ; Fri & Sat. 11am - 10pm

13. Number of floor personnel 3 Number of door checkers 2

14. In general, state the size, design and type of the proposed establishment and the operational details.

Roughly 1,950 sq. feet of indoor floor space is leased by  
Miss Brown's Fine Foods II LLC, from Mr. Management at 400 N. Richmond  
St. STE G Appleton, WI 54911 with an outdoor patio area for  
service. The establishments primary focus is a restaurant

02/22/2020  
Date

  
Signature

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

## SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Miss Brown's Fine Foods II LLC  
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

located at 400 N. Richmond St. STE G, Appleton, WI 54911  
(trade name)

appoints DonnaHugh Brown  
(name of appointed agent)

1020 N. Superior St. Appleton WI 54911  
(home address of appointed agent)

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

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

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 3 years

Place of residence last year 1020 N. Superior St. Appleton, WI 54911

For: Miss Brown's Fine Foods II LLC  
(name of corporation/organization/limited liability company)

By: DonnaHugh Brown  
(signature of Officer/Member/Manager)

And: \_\_\_\_\_  
(signature of Officer/Member/Manager)

### ACCEPTANCE BY AGENT

I, DONNAHUGH BROWN, hereby accept this appointment as agent for the  
(print type agent's name)

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

DonnaHugh Brown 02/22/2020  
(signature of agent) (date)

Agent's age 33

1020 N. Superior St. Appleton WI 54911  
(home address of agent)

Date of birth 02/22/1987

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

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

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
(date) (signature of proper local official) (town chair, village president, police chief)

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: \_\_\_\_\_ ending: 06-30-2020  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the:  Town of } Appleton  
 Village of }  
 City of }  
 County of Outagamie Aldermanic Dist. No. \_\_\_\_\_  
 (if required by ordinance)

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

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

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
ASIAN THAI 2 INC

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

President / Member Last Name <u>Zhang</u>	(First) <u>RONG</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>3709 S. Hampton Ct Appleton, WI 54915</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

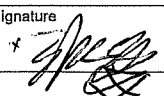
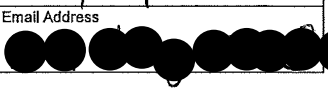
1. Trade Name ASIAN THAI 2 INC Business Phone Number 920-734-6888  
 2. Address of Premises 201 W. Northland Ave Post Office & Zip Code Appleton / 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)  
In the building - Dining Area.  
(OFFICE AND STORAGE ROOM)  
RESTAURANT 3000 SQ. FT.

4. Legal description (omit if street address is given above): \_\_\_\_\_  
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? .....  Yes  No  
 (b) If yes, under what name was license issued? Xue Chun Liu

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** .....  Yes  No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
**If yes, explain.**
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** .....  Yes  No
9. (a) **Corporate/limited liability company applicants only:** Insert state OH and date 2-20-2020 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** .....  Yes  No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.**  Yes  No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] .....  Yes  No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .....  Yes  No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? .....  Yes  No

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

Contact Person's Name (Last, First, M.I.) <u>Rong Zhang</u>	Title/Member <u>owner</u>	Date <u>2/28/2020</u>
Signature 	Phone Number <u>920-757-3777</u>	Email Address 

**TO BE COMPLETED BY CLERK**

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



# City of Appleton

## Liquor License Questionnaire

1. Name of Applicant: RONG ZHANG

2. Name of Business: ASIAN THAI 2 INC

3. Address of Business: 201 W. Northland Ave, Appleton, WI  
54911

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes \_\_\_\_\_ No

AND/OR been convicted of a felony? Yes \_\_\_\_\_ No

If yes to either question, please explain in detail: \_\_\_\_\_

5. List all partners, shareholders or investors. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

First name	Initial	Last name	Date of Birth

6. Name of person/corporation you are buying the premises and equipment from?

Name: Xue Chun Liu

Address: 201 W. Northland Ave

City, State, Zip: Appleton, WI 54911

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

Asian Thai of Appleton Inc / chinese And  
Thai food - restaurant.

8. Are alcohol sales an existing use in this building? Yes  No   
If no, When did the operation cease? \_\_\_\_\_ months ago.

9. Are alcohol sales a new use in this building? Yes  No   
If yes, please contact the Community Development Department at 832-6468 to obtain a Special Use Permit.

10. Is your primary business restaurant? Yes  No

11. Seating capacity: Inside 79 people Outside 0


12. Operating hours: 11<sup>00</sup> AM TO 9<sup>00</sup> PM

13. Number of floor personnel 2 Number of door checkers 2

14. In general, state the size, design and type of the proposed establishment and the operational details.

Restaurant 3000 SQ FT.  
Office And storage room .

2/28/2020  
Date

  
Signature

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



**SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY**

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Asian Thai 2 Inc  
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Asian Thai

located at 201 W. Northland Ave, (trade name) Appleton, WI 54911

appoints Rong Zhang, (name of appointed agent)  
3709 S. Hampton Ct, (home address of appointed agent) Appleton WI 54915

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

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

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 1 yrs.

Place of residence last year 3709 S. Hampton Ct, Appleton WI 54915

For: Asian Thai 2 Inc  
(name of corporation/organization/limited liability company)

By: [Signature]  
(signature of Officer/Member/Manager)

And: \_\_\_\_\_  
(signature of Officer/Member/Manager)

**ACCEPTANCE BY AGENT**

I, Rong Zhang, (print/type agent's name), hereby accept this appointment as agent for the

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

[Signature], (signature of agent) 2/28/2020, (date) Agent's age 49  
3709 S. Hampton Ct, Appleton, WI 54915, (home address of agent) Date of birth [Blacked out]

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

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

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
(date) (signature of proper local official) (town chair, village president, police chief)

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: \_\_\_\_\_ ending: 06-30-2020  
(mm dd yyyy) (mm dd yyyy)

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

County of OUTA GAWIE Aldermanic Dist. No. \_\_\_\_\_  
(if required by ordinance)

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

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

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
BILBAUM GREEN BAY LLC.

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

President / Member Last Name <u>VAN ABEL</u>	(First) <u>PATRICK</u>	(Middle Name) <u>LEE</u>	Home Address (Street, City or Post Office, & Zip Code) <u>W2823 OAKRIDGE DR. APPLETON 54915</u>
Vice President / Member Last Name <u>VAN ABEL</u>	(First) <u>JOSEPH</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>W5871 SWEET PEA DR. APPLETON 54915</u>
Secretary / Member Last Name <u>BRUECKER</u>	(First) <u>TIM</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name APPLETON AXE Business Phone Number 920 428-4878  
 2. Address of Premises 1400 W. COLLEGE AVE Post Office & Zip Code 54914

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) BEER  
ALL ALCOHOL WILL BE SOLD FROM RECEPTION COUNTER WITHIN OUR SUITE. WE ARE PLANNING ON TAILING THE WESTERN PART OF THE FORMER BARSTON DIRECT SPACE. THE STORAGE SPACE WILL BE KEPT IN A ROOM IN NORTHWEST CORNER OF THE SUITE

4. Legal description (omit if street address is given above): \_\_\_\_\_  
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? .....  Yes  No  
 (b) If yes, under what name was license issued? \_\_\_\_\_

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** .....  Yes  No  
I HAVE MY SAFE SERVE CERTIFICATE ALREADY

7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
**If yes, explain.**

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** .....  Yes  No

9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 2/24/20 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** .....  Yes  No



(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.**  Yes  No  
BREAKOUT GREEN BAY LLC, - VILLAGE OF ASHWAUBENON

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] .....  Yes  No

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .....  Yes  No

12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? .....  Yes  No

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

Contact Person's Name (Last, First, M.I.) <u>Van ABER, Patrick L</u>	Title/Member <u>MEMBER</u>	Date <u>2.27.20</u>
Signature <u>Patrick L. Aabel</u>	Phone Number 	Email Address 

**TO BE COMPLETED BY CLERK**

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



8. Are alcohol sales an existing use in this building? Yes \_\_\_\_\_ No   
If no, When did the operation cease? \_\_\_\_\_ months ago.

9. Are alcohol sales a new use in this building? Yes  No \_\_\_\_\_  
If yes, please contact the Community Development Department at 832-6468 to obtain a Special Use Permit.

10. Is your primary business restaurant? Yes \_\_\_\_\_ No

11. Seating capacity: Inside 80 Outside \_\_\_\_\_

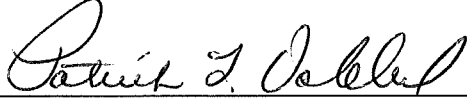
12. Operating hours: T, W, R, F, S, Su - 11AM TO 11PM

13. Number of floor personnel 3 Number of door checkers \_\_\_\_\_

14. In general, state the size, design and type of the proposed establishment and the operational details.

THE SPACE IS BEING PROPOSED FOR 3,500 SF.  
WE WILL BE AXE THROWING FACILITY WHICH OFFERS <sup>LOCAL</sup> BEER,  
SODA & WATER. ALL BEVERAGES WILL BE SOLD IN CAN OR  
BOTTLE FORMAT.

2-26-20  
Date

  
Signature

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

Operator Licenses S&L 3/11/2020

1. Megan Baran 4729 W Periwinkle Ct
2. Rachel Becker 715 Ravenwood Ct, Neenah
3. Katherine Charles 536 N Union St
4. Cole Clark W2068 Plainview Rd, Seymour
5. Clint DeKeyser 2909 N French Rd, Grand Chute
6. Holly Delchambre 415 Arthur Ct, Kimberly
7. Kimberly Eastman 37 Solar Circle
8. Janet Espey 2355 W Pershing St
9. Tanya Harpek 325 E Randall St
10. Karissa Heuer 327 S Walnut St
11. Matthew Jaggard 1675 Glenway Dr, Oshkosh
12. Mysti Johnson 2721 N Bennett St
13. Andrea Jury 472 Rainbow Beach Rd, Neenah
14. Elyse Lemke 221 Park St, Kaukauna
15. Skye Mager 205 Main St, Wrightstown
16. Laura Martinez 313 S Outagamie St
17. Emma Neuman 865 Jefferson St, Menasha
18. Lindsey Nolan 419 E Atlantic St
19. Conner Nye 5384 N Amethyst Dr
20. Rachel Pfister 206 Wright Ave, Neenah
21. Vanessa Ploederl N9081 Kernan Ave, Menasha
22. Jacob Royer 1114 W Packard St
23. Brandon Sandoval 1621 Harrison St, Neenah
24. Austin Schwartz 410 Schlinder Pl AptB, Menasha
25. Justin White 318 E 20<sup>th</sup> St, Kaukauna
26. Nathan Williams 5625 SW California St, Portland, OR 97219
27. Dena Wyngaard 911 Lawe St Kaukauna



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Public Hearing Date:** February 25, 2020

**Common Council Public Hearing Date:** March 18, 2020

**Item:** Zoning Text Amendments – Chapter 23 of the Municipal Code:

Article II Definitions: Sections 23-21 and 23-22

Article III General Provisions: Sections 23-35, 23-42, 23-44, and 23-50

Article IV Administration: Sections 23-63, 23-65, 23-66, and 23-67

Article V Residential Districts: Sections 23-91, 23-92, 23-93, 23-94, 23-95, and 23-96

Article VI Commercial Districts: Sections 23-112, 23-113, and 23-114

Article VII Industrial Districts: Sections 23-131 and 23-132

Article IX Off-Street Parking and Loading: Section 23-172

Article XIII Wireless Telecommunications Facilities: Section 23-422

Article XV Site Plan Review and Approval: Section 23-570

Article XVI. Landscaping and Screening: Section 23-601

**Case Managers:** Don Harp, David Kress, and Jessica Titel

### PURPOSE OF THE 2020 TEXT AMENDMENT BUNDLE

1. Draft amendments in response to relevant Wisconsin State Statute Revisions to be consistent with the changes to Wisconsin's Local Land Use Enabling Laws.
2. Amend and create definition terms for consistent administration of the Zoning Ordinance.
3. Continue to improve usability and organization of the ordinance.
4. Further implement adopted goals and policies of the Comprehensive Plan listed below.

### BACKGROUND

At the February 11, 2020 Plan Commission meeting, staff presented the proposed Zoning Ordinance text amendments to the Commission for review and discussion. At the conclusion of the presentation, the Plan Commission directed staff to schedule an Informal Public Hearing at the February 25, 2020 Plan Commission meeting.

Staff made a minor change to Section 23-66(c)(1) electronic filing application requirements for Special Use Permits as suggested by the Plan Commission.

On March 15, 2017, the Common Council adopted a 5-year update to the City of Appleton *Comprehensive Plan 2010-2030*. The Comprehensive Plan includes several recommendations on potential changes to the City's Zoning Ordinance. Listed below are related excerpts from the *Comprehensive Plan 2010-2030*. In order to align with these recommendations, Community and Economic Development Department staff has prepared draft amendments to various sections of the Zoning Ordinance.

*Goal 3 – Housing Quality, Variety, and Affordability*

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

*OBJECTIVE 5.3 Housing and Neighborhoods:*

*Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.*

*OBJECTIVE 6.7 Transportation:*

*Maintain a balanced parking program which provides an adequate supply of parking without undermining economic development and neighborhood development efforts.*

*Policy 6.7.2 Review and revise as needed the minimum and maximum parking ratios by type of land use as found in the Zoning Ordinance.*

*Policy 6.7.3 Consider amending commercial district parking requirements in the Zoning Ordinance to encourage redevelopment in older commercial corridors such as Wisconsin Avenue, Richmond Street, and South Oneida Street.*

*OBJECTIVE 10.3 Land Use:*

*Support future changes to zoning and other regulatory tools which are necessary to achieve the type of urban form and development reflective of smart growth principles, including support for “complete” neighborhoods (neighborhoods where residents can meet the majority of their daily needs on foot and by bicycle) throughout the City and in growth areas.*

*Policy 10.3.1 Revise existing zoning districts or establish new districts that permit and regulate the uses intended for mixed use areas including but not limited to the central business district, Richmond Street, Wisconsin Avenue, South Oneida Street, and the industrial flats.*

*Policy 10.3.2 Amend the Zoning Ordinance to address parking and dimensional standards to provide added flexibility to redevelop commercial property in the Wisconsin Avenue, Richmond Street, and South Oneida Street corridors.*

*Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:*

*Strategy 3.4 – Evaluate the need to amend the Zoning Code and other tools to facilitate redevelopment in mixed use areas bordering the downtown Central Business District. A majority of the proposed mixed-use areas shown in the updated Future Land Use Map are zoned either CBD Central Business District or C-2 General Commercial District. The CBD district allows for full lot coverage, with no open space and no parking required, and permits building heights up to 200 feet. The C-2 district, on the other hand, establishes a less urban feel than may be desired in these areas, and requires substantial parking which may be difficult to provide on small sites.*



Staff offers the following proposed text amendments. The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight regarding that specific amendment/change.

**Sec. 23-21. Purpose.**

The following words and terms, wherever they occur in this chapter, shall be construed as herein defined. Words not defined in this zoning ordinance shall be interpreted in accordance with definitions in Municipal Code of the City of Appleton, *The New Illustrated Book of Development Definitions* by Harvey S. Moskowitz, the Wisconsin State Statutes, State Building Code or Uniform Dwelling Code. If a word or term is not defined as identified by the protocol above, it shall have the meaning set forth in the latest edition of Webster's New World College Dictionary.

*Comments: Clarify, expand, and add definition terms to be consistent with Wisconsin State Statutes and industry practices.*

**Sec. 23-22. Words and terms defined.**

**Brewery** means a use which manufactures, bottles and packages a total of more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year on premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.

**Craft-Distillery** means a use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of "whiskey", "brandy", "gin", "rum", "spirits", "cordials" or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

**Development regulations** means the parts of a zoning ordinance that applies to elements including but not limited to parking, loading and unloading, building and structure height, lot coverage, design and yard setback requirements.

**Distillery** means a use which manufactures, bottles and packages a total of more than 100,000 proof gallons of intoxicating liquor under the name of "whiskey", "brandy", "gin", "rum", "spirits", "cordials" or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

**Dwelling, multi-family** means a residential building or portion thereof containing ~~more than~~ three (3) or more dwelling units, ~~or a building designed for occupancy by more than two (2) families.~~

**Dwelling, single family detached** means a residential building containing one (1) dwelling unit that is entirely surrounded by open space on the same lot. Typically referred to as a single-family home.

**Dwelling, two-family (or duplex)** means a residential building containing two (2) dwelling units. The dwelling units are attached and may be located on separate floors or side-by-side.

**Dwelling, two-family zero lot line** means two (2) single-family dwellings, attached by a common wall, each being on separate lots (a side-by-side duplex with each unit typically under separate ownership).

**Microbrewery** means use at which beer, fermented on the premises, is bottled and sold and where food may or may not be sold for eat in or carry out. The volume of production of such facility may not exceed one hundred thousand (100,000) gallons a year.

**Microbrewery/Brewpub** means a use which manufactures, bottles and packages a total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year and may or may not operate restaurant on the premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.

~~**Nonconforming building or structure** means any building or structure which was lawfully, existing under zoning ordinances preceding the effective date of this chapter or any subsequent amendments to this chapter, which do not comply with applicable regulations of this chapter.~~

**Nonconforming building or structure** means a dwelling, building or structure that existed lawfully before the current zoning ordinance was enacted, but does not conform with one or more of the development regulations in the current zoning ordinance.

~~**Nonconforming use** means a use which lawfully, occupied a lot building or structure under zoning ordinances preceding the effective date of this chapter or any subsequent amendments to this chapter, which does not comply with use regulations of the zoning district in which it is located.~~

**Nonconforming use** means a use of land, a dwelling, a building or a structure that existed before the current zoning ordinance was enacted or amended, but does not conform with the use restrictions in the current ordinance.

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

**Painting/Craft Studio without alcohol sales** means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and non-alcoholic beverages for consumption while they paint and/or make crafts.

**Proof** means the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percentage of ethyl alcohol by volume.

**Proof gallon** means a gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof. Proof is a method of measuring the alcohol content of spirits (intoxicating liquor). You calculate the proof of a spirits product by multiplying the percent of alcohol by volume by two (2). For example, a spirits (intoxicating liquor) product that has a 40% alcohol content by volume is 80 proof [40 multiplied by 2 = 80]. Converting U.S. gallons into proof gallons:

1. Multiply U.S. gallons by the percent of alcohol by volume.
2. Multiply by 2.
3. Divide by 100.

Sample calculation:

1. 100 U.S. gallons x 40% alcohol by volume=4000
2. 4000 x 2=8000
3. 8000/100= 80 proof gallons

**Restoration** means a construction process of repairing or renovating all or a portion of an existing building and/or structure, so as to restore it to its former or original appearance or condition.

**Replacement** means a construction process of completely removing all or a portion of an existing building and/or structure, so as to replace it with a new building or structure.

Tasting room means a use offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.

*Use, special* means a use that is permitted in a zoning district only if a special use permit is expressly authorized by the Common Council in accordance with the provisions in this zoning ordinance, but does not include a variance.

Winery means a use which manufactures, bottles and packages wine on premises including storage and distribution of wine that have been manufactured on the premises. The establishment shall hold the required liquor license issued by the state and/or city if, in addition to offering for sale fermented malt beverages manufactured on the premises, it also offers for sale fermented malt beverages and other alcohol manufactured by other producers other than the establishment.

*Comments: Adding this provision is intended to clarify that all previously-approved special use permits remain in full effect under the terms of its original approval.*

**Sec. 23-35. Transition rules.**

This section addresses the applicability of new substantive standards enacted by this ordinance to activities, actions, and other matters that are pending or occurring as of the effective date of this ordinance.

(f) Previously Approved Special Use Permits. All special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter shall remain in full force and effect under the terms and conditions of the special use permit approval. Any expansions or change of use of a previously approved special use permit may require compliance with the nonconforming building, structure, use and lot and/or special use permit provisions of this chapter.

*Comments: As a result of 2015 Wisconsin Act 223 which amended Section 62.23(7)(hc)1. (intro.) of the Statutes, cities cannot prohibit the replacement of a nonconforming structure if the structure will be replaced at the size, location, and use that it had immediately before the damage or destruction occurred.*

*Create subsections and language to be consistent with State States Section 62.23(7)(ham). 2013 Wisconsin Act 347 added protections for licensed manufactured home communities. The Wisconsin State Statute provided that a legal nonconforming use continues to be a legal nonconforming use despite the repair or replacement of homes or infrastructure within the community. There is no limit on the value of the repair or replacement which may be undertaken. Chapter 11 of the Municipal Code includes definitions for manufactured and mobile home community, manufactured home and mobile home.*

**Sec. 23-42. Nonconforming buildings, structures, uses and lots.**

(b) *Continuance of nonconforming principal or accessory buildings or structures.* A nonconforming principal or accessory building or structure existing on the effective date of this chapter or subsequent amendments to this chapter may continue to exist. However, said nonconforming principal or accessory building or structure shall be subject to the following requirements:

(5) ***Restoration or replacement of certain nonconforming principal or accessory buildings or structures.***

- a. A nonconforming principal or accessory building or structure may be restored, replaced or repaired to the size, location and use that it had immediately before damage or destruction occurred, and without regard to the cost of such restoration, replacement, repairs or improvements if both of the following apply:
  - 1. The nonconforming principal or accessory building or structure was damaged or destroyed on or after March 2, 2006.

2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(g) **Special provisions for manufactured home communities.** A manufactured home community licensed under Section 101.935, Wis. Stats., that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

(1) Repair or replacement of any manufactured homes.

(2) Repair or replacement of infrastructure.

(h) **Special provisions for mobile home and manufactured homes not in a mobile home park.** A mobile home or a manufactured home not located in a mobile home park is considered a nonconforming use and must comply with Section 11-4 of the Municipal Code of the City of Appleton.

*Comments: At the request of the Inspections Division, changes are proposed related to fences. One change would allow contractors to install fence sections (between posts) with a slight offset from the ground, while maintaining typical dimensions. The other changes clarify fence height regulations and include provisions for corner and double frontage lots on arterial/collector streets, which have been the subject of many previous variance requests.*

#### **Sec. 23-44. Fences and walls.**

(a) **Fences and walls.** Fences and walls are subject to the provisions of this section.

(1) **Height.** The height of fences and walls shall be measured at grade, except as follows. Height may be measured two (2) inches above grade to allow for proper drainage and prevent rot of materials, when deemed appropriate by the Inspections Supervisor or designee. Berms may not be used to increase grade directly under a fence, unless otherwise stated in this chapter. Posts and post caps may project a maximum of four (4) inches above required fence height.

a. **Boundary fence.** A boundary fence or wall shall not be more than six (6) feet in height in residential districts and not more than twelve (12) feet in commercial and industrial districts, except that hedges may be permitted to grow to their natural height. No boundary fence or wall, including a hedge or row planting, shall be permitted in excess of three (3) feet in height between the front yard setback line and the abutting lot lines, unless otherwise stated in this chapter.

b. **Sound barrier/privacy fence or wall on an arterial/collector roadway.** A sound barrier/privacy fence or wall ~~constructed in a board to board or stone, masonry or brick and mortar style~~ may be erected on a residential property, that prevents sound penetration and decreases the noise levels along the access-restricted back or side lot line of a residential property abutting an arterial or collector street. It that has access restrictions and that is posted at no more than forty five (45) miles per hour, shall not exceed eight (8) feet in height for double frontage lots and not exceed six (6) feet for corner lots, except in the vision corner.

c. **Sound barrier fence or wall on a freeway roadway.** A sound barrier fence, wall, or combination of fence and berm or wall and berm ~~constructed in a board to board or stone, masonry or brick and mortar style~~ may be erected that prevents sound penetration and decreases the noise levels along the back or side yard abutting a freeway. It highway that is posted with a speed greater than forty five (45) miles per hour shall not be less than fourteen (14) feet nor more than twenty (20) feet in height, as measured from the grade of the adjacent freeway major roadway. Plans from a state certified engineer/architect that assure structural integrity may be required by the Community and Economic Development Director for fences higher than eight (8) feet

(2) **Materials.**

- a. Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited except in the AG agricultural, M-1 and M-2 industrial districts.
- b. For all zoning districts other than AG, fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Community and Economic Development Director. Chain link fence slats are subject to provisions of this ordinance.
- c. Fences and walls located in the front yard must be made of materials such as wood, brick, vinyl, wrought iron, or stone. Galvanized chain link material is prohibited in the front yard.
- d. The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.
- e. Fences used for screening purposes for non-residential uses shall be subject to Crime Prevention Through Environmental Design (CPTED) standards. CPTED standards are reviewed and are available through the Appleton Police Department.

(3) **Exceptions.**

Protective security and boundary fences on industrial sites, publicly owned lands or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions of this section, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven (7) feet above the ground level, and except such fences shall be a minimum of two-thirds (2/3) open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.

- (4) **Setback.** No fence shall extend closer than five (5) feet from the right-of-way line of an improved public alley.
- (5) **Vision corner.** Fences and walls shall comply with vision corner requirements of §23-50~~(f)~~(g), Vision corner.
- (6) **Maintenance.** Both the fence and the property surrounding both sides of the fence shall be properly maintained at all times.

*Comments: Specifications were added to this section pertaining to the vision corner at private driveways in order to be consistent with the figure within this section. A revised figure was also created to better illustrate the vision corner measurements. The vision corner at private driveways is an important safety consideration for pedestrians using the sidewalks.*

**Sec. 23-50. Dimensional exceptions and modifications.**

(g) **Vision corner.** Vegetation or structures on private property (as per requirements of City Traffic Code, Chapter 19):

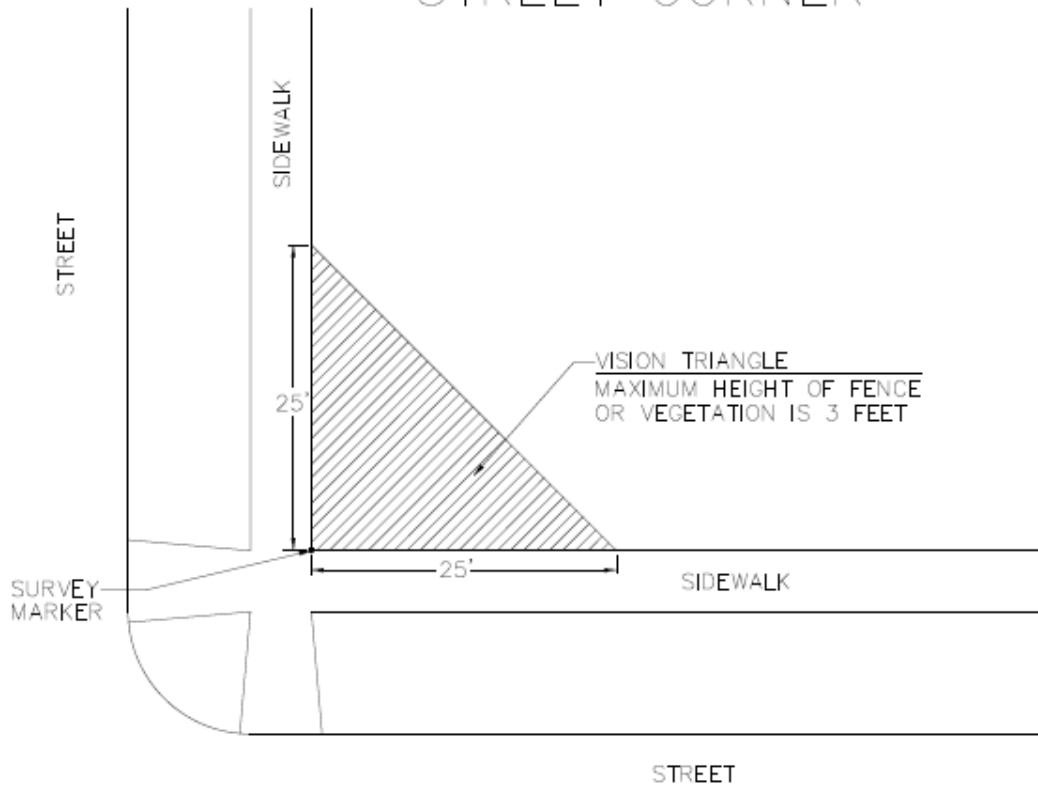
- (1) **Street Corner.** No owner or occupant of any property abutting a public street shall permit any trees, shrubs, bushes, weeds, signs, structures, walls or fences on his property to be so placed and maintained as to obstruct the vision of a user of the street at its intersection with another street or public thoroughfare. There shall be a vision corner on all corner lots located in zoning districts that require a minimum twenty (20) foot setback from street property lines. The vision corner is described as the triangular area enclosed by a straight line connecting a point on each street right-of-way line, which point is twenty-five (25) feet from the intersection of the right-of-way lines. Fences, walls, signs or structures erected in such vision corners shall not exceed three (3) feet in height. ~~The fence, wall, sign or structure shall be a minimum of two thirds (2/3) open to vision, equally distributed throughout the fence length and height located within the defined vision corner.~~ Plantings in such vision corners shall be maintained in such a fashion as to provide unobstructed vision from three (3) feet above the adjacent

property line elevation-centerline elevation of the abutting pavement to ten (10) feet above the adjacent property line-centerline elevation.

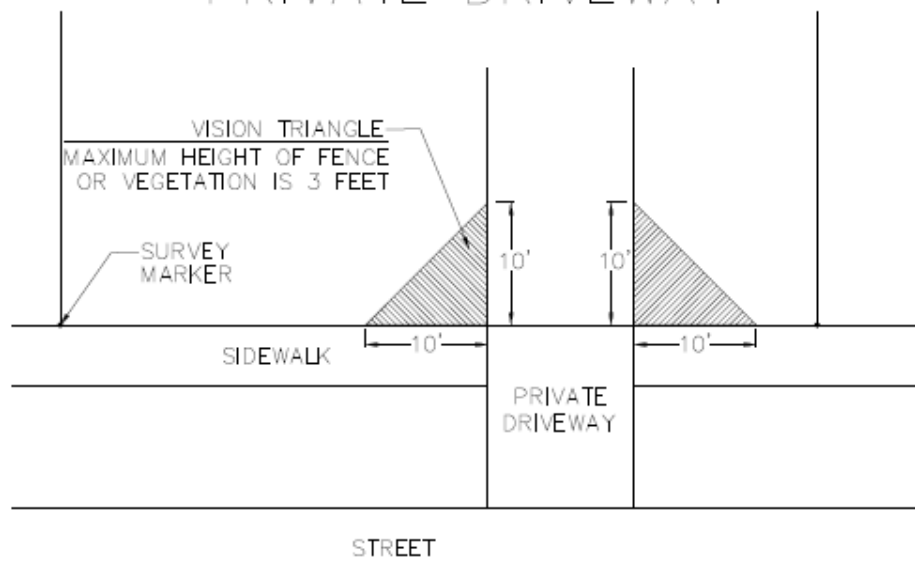
(2) Private Driveway. No owner or occupant of any property abutting a public street shall permit any trees, shrubs, bushes, weeds, signs, structures, walls or fences on his property to be so placed and maintained as to obstruct the vision of a user of the driveway, street, or public thoroughfare. There shall be vision triangles on all driveways located in zoning districts that require a minimum ten (10) foot setback from street property lines. The vision corner is described as the triangular area enclosed by a straight line connecting the point ten (10) feet from the intersection of the street-right-of-way and private driveway. Fences, walls, signs or structures erected in such vision corners shall not exceed three (3) feet in height. Plantings in such vision corners shall be maintained in such a fashion as to provide unobstructed vision from three (3) feet above the adjacent property line elevation to ten (10) feet above the adjacent property line elevation.

~~(2)~~(3) The provisions above also apply to those corner lots located in zoning districts that require a ten (10) foot setback from street property lines, except in those cases the vision corner is described as the triangular area enclosed by a straight line connecting a point on each street right-of-way line, which point is twenty (20) feet from the intersection of the street right-of-way.

# VISION TRIANGLE AT STREET CORNER



# VISION TRIANGLE AT PRIVATE DRIVEWAY



*Comments: The proposed language to be deleted is intended to be consistent with the proposed amendments found in Section 23-67 Variances of Zoning Ordinance.*

**Sec. 23-63. Board of Appeals.**

(b) **Powers and duties.** There is created a Board of Appeals with the powers and duties and qualifications as set forth in this chapter and in Wisconsin Statutes §62.23. Such powers and duties ~~generally~~ include:

- (2) To hear and decide upon applications for variances from the requirements of this chapter. ~~as will not be contrary to the public interest, where, owing to the special conditions of the property, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.~~

*Comments: Section 8 of 2017 Wisconsin Act 243 repealed Section 62.23(7)(d)2m.a. of the Wisconsin Statutes effective January 1, 2019 (applicable to cities, villages, and towns exercising zoning under village powers). This is the section of the Statutes that required a three-fourths approval vote of the governing body in the case of neighboring property owners who filed a petition protesting a rezoning. Chapter 23 zoning ordinance has language that references the protest petition option pursuant to Wisconsin Statutes, therefore the language is recommended to be deleted.*

**Sec. 23-65. Zoning amendments.**

(d) **Map amendments.**

- (7) **Action by Common Council.** Within forty-five (45) days of the public hearing, the Common Council shall either approve or deny the petition unless the applicant requests an extension. If Council action is to approve the change, it shall further act to formally amend the Official Zoning Map by adopting an ordinance. In the case where the Plan Commission, excluding the chairman, unanimously denies the change, ~~or in the case where a valid remonstrance as defined in Wisconsin Statutes §62.23(7)(d) is filed prior to the public hearing,~~ a three-fourths (¾) vote of the members of the Common Council is required for approval of the amendment to this chapter.

*Comments: Wisconsin Act 67 was enacted on November 27, 2017. It amended the statutes pertaining to the way conditional uses (special uses) are regulated. These changes were in response to the Wisconsin Supreme Court's decision in All Energy Corp. v. Trempealeau County Environment & Land Use Committee 2017 WI 52 (May 31, 2017).*

*Previously, cities had broad authority to review conditional uses or special uses and determine whether to issue a permit. The Wisconsin Statute provides that "if an applicant for a conditional use permit (special use permit) meets or agrees to meet all the requirements and conditions specified in the zoning ordinance or imposed by the zoning board (Plan Commission), the city shall grant the conditional use permit (special use permit)."*

*The new law adds the following definition of "conditional use" to the Statutes: "'Conditional use' means a use allowed under a conditional use permit, special exception, or other zoning permission issued by a [city, village, town, county] but does not include a variance." Act 67 also includes the following definition of "substantial evidence," a term used in several places in the Act: "'Substantial evidence' means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion." This language softens the language of earlier versions of the bill that stated substantial evidence did not include "public comment that is based solely on personal opinion, uncorroborated hearsay, or speculation."*



*Public comment that provides reasonable facts and information related to the conditions of the permit is accepted under Act 67 as evidence.*

*Act 67 also provides that the conditions imposed “must be related to the purpose of the ordinance and be based on substantial evidence” and “must be reasonable and to the extent practicable, measurable” This new statutory language emphasizes the importance of having clear purpose statements in the zoning ordinance. In addition, since local comprehensive plans can help articulate the purpose of ordinances that implement the plan, local governments should consider including a requirement that the proposed conditional use furthers and does not conflict with the local comprehensive plan.*

*Act 67 states that permits “may include conditions such as the permit’s duration, transfer, or renewal.” In the past, sometimes there was confusion about whether local governments had the authority to place a time limit on the duration of a conditional use permit. This new statutory language clarifies that local governments have that authority.*

*Next, Act 67 provides that the applicant must present substantial evidence “that the application and all requirements and conditions established by the [city, village, town, county] relating to the conditional use are or shall be satisfied.” The city, village, town or county’s “decision to approve or deny the permit must be supported by substantial evidence.”*

*Under the new law, a local government must hold a public hearing on a conditional use permit application, following publication of a class 2 notice. If a local government denies an application for a conditional use, the applicant may appeal the decision to circuit court. The conditional use permit can be revoked if the applicant does not follow the conditions imposed in the permit.*

*Tasting Rooms are places that offer beer, wine, or liquor for consumption on the premises that was manufactured or rectified on the premises or at an off-site location associated with the Tasting Room. Under state law, as long as these establishments sell only the beer, wine, or liquor that they manufacture or rectify, they do not require a class A or B liquor license and, therefore, do not have regulatory oversight by the City like other similar alcohol and beverage uses. They are licensed by the Wisconsin Department of Revenue. Accordingly, this ordinance adds Tasting Room as a use and makes it a special use in the Agricultural, Neighborhood Commercial, General Commercial, Central Business and Industrial Districts. As a special use, the city will be able to exercise regulatory oversight similar to that provided to traditional licensed establishments.*

#### **Sec. 23-66. Special use permits and Special Regulations.**

(a) **Authority.** The Common Council, by an affirmative two-thirds (2/3) vote of the entire Council, may by resolution, approve, approve with conditions, deny, or revoke the issuance of a special use permit for uses listed as special uses in ~~the manner set forth in this section~~ Chapter. The resolution functions as the special use permit that authorizes the recipient to establish a specific land use under specific terms and conditions.

(b) **Purpose.** The purpose of this section is to provide regulations which govern the procedure and requirements to review and approve, approve with conditions, deny, or revoke a special use permit. Special uses are those uses having some uniqueness or unusual impact which requires a careful review of their location, design, business process, and hours of operation and configuration to determine against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the community and neighborhood impact and effect as well as consistency to the comprehensive plan.

(c) **Procedure.**

- (1) ***Application.*** An owner or owner's designated agent wishing to ~~secure~~ obtain a special use permit for his property shall meet with the Community and Economic Development Director to discuss the proposal. If the owner or owner's designated agent desires to pursue the special use permit, they shall obtain, complete and file a special use permit application form with the ~~City Clerk's office~~ Community and Economic Development Department accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Common Council by resolution, to cover costs of public notice and administrative review. One (1) electronic document and one (1) paper copy of the application materials (completed application form, plan of operation and development plans) ~~with a digital copy of the development plan file in AutoCAD or compatible form by electronic mail, on diskette or compact disk, if applicable,~~ shall be submitted with the ~~written application fee to the Director.~~ After submittal and acceptance of a complete application through initial review by the Director, the complete application and supporting materials are then filed with the City Clerk. The special use permit application and supporting materials shall be referred to the Plan Commission.
- (2) ***Public hearing.*** ~~After receiving the request, the City Clerk shall refer the matter to the~~ The Plan Commission, ~~which shall hold a public hearing advertised by a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.~~
- (3) ***Action by Authority of the Plan Commission.*** The Plan Commission shall within forty-five (45) days of the public hearing make a report and recommendation of approval or denial of the resolution which functions as the special use permit ~~with any conditions it may deem appropriate~~ to the Common Council pursuant to Section 23-66(c)(5). In making its decision, the Commission shall keep a written record of findings relative to the standards for considering special use permit applications as listed in ~~paragraph (e)~~ Sections 23-66 (c)(5) and (e).
- (4) ***Action by Authority of the Common Council.*** The Common Council shall within forty-five (45) days of Plan Commission action act to approve, approve with conditions or deny the special use permit by resolution pursuant to Section 23-66(c)(5) and (e). The resolution functions as the special use permit that authorizes the recipient to establish a specific land use under specific terms and conditions.

**(5) Approval or Denial by Plan Commission and Common Council.**

- a. ***Definition of Substantial Evidence.*** "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a special use permit and that reasonable persons would accept in support of a conclusion.
- b. If a property owner or owner's designated agent for a special use permit meets or agrees to meet all of the requirements and conditions specified in the City of Appleton Municipal Code or those imposed by the Plan Commission and/or Common Council, the City shall grant the special use permit. Any condition imposed must be related to the purpose of the City of Appleton Municipal Code and be based on substantial evidence.
- c. Any requirements and conditions for approval must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The property owner or owner's designated agent must demonstrate that the application and all requirements and conditions established by the city relating to the special use are or shall be satisfied, both of which must be supported by substantial evidence. The City's decision to approve or deny the permit must be supported by substantial evidence.
- d. Once granted, a special use permit shall remain in effect as long as the conditions upon which the permit in the form of a resolution was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the Plan Commission and/or Common Council.
- e. If a special use permit application is denied, the property owner or owner's designated agent may appeal the decision to the circuit court under the procedures contained in Wisconsin Statute §62.23(7)(e)(10) or as amended.

(d) **Application requirements.** The applicant shall provide the following information on the special use permit application form:

- (1) Applicant and property owner's name, address and telephone number.
- (2) Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use designations.
- (3) ~~Description of special use being requested.~~ Completed Plan of Operation form.
- (4) Written justification for the special use being requested and supporting documentation describing how the applicant believes that the request conforms to the standards for special uses listed in subsection (e), Standards for granting special use permits, below.
- (5) Development plan of property being proposed for a special use permit which shall supply the information as identified below:
  - a. North arrows, date of preparation, and scale on 8½" x 11" size paper.
  - b. Name(s) of all adjacent or surrounding streets and right-of-way width(s).
  - c. Recorded property lines and their dimensions.
  - d. All existing and proposed buildings and structures accessory to the principal use, including the use of each building or structure, dimensions and their locations on the parcel.
  - e. Dimensions of existing and proposed yard setbacks for buildings and structures.
  - f. Dimensions of existing and proposed parking, loading, and unloading areas, sidewalks and interior and perimeter landscaping areas. Identify proposed and existing surface material(s).
  - g. The location of existing and proposed trees, shrubs and grass.
  - h. The location and details of proposed and existing refuse containers and their enclosures.
  - ~~i. The location of proposed and existing signage.~~
  - ~~j. i.~~ i. The location and type of all proposed and existing exterior lighting fixtures.
  - ~~k. j.~~ j. The location, height and materials of all proposed and existing fences or retaining walls.
  - ~~l. k.~~ k. The location and size of existing and proposed driveways.
  - ~~m. The location of snow storage areas.~~
  - ~~n. l.~~ l. The location and use of buildings and structures on adjoining land.
  - ~~o. m.~~ m. Show the general landscaping concept for the site.
  - ~~p. Indicate proposed hours of operation and number of employees.~~
  - ~~q. n.~~ n. Submit preliminary architectural plans for the existing and proposed buildings that show sufficient detail to permit an understanding of the style of the development and the design of the building(s).
  - ~~r. o.~~ o. Submit floor plan of the building(s), including room dimensions.

s. p. Other additional information that may be deemed appropriate by the Community and Economic Development Director.

(e) **Standards for granting special use permits.** No special use permit shall be recommended by the Plan Commission, or approved by the Common Council, unless ~~it shall find that~~ all of the following standards are found in the affirmative:

- ~~(1)~~ **Zoning.** ~~The proposed use conforms to the underlying zone district purpose and development standards and is in harmony with the general purposes and intent of the Appleton zoning ordinance. When there is an existing nonconforming structure, the development standards may be waived by the Common Council.~~ **Proper Zoning District.** The proposed special use is designated by this Chapter as a possible special use in the zoning district in which the property in question is located.
- ~~(2)~~ **District Regulations.** The proposed special use will comply with all applicable development standards in the zoning district in which the property in question is located.
- ~~(3)~~ **Special Regulations.** The proposed use will comply with all special regulations established by this chapter for such special use.
- ~~(2)~~ ~~(4)~~ **Comprehensive Plan or other Plans.** ~~The proposed use conforms to the VISION 20/20: Comprehensive Plan, any applicable urban design.~~ The proposed special use is consistent with the Comprehensive Plan or other plan officially adopted by Common Council.
- ~~(3)~~ ~~(5)~~ **Traffic.** Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- ~~(4)~~ ~~(6)~~ **Landscaping and screening.** Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed special use as established in §23-172(g), Perimeter parking lot and loading space landscaping and §23-601, Landscaping and screening standards.
- ~~(5)~~ ~~(7)~~ **Neighborhood compatibility.** The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height of buildings, walls and fences, landscaping, screening, and exterior lighting.
- ~~(6)~~ ~~(8)~~ **Impact on Services.** Adequate facilities, access roads, drainage and/or necessary services have been or will be provided. The proposed special use will not substantially increase congestion in the public streets; will not place an undue burden on any other public utilities; or will not increase the danger of fire or endanger the public health or safety.

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

- ~~(1)~~ Prior to the granting of any special use permit, the Plan Commission may recommend and the Common Council may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in paragraph (e). In all cases in which special uses are subject to conditions, the Plan Commission may recommend and the Common Council may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).
- ~~(2)~~ Special use permits shall be issued permanently or for a specified period of time as may be specified by the Common Council upon recommendation of the Plan Commission and shall be an obligation of any party to whom a property may be transferred or assigned.
- ~~(3)~~ ~~(1)~~ **Expiration of special use permits.**

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

(4) (2) **Time extension of special use permits.** Any party who has been issued a special use permit by the City shall notify the ~~City~~ Community and Economic Development Director, in writing, that they are seeking a continuance or extension of any special use permit that has an expiration date as established by Common Council or this section. Such notification shall be submitted to the Community and Economic Development Director thirty (30) days prior to the special use permit expiration. The Community Development Director may grant one extension not to exceed 12 months.

(5) (3) **Effective date and filing of special use permits.** A special use permit shall become effective upon approval of the resolution by the Common Council. A record of the special use permit shall be kept in the City Clerk and Community and Economic Development Department's files.

(4) **Continuation of a special use permit.** Once approved, a special use permit shall be allowed to continue and may be transferred to any entity, unless specified otherwise as a condition of approval, as long as all conditions placed on the special use are followed.

(6) (5) A special use permit may be revoked by the Common Council for failure to comply with all of such permit provided that thirty (30) days notice has been given by first class mail to the operator or owner of such use of the intent to revoke. **Revocation of special use permits.** Upon inspection by the Inspections Supervisor of any complaint against any condition upon which the special use permit was approved, such permit may be subject to revocation if the violation is not corrected with 30 days of written notice to the owner of the use by the Inspections Supervisor. Such written notice shall specify the violation and the means necessary to correct it. If the violation is not corrected within the specified time, the Common Council shall have the authority to revoke the special use permit upon recommendation of the Plan Commission after holding a public hearing by advertising a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.

(g) ***Major and minor changes to special uses.*** When an applicant requests a change in special use, the City shall review such change or modification to assure compatibility and compliance with the purpose of this section.

(1) ***Minor change.*** Minor changes shall be submitted to and be reviewed and approved by the Plan Commission amending the previously approved resolution (special use permit) or adopting a new resolution (special use permit) to those special uses that were not approved by a resolution. Minor changes include:

- a. Expansions of special uses of less than ten percent (10%).
- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

(2) ***Major change.*** All other changes not identified as a "minor change" shall be deemed a major change in a special use and shall be submitted to Common Council for review per §23-66(c), Special use permits, procedure.

(h) ~~***Minimum standards.***~~ **Special Regulations.** The following ~~minimum standards~~ special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. ~~In such cases where the Common Council attaches more restrictive conditions, the more restrictive conditions shall apply.~~

(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 wireless telecommunication towers or facilities that are regulated in Article XIII, Wireless telecommunication facilities, of this zoning ordinance.

- a. Distance of each freestanding 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 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 tower will not cause electrical interference or health hazards to adjoining properties. If electrical interference occurs after the tower begins operation or if interference is anticipated, the applicant shall provide appropriate steps to eliminate said interference.
- d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
- e. Minimum landscaping features for all tower sites when abutting residential properties shall consist of at least one (1) row of staggered evergreen trees or shrubs, at least four (4) feet high at the time of planting, which are spaced not more than ten (10) feet apart and planted within twenty-five (25) feet of the site boundary.
- f. The plans submitted for a building permit for tower construction shall be certified by a ~~registered~~ structural engineer licensed in Wisconsin, ~~and shall meet the standards of the Federal Aviation Administration and the Federal Communications Commission.~~
- g. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

(2) ***Utility substations and other utility structures.*** Utility substations or other utility structures in any zone shall be subject to the following additional standards:

- a. All buildings and structures shall ~~either have exteriors which give the appearance of a structure permitted in the zone where located or shall~~ be screened from view from any adjacent property; ~~any such~~ the screening located in a residential district shall include a minimum five (5) foot high staggered row of evergreen vegetation which provides an effective year-round screening in addition to any fencing which may be deemed appropriate to provide additional screening from any adjacent property.
- b. All such uses shall be enclosed with a minimum six (6) foot high fence ~~fenced~~ where any hazard to the safety of human life is anticipated. ~~present~~
- c. No service or storage yard for such facility shall be permitted, unless screened in accordance with the outdoor storage requirements to this chapter. ~~which is not entirely enclosed with a fence and screened from public view.~~
- d. ~~Yards shall be provided as required for the zone in which the facility is to be located.~~ All buildings and structures shall comply with the minimum principal building front, side and rear yard standards of the underlying zoning district.
- e. The level of noise emanating from such use shall not exceed sixty (60) decibels measured at any lot line of the subject property.
- f. ~~Electromagnetic radiation shall be effectively shielded to prevent any detrimental effect on adjacent residential properties.~~
- g. f. No special use permit is required if the utility substation is proposed to be located fully inside an existing building and is accessory to the primary use of the building.

(3) ***Sexually-oriented establishment.***

Sexually-oriented establishments shall be as regulated in Article XII, Sexually-oriented establishments, of this zoning ordinance.

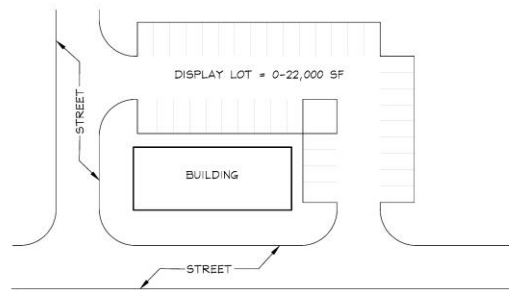
(4) **Body repair and/or paint shop.**

- a. All repair, painting and service of vehicles shall occur within a completely enclosed building.
- b. ~~No~~ All vehicles awaiting repair shall be located within the front side and rear yard of the lot and shall be visible from any right of way or adjacent property and must be completely screened from view from any public street, alley and adjacent property.
- c. All outdoor ~~display and~~ storage areas ~~must be screened to their full height from view from adjacent property in the side and rear yard~~ shall comply with the outdoor storage area requirements identified in this chapter.
- d. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws. ~~No off-site impacts regarding noise, odor, hazardous materials discharge or vibration shall occur on adjacent properties.~~

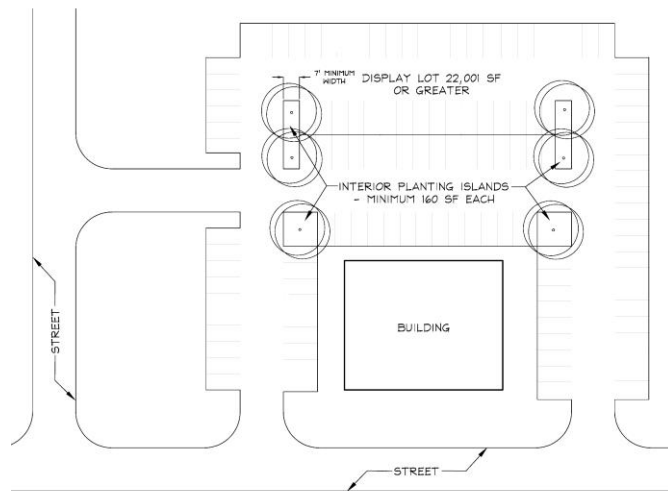
(5) **New and used automobile, RV, truck, cycle, boat sales and display lot.**

- a. All outdoor lighting shall ~~project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets and shall~~ comply with the standards in §23-53, Outdoor lighting.
- b. The minimum landscaping for display lots shall consist of the following landscaping standards:
  1. Perimeter setbacks.
    - i. Side and rear yards shall be a minimum of a five (5) foot wide buffer except when abutting a residential or public-institutional district, then ten (10) feet.
    - ii. Front yards shall be a minimum of a five (5) foot wide buffer.
  2. Perimeter landscape material.
    - i. Side and rear yards shall have a minimum six (6) foot high, staggered row of evergreens when abutting a residential or public-institutional zoned district. The property owner may request a waiver from the Community and Economic Development Director to reduce the setback and provide a six (6) foot high alternating board on board fence with landscaping.
    - ii. Perimeters adjacent to the right-of-way (front yards) shall have a minimum one (1) foot high, staggered row of evergreen and deciduous shrubs across eighty percent (80%) of the lot frontage, excluding driveway openings. Furthermore, one (1) shade tree shall be provided at approximately every forty (40) feet on center when the site abuts a dedicated public street.
  3. Interior landscaping.
    - i. Display lots 0-22,000 square feet in area – No interior planting islands required.
    - ii. Display lots 22,001 square feet in area or greater – Not less than two percent (2%) of the display lot area shall be devoted to interior planting islands. The planting islands may be centrally located within the display lot and contain a minimum of one hundred sixty (160) square feet and be a minimum of seven (7) feet in width.

NO INTERIOR PLANTING ISLAND REQUIRED  
DISPLAY LOT = 0-22,000 SF



NOT LESS THAN 2 PERCENT OF DISPLAY LOT  
DEVOTED TO INTERIOR PLANTING ISLANDS  
DISPLAY LOT = 22,001 SF OR GREATER



4. Interior landscape material.

The primary plant materials shall be deciduous trees with at least one (1) deciduous tree for every one hundred sixty (160) square feet of interior planting island area.

- c. The outdoor display of merchandise and vehicles for sale shall not be located in areas intended for traffic circulation according to the site plan and development plan.
- d. No outdoor loudspeakers shall be in use between the hours of 8:00 p.m. and 8:00 a.m. when adjacent to a residential district.

(6) ***Bars, taverns, painting/craft studios and restaurants with alcohol sales.***

- a. Such establishments shall conform to the standards established in Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
- b. The site shall be kept free of litter and debris.
- c. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.



(7) ***Circus or carnivals.***

- a. In no case shall carnival rides or midways be within three hundred (300) feet of any residential zoning district or residence.
- b. All other approved temporary structures associated with the circus or carnival shall comply with the standards of §23-54.

(8) ***Gasoline sales.***

- a. A minimum ~~building site~~ lot area of eighteen thousand (18,000) square feet ~~is shall be~~ required. Lot frontage shall be a minimum of one hundred twenty (120) feet if located on a designated arterial street.
- b. A canopy constructed over gas pumps islands shall architecturally match the design of the main building and shall not exceed twenty-two (22) feet in height.
- c. All canopy lighting must project downward and shall be of full cutoff design unless indirect lighting is to be used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the canopy and shall comply with the standards in §23-53, Outdoor lighting.
- d. All gas pumps and canopies constructed over gas pumps shall be ~~located~~ setback a minimum of at forty (40) feet from any adjacent residentially zoned district.
- e. All outdoor storage and outdoor sales display areas shall comply with §23-46, Outdoor storage and display in non-residential districts, of this chapter.
- f. All gas pumps and canopies shall comply with the ~~principal building setback requirements of the underlying zoning district~~ minimum principal building front, side and rear yard standards of the underlying zoning district.
- g. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

(9) ***Helicopter landing pad.***

- a. Setbacks, landscaping and fencing appropriate to the specific nature of the use proposed shall be established during the special use permit review process.
- b. All areas for active use, including above ground fuel storage tanks shall be fully screened with a fence or evergreen shrubs. ~~from public view.~~
- c. ~~All helicopter landing pads shall be approved by the Federal Aviation Administration (FAA).~~ Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- d. Unless necessary for medical or emergency purposes, the hours for operation shall be between 7:00 a.m. – 8:00 p.m.

(10) ***Mobile home parks.*** Mobile home parks shall meet the standards and requirements of the City of Appleton's Manufactured and Mobile Homes and Manufactured and Mobile Home Communities Ordinance (Ch. 11).

(11) ***Outdoor commercial entertainment.***

- a. All buildings, structures, viewing areas or seating areas shall be setback at least two hundred (200) feet from any residentially zoned district.
- b. All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets and shall comply with the standards in §23-53, Outdoor lighting.
- c. The hours of operation shall be identified by the applicant and approved by the Common Council as part of the special use permit process.

(12) ***Outdoor kennels.***

Such uses shall conform to the standards established in Chapter 3, Animals, of the Appleton Municipal Code and as established below:

- a. All outdoor areas for dogs ~~Outdoor kennels shall be fully enclosed with a six (6) foot high opaque fence. to prevent animals from escaping the kennel.~~
- b. All outdoor areas for dogs shall be located in the rear yard only and be setback from a minimum of twenty (20) feet from the lot lines. ~~Outdoor kennels shall not be located in any front or side yard.~~
- c. Outdoor kennels shall be located no closer than twenty (20) feet from any rear or side property line. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- d. ~~Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material not to exceed six (6) feet in height.~~

(13) ***Recycling and waste recovery center.***

- a. All processing operations shall occur within a completely enclosed structure or building.
- b. Outdoor storage shall be limited to drop-off recycling bins and shall comply with the applicable outdoor storage requirements of this chapter.

(14) ***Recycling collection point.***

- a. Recycling collection points ~~must be located in such a manner to prevent obstruction to~~ shall not be located in areas intended for pedestrian and motor vehicle traffic and emergency service vehicle flow and circulation on the premises.
- b. No processing of materials shall occur on premises.
- c. Collection points ~~should~~ shall not be located on a vacant lot, in public or semi-public areas such as shopping center parking lots, place of worship parking lots or City owned lots.

(15) ***Towing business.***

- a. No servicing or maintenance of vehicles shall occur within the designated impound area. ~~on premises.~~
- b. All designated impound areas ~~located outside of an enclosed building~~ storage areas shall be fully screened ~~from view~~ by an opaque fence, hedge or similar evergreen planting.
- c. No vehicles shall be located outside of ~~a storage area~~ the designated impound area.

- d. All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets and shall comply with the standards in §23-53, Outdoor lighting.

(16) *Custom manufacturing.*

- a. All custom manufacturing processes shall occur within a completely enclosed building.
- b. No off-site impacts including noise, odor, heat generation, glare or vibration shall occur on adjacent properties.
- c. The products or goods manufactured on premise shall be displayed or sold on premises.
- d. The on-site production area and materials storage area for the products or goods manufactured on premises shall not occupy more than thirty percent (30%) of the gross floor area of the space occupied by the custom manufacturing use.

(17) *Urban farm.*

- a. **Use of produce and sales.** Retail sales of plants and produce grown on-site and other public use of the urban farm may occur between the hours of 8:00 a.m. and 8:00 p.m. every day of the week unless otherwise adjusted and stipulated by the Special Use Permit.
- b. **Mechanical Equipment.** The operating of mechanical equipment or motor vehicle, including but not limited to lawn mowers, roto-tillers, garden tractors, motorized weed trimmers, “farm tractor”, “all terrain vehicle” or any similar device, necessary for the maintenance of property shall only take place between the hours of 7:00 a.m. and 10:00 p.m. standard time or daylight savings time when in effect with the exception of snow removal equipment.
- c. **Signs.** One identification sign is permitted not exceeding eight (8) feet in height or forty-eight (48) square feet per sign face, and shall be subject to other applicable provisions of ARTICLE XIV. SIGNS including, but not limited to, setback and clearance standards.
- d. **Agricultural chemicals and seeds.** All seed and fertilizer shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- e. **Accessibility.** The urban farm must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between its different components and must follow universal design principles whenever possible.
- f. **Planting area and principal building setbacks.** Development Standards. (See applicable zoning district for principal building/structure development standards).
- g. **Size of buildings/structures.** All buildings, including but not limited to, tool sheds, rest-room facilities, composting toilets, and planting preparation houses, hoopouses and greenhouses may have a combined area of all buildings and structures not to exceed twenty-five percent (25%) percent of the lot area. Roof top gardens on buildings are exempt from this standard.
- h. **Fences.** Fences are permitted as regulated in the underlying district unless otherwise authorized and stipulated by the Special Use Permit.
- i. **Compost and waste management.** Composting and waste management must be managed according to the farm management plan. Compost material is limited only to the materials generated on-site and must be maintained on-site. Compost materials from the garden or gardeners shall be stored in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure). Composting shall be conducted in a manner that controls odor, prevents infestation, and minimizes runoff into waterways and onto

adjacent properties. No compost material generated off site shall be composted at an urban farm unless specifically approved by the City.

- j. **Site design.** The site must be designed so that water and fertilizers will not drain onto adjacent property or into the City's waste water system.
- k. **Management plan.** Urban farms must prepare a management plan, to be reviewed as part of the special use process, to address how activities will be managed to avoid impacts on surrounding land uses and natural systems and includes any proposed mitigation measures. The management plan must include:
  - i. A description of the type of equipment and vehicles necessary or intended for use in each season and the frequency and duration of anticipated use.
  - ii. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for.
  - iii. Disclosure of the spreading of manure or any other waste generated by the agricultural use.
  - iv. Disclosure of parking impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site.
  - v. Disclosure of whether the operation of the urban farm would involve two thousand (2,000) square feet or more of land-disturbing activity, or would otherwise require drainage and/or erosion control approval under Chapter 24 of the Municipal Code.
  - vi. A composting and waste management plan.
  - vii. Disclosure of any intent to invite the public to a program of events on the site.
  - viii. Site Plan contains, but is not limited to, the following:
    - Parking facilities;
    - Planting area including plant types;
    - Location and number of rest room/sanitary facilities;
    - Fence type, height and location;
    - Sign size and location;
    - Area to be utilized for produce cleaning and preparation;
    - Area to be utilized for sales;
    - Equipment, materials and fuel storage area;
    - Composting location.
  - ix. Identification of water source.
  - x. Any additional information that may be deemed appropriate by the Director of Community and Economic Development or designee.
  - xi. Lighting.

xii. Security.

- l. **Standard conditions of approval.** In addition to complying with Section 23-66 Special use permits of this ordinance and in determining whether to approve, approve with conditions or deny the application, the City shall consider the potential impacts, including:
  - i. **Water quality and soils.** Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
  - ii. **Traffic and parking.** Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.
  - iii. **Visual impacts and screening.** Visual impacts relating to the proposed nature, location, design, and size of proposed buildings, structures and activities, including the location of composting activities and planting areas, and any existing or proposed screening.
  - iv. **Noise and odor.** Impacts related to the location on the lot of the proposed urban farm, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.
  - v. **Agricultural chemicals.** Impacts related to the use of chemicals, including any fertilizer and pesticide.
  - vi. **Mechanical equipment.** Impacts related to the operation of equipment, including noise, odors, and vibration.
- m. **Compliance with laws.** All urban farms and their owners, lessees, employees, volunteers, and visitors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the farm premises. Site users may not use materials such as inappropriate fill that introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.

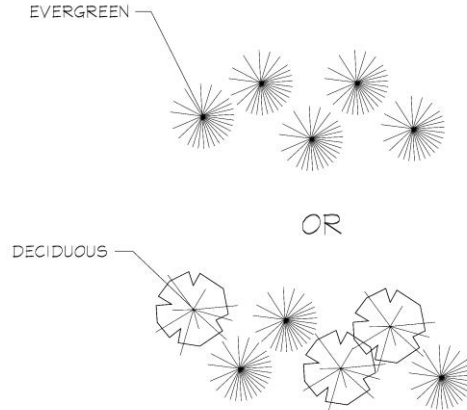
These Urban Farm standards and requirements are intended to work in concert with other applicable Municipal Codes including, but not limited to, Chapter 3 Animals, Chapter 4 Building, Chapter 7 Health, Chapter 9, Licenses, Permits, and Chapter 21 Vegetation and any other applicable Appleton Municipal Code Chapter. These and any other applicable local, state and federal regulations shall also apply.

(18) ***Outdoor storage area for recreational vehicles.***

- a. **Purpose.** The purpose of these regulations is to provide adequate and convenient areas for such outdoor storage of recreational vehicles while minimizing the visual, noise and environmental impacts to adjacent properties and public and private streets.
- b. **Requirements.** Outdoor storage areas for recreational vehicles are accessory uses to personal storage facilities (self-storage/mini-warehouses) and shall be ~~a special use in the C-2 District~~ and a permitted accessory use in the M-2 District. No outdoor storage areas for recreational vehicles shall be constructed or established on a lot unless a personal storage (self-storage/mini-warehouse) facility has already been constructed on the same lot. In addition, all of the following requirements shall apply to outdoor storage areas for recreational vehicles:
  - i. **Applicable Outdoor Storage.** Outdoor storage shall be limited only to the following recreational vehicles: “camping trailer”, “fifth-wheel trailer”, or “motor home” as those terms are defined by §340.01, Wis. Stats., as well as boat trailers and boats, trailered snowmobiles, trailered jet-ski(s). All other vehicles, equipment and other items are prohibited from being stored within such outdoor storage area and on the lot.
  - ii. **Location.** No outdoor storage area shall be located between the principal building(s) and a front lot line.

- iii. **Outdoor lighting.** All outdoor lighting used to illuminate such outdoor storage area shall comply with the outdoor lighting requirements of this chapter.
- iv. **Surface material.** The surface material of the outdoor storage area and driveway leading from the lot line to such outdoor storage area shall be concrete or asphalt.
- v. **Setbacks requirements.** The surface material of the outdoor storage area shall be located a minimum of fifteen (15) feet from a side and/or rear lot line.
- vi. **Security requirements.** The perimeter (outer boundary) of the outdoor storage areas shall be secured with a continuous (with no break points) minimum eight (8) foot high fence or with continuous (with no break points) exterior building walls of existing and/or proposed buildings on the site or parcel or combinations of a continuous (with no break points) minimum eight (8) foot high fence and exterior building walls of existing and/or proposed buildings on the site or parcel in order to minimize unauthorized access to outdoor storage area, unless otherwise specified in this subsection.
- vii. **Screening requirements.**
  - 1. The perimeter (outer boundary) of the outdoor storage areas shall be screened with a continuous (with no break points) minimum eight (8) foot high opaque fence or continuous (with no break points) exterior building walls of existing and/or proposed buildings on the site or parcel or combinations of a continuous (with no break points) minimum eight (8) foot high opaque fence and exterior building walls of existing and/or proposed buildings on the site or parcel in order to minimize unauthorized access to the outdoor storage area and minimize visual impact of recreational vehicles stored in such area, unless otherwise specified in this subsection.
  - 2. Where outdoor storage areas for recreational vehicles are proposed on parcels which abut a residential zoning district, a continuous staggered row of evergreens plantings shall be installed between the entire length of the opaque fencing and the lot line which abuts a residential zoning district but not including a gate, to soften the visual effect of the fencing. Evergreens shall be a minimum of six (6) feet high at the time of planting. The number of evergreens shall be determined and installed in accordance with the requirements with the species spacing and care requirements.
  - 3. The following shall apply to opaque fences abutting a street:
    - a. **Front lot line setback:** Eight (8) feet minimum.
    - b. **Fence height:** Eight (8) feet minimum.
    - c. **Vision corner:** Fences shall comply with vision corner requirements of this chapter.
    - d. **Design:** Chain-link or cyclone fences constructed of woven wire are not allowed.
    - e. **Landscaping:** A continuous staggered row of evergreens and deciduous plantings shall be installed between the entire length of the opaque fence and the front lot line but not including a gate, to soften the visual effect of the fencing and use. Evergreens and deciduous plantings shall be a minimum of four (4) to five (5) feet high at the time of planting. The number of evergreens and deciduous plantings shall be determined and installed in accordance with the requirements with the species spacing and care requirements.

## STAGGERED PLANTINGS



4. **Exceptions to perimeter fence and landscaping location.** Any request or necessity for locating a fence, opaque fence and/or evergreens and deciduous plantings other than along perimeter of the outdoor storage area, shall require review and approval of an alternate location as part of the ~~special use permit for outdoor storage areas located in the C-2 Zoning District~~ or site plan review and approval process for outdoor storage areas located in the M-2 Zoning District. Any approval action of alternate fence, opaque fence and/or evergreen and deciduous planting locations, shall be based upon the following criteria:
  - a. The ability of the fence or opaque fence to maintain a continuous flow (with no break points) beyond the perimeter of the outdoor storage area.
  - b. Effectiveness of the opaque fence and/or landscape plantings to effectively screen the outdoor storage area in an alternate location; and
  - c. Effectiveness of the fence and/or opaque fence to effectively secure the outdoor storage area in an alternate location;
  - d. Impact an alternative location may have on overall site appearance, vehicular traffic circulation and the functional well-being of the development proposed for the parcel.
  
5. **Modifications or waivers to screening and landscaping requirements.** Any request for a modification or waiver of the requirements of Section 23-66(h)18.b.vii.1., 2., and 3.e., but not including the minimum fence height dimension requirement identified in Section 23-66(h)18.b.vii.1., shall require review and approval of such modification or waiver as part of the ~~special use permit for outdoor storage areas located in the C-2 Zoning District~~ site plan review and approval process for outdoor storage areas located in the M-2 Zoning District. Any approval action for a modification or waiver of the requirements of Section 23-66(h)18.b.vii.1., 2., and 3.e., but not including the minimum fence height dimension requirement identified in Section 23-66(h)18.b.vii.1., shall be based upon one (1) or more of the following conditions exist:
  - a. The required opaque fence and/or landscaping would be ineffective at the prescribed fence height dimension and/or at the tree's maturity height due to topography or the location of the outdoor storage area on the lot.
  - b. The required opaque fence and/or landscaping would be ineffective at the prescribed fence height dimension and/or at the tree's maturity height due to the presence of required screening,

opaque fencing and/or landscaping on the lot.

- c. The required opaque fence and/or landscaping would be ineffective at the prescribed fence height dimension and/or at the tree's maturity height due to the presence of required screening, opaque fencing and/or landscaping on adjacent developed property and/or the presence of existing street trees located within the adjacent street right-of-way.
- c. **General Conditions.** The following general conditions shall apply to outdoor storage areas for recreational vehicles:
- i. Recreational vehicles shall not be parked outside of the designated outdoor storage area.
  - ii. Recreational vehicles shall not be used for business, living, sleeping or human habitation purposes.
  - iii. Recreational vehicles shall not be permanently connected to sewer lines, water lines, or electricity.
  - iv. No recreational vehicles are allowed to be stored within the designated outdoor storage area which is not currently licensed or operable.
  - v. The area between the property line and the opaque security fence shall be landscaped and suitable ground cover, such as grass, bark, ornamental gravel or combination thereof.
  - vi. The total combined square foot area of the outdoor storage area but not including the drive aisles within the perimeter of the outdoor storage area shall not exceed the total combined gross floor area of all personal storage (self-storage/mini-warehouse) buildings on the site or parcel.

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

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- d. Tasting rooms require a Special Use Permit in the C-1, C-2 and CBD Zoning District.
- e. Tasting rooms are accessory uses to a Microbrewery/Brewpubs and Craft-Distilleries located in the M-1 and M-2 Zoning District and requires a Special Use Permit.
- f. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

**(20) Brewery and Distilleries.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Brewery and Distilleries located in the M-1 and M-2 Zoning District and requires a Special Use Permit.
- c. Retail sales of business merchandise on the brewery and distillery premises shall be an accessory use to the brewery and distillery manufacturing operations or an accessory use to an use approved off-premises by Special Use Permit pursuant to Section 23-66(h)(20)b.



d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

**(21) Winery.**

a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

b. Tasting rooms are accessory uses to a Winery located in the Ag, M-2 and M-1 Zoning District and requires a Special Use Permit.

c. Retail sales of business merchandise on the winery premises shall be an accessory use to the winery manufacturing operations or an accessory use to an use approved off-premises by Special Use Permit pursuant to Section 23-66(h)(21)b.

d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

*Comments: 2017 Wisconsin Act 67 amends the zoning enabling law for counties, cities, villages, and towns zoning under village powers to provide a statutory definition for “area variances” and “use variances.”*

*Act 67 defines an “area variance” as “a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of [adjustment/appeals] under this subsection.*

*The Act defines “use variance” as “an authorization by the board of [adjustment/appeals] under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.”*

*Act 67 then specifies that the property owner bears the burden of proving “unnecessary hardship” for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.*

**Sec. 23-67. Variances.**

(a) **Purpose.** The purpose of a variance is to allow relief from the strict application of this zoning ordinance as will not be contrary to the public interest and, where owing to special characteristics of the property or use, the literal enforcement of this ordinance would result in unnecessary hardship or in a practical difficulty for the property owner.

(b) **Definitions of Variance Type:**

(1) Area Variance – In this section, an “area variance” means a modification to a development standard, dimensional, physical, or locational requirement including be not limited to setbacks, lot coverage, area, building height, or density restriction for a use, building and/or structure that is granted by the Board of Appeals under this paragraph.

(2) Use Variance – In this section, a “use variance” means an authorization by the Board of Appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

(b) (c) ***Initiation of Request for Approval of a Variance.*** A variance request may be taken to the Board of Appeals by any person, firm, corporation, by any officer, department, board, bureau or commission with a legal or equitable interest in the property for which the variance is requested.

**(d) Standards for Granting a Variance:**

(1) Area Variance – A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this section, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome.

(2) Use Variance – A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this section, for a use variance by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance.

(3) In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

(e) (e) ***Procedure.***

(1) Application. Application for a variance shall be filed with the Inspections Supervisor accompanied by a non-refundable application fee that may be amended from time to time, as established by the Common Council by resolution, to cover costs of public notice and administrative review.

(2) Public hearing. After receiving an application, the Board of Appeals shall hold a public hearing on the application for variance which:

a. The Board of Appeals shall advertise the request by a Class 2 notice for public hearing;

b. The Board of Appeals shall notify all property owners located within one hundred (100) feet of the subject site a minimum of ten (10) days prior to the public hearing.

(d) ***Jurisdiction.*** In hearing and deciding variances, the Board shall have the power to grant relief from the terms of this chapter only in the following instances:

(1) ~~Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the maps fixing the several districts, accompanying and made a part of this chapter, where the street layout actually on the ground varies from the street layout as shown on the aforesaid maps.~~

(2) ~~Permit the reconstruction of a nonconforming building that has been damaged by explosion, fire, act of God or the public enemy, to the extent of more than fifty percent (50%) of the City of Appleton’s market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming building.~~

(3) ~~Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an undue hardship upon the use of a lot, as contrasted with merely granting an advantage or a convenience and there is an acceptable parking alternative available.~~

(4) ~~Permit a variation in the yard requirements of any district where there are unusual and practical difficulties or undue hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical, or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare.~~

(5) ~~Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance or the zoning map, such power and authority being reserved to the Common Council of Appleton as provided in §23-65, Zoning amendments.~~

~~(e) (f) **Review by the Board of Appeals, criteria.** In considering all appeals and all proposed exceptions or variations to this chapter, the Board shall, before making any exceptions or variations from this chapter in a specific case, first determine that it will not: The requested variance shall be reviewed by the Board of Appeals with the standards below:~~

~~(1) Impair an adequate supply of light and air to adjacent property; or **(Area Variances) Unique Physical Property Limitations Standard:** What exceptional or extraordinary circumstances or special factors or unique property limitations including but not limited to an irregular shape of the lot, topography, soil conditions, wetlands, flood plain, environmental contamination or other conditions that are present which apply only to the subject property? In what manner do the factors listed prohibit the development of the subject property?~~

~~(2) Unreasonably increase the congestion in a public street; or~~

~~(3) (2) Increase the danger of fire or endanger the public safety; or **(Area Variances) No Harm to Public Interests Standard:** Would granting of the proposed variance result in a substantial or undue adverse impact on the public or character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property, or other matters affecting the public health, safety, or general welfare?~~

~~(4) (3) Unreasonably diminish or impair established property values within the surrounding area; or **(Area Variances) Self-Created Hardships Standard:** Have factors which present the reason for the proposed variance been created by the act of the applicant or previous property owner or their agent?~~

~~(5) (4) In any other respect impair the public health, safety, comfort, morals, appearance or welfare of the inhabitants of the City. **(Area Variances) Unnecessary Hardships Standard:** Would compliance with this Chapter unreasonably prevent the owner from using the property for a permitted purpose or would conformity with this Chapter create an unnecessary burden on the property owner?~~

~~(5) **(Area Variances) Undue Off-Street Parking and Loading Hardships Standard:** Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unnecessary hardship upon the use of a lot, as contrasted with merely granting an advantage or a convenience and there is an acceptable parking alternative available.~~

Furthermore, no variance from the provisions or requirements of this chapter shall be authorized by the Board of Appeals unless the Board finds that ALL of the following facts and conditions exist:

~~(6) **Exceptional circumstances.** Where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this code, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property, that do not apply generally to other properties or classes of uses on the same zoning district. **(Use Variances) No Reasonable Use Standard:** Has the applicant or owner demonstrated that they have “no reasonable use of the property” in absence of a variance?~~

~~(7) **Preservation of property rights.** That such variance is necessary for the preservation and enjoyment of substantial property rights which are possessed by other properties in the same zoning district and in the same vicinity.~~

~~(8) **Absence of detriment.** That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this code or the public interest.~~

~~(9) **Not of general nature.** That the condition or situation of the subject property, or the intended use of the property, for which variance is sought, is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulations for such conditions or situation.~~

~~(f)~~ (g) **Decisions Review and Determination by Board of Appeals.**

- (1) The Board of Appeals must determine whether a variance request is seeking an area variance or seeking a use variance.
- (2) The Board of Appeals must determine the standard that applies for the grant of the variance.
- (3) The Board of Appeals must require the property owner bear the burden of proof.
- (4) Any variance granted must be due to conditions unique to the property rather than considerations personal to the property owner.
- (5) The variance cannot be granted if the hardship was created by the property owner.
- (6) The concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. **A variance granted under this section runs with the land.**

~~(g)~~ (h) **Relief.** Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the City, shall have recourse to such relief as is provided by Wisconsin Statutes §62.23(7)(e)(10) or as amended.

*Comments: Add winery as permitted use with a cross reference to special regulations listed in the Zoning Ordinance to be consistent with Wisconsin Act 67 which amended the Wisconsin State Statutes pertaining to the way conditional uses (special uses) are regulated for on-site consumption of wine/alcohol. Other sections were updated to refer readers directly to the site plan section of the zoning code rather than listing specific uses that require site plan review.*

**Sec. 23-91. AG Agricultural district.**

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Dwelling, single family, detached.</li> </ul>	<ul style="list-style-type: none"> <li>• Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52.</li> <li>• Governmental facilities.</li> <li>• Public parks or playgrounds.</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture.</li> <li>• Community garden.</li> <li>• Greenhouse or greenhouse nursery.</li> <li>• Nursery, orchards or tree farm.</li> <li>• Urban farm pursuant to §23-66(h)(17).</li> <li>• Winery pursuant to §23-66(h)(21).</li> </ul>

~~(f) **Site plan.** Prior to obtaining a permit for site plan uses as listed below, a site plan shall be required in accordance with Site Plan requirements are set forth in §23-570, Site plan review and approval.~~

- ~~(1) Governmental facilities.~~
- ~~(2) Earthen berms over three (3) feet in height.~~

*Comments: The single-family residential sections were updated to refer readers directly to the site plan section of the zoning code rather than listing specific uses that require site plan review (which is how the non-residential districts are set up). The list currently within the residential zoning district section is not inclusive of all the uses, that may be located within the residential zoning districts, where site plan would be appropriate. The new provision exempts one and two family dwellings and their accessory uses from site plan review, but refers all other uses to the site plan section for determination of whether site plan review is required.*

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

~~(f) *Site plan.* Prior to obtaining a building permit for site plan uses as listed below, a site plan shall be required in accordance with Site Plan requirements are set forth in §23-570, Site plan review and approval.~~

- ~~(1) Governmental facilities.~~
- ~~(2) Place of worship.~~
- ~~(3) Educational institution; elementary school, junior high school, high school.~~
- ~~(4) Educational institution; college or university.~~
- ~~(5) Educational institution; business, technical or vocational school.~~
- ~~(6) Earth berms over three (3) feet in height.~~

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

~~(f) *Site plan.* Prior to obtaining a building permit for site plan uses as listed below, a site plan shall be required in accordance with Site Plan requirements are set forth in §23-570, Site plan review and approval.~~

- ~~(1) Governmental facilities.~~
- ~~(2) Place of worship.~~
- ~~(3) Educational institution; elementary school, junior high school, high school.~~
- ~~(4) Educational institution; college or university.~~
- ~~(5) Educational institution; business, technical or vocational school.~~
- ~~(6) Earth berms over three (3) feet in height.~~

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

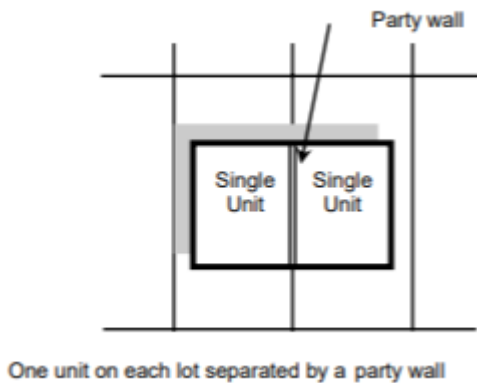
~~(f) *Site plan.* Prior to obtaining a building permit for site plan uses as listed below, a site plan shall be required in accordance with Site Plan requirements are set forth in §23-570, Site plan review and approval.~~

- ~~(1) Governmental facilities.~~
- ~~(2) Place of worship.~~
- ~~(3) Earth berms over three (3) feet in height.~~

Comments: In response to the public's interest (local realtors, property owners and stakeholders) to amend the City's Zoning Ordinance by including provisions to permit zero lot line duplexes in the R-2 and R-3 Zoning District. A zero-lot-line duplex is a side-by-side duplex built on two separate lots with the common wall separating the two units placed.

In a zero-lot-line duplex, each owner typically owns one lot and the dwelling unit that sits upon that lot, subject to the proposed zoning regulations. Each owner is responsible for the care and upkeep of his or her lot and the portion of the duplex structure. It is best to have a dispute resolution, so staff recommends zero-lot-line duplexes have operating agreements assigning responsibility for maintenance, repair or operating costs related to the property, especially shared components like the common wall and roof. Just because a duplex property is subject to restrictive covenants or the owners pay monthly fees, does not make the property a condominium.

The proposed zero-lot line duplex and increased dwelling unit density provisions will meet this goal and objective by creating the potential for a much wider range of housing types than are currently available within the City, in theory creating an increased mix of housing types within the City.



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

(a) **Purpose.** The R-2 district is intended to provide for and maintain residential areas characterized by single-family detached and two- (2-) family dwelling units. Increased densities and the introduction of two- (2-) family housing types are intended to provide for greater housing options for owners and renters while maintaining the basic qualities of a moderately dense residential neighborhood.

(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"> <li>• Dwelling, single-family, detached.</li> <li>• Dwelling, two-family (duplex).</li> <li>• Dwelling, zero lot line two-family.</li> </ul>	<ul style="list-style-type: none"> <li>• Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52.</li> <li>• Day care, adult; serving five (5) or fewer persons.</li> <li>• Day care, family.</li> <li>• Family home, adult (A) and (D), pursuant to §23-22.</li> <li>• Family home, adult (B) and (C), pursuant to §23-22 and §23-52.</li> <li>• Governmental facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• None.</li> </ul>

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

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the R-2 district, except for boats or boat trailers greater than twenty-six (26) feet in length.
- (2) Bed and breakfast establishments pursuant to §23-48.
- (3) Home occupation pursuant to §23-45.
- (4) Fences and walls pursuant to §23-44.

(d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the R-2 District.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery, including a mausoleum, provided that a mausoleum shall have a forty- (40-) foot setback from any lot line of the cemetery.</li> <li>• Community living arrangements serving nine (9) to fifteen (15) persons, pursuant to §23-22 and §23-52.</li> <li>• Day care, group, when located and operated in an educational institution, place of worship or semi-public building.</li> <li>• Educational institution; business, technical or vocational school.</li> <li>• Educational institution; college or university.</li> <li>• Educational institution; elementary school, junior high school, or high school.</li> <li>• Essential services.</li> <li>• 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.</li> <li>• Marina and/or boat landing.</li> <li>• Place of worship.</li> <li>• Public parks or playgrounds.</li> <li>• Recreation facility, non-profit.</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Recycling collection point pursuant to §23-66(h)(14).</li> <li>• Urban farms pursuant to §23-66(h)(17).</li> </ul>

(f) **Site plan.** ~~Prior to obtaining a building permit for site plan uses as listed below, a site plan shall be required in accordance with Site Plan requirements are set forth in §23-570, Site plan review and approval.~~

- ~~(1) Governmental facilities.~~
- ~~(2) Place of worship.~~
- ~~(3) Educational institution; elementary school, junior high school, high school.~~
- ~~(4) Educational institution; college or university.~~

~~(5) Educational institution; business, technical or vocational school.~~

~~(6) Earth berms over three (3) feet in height.~~

(g) *Development standards.* The space limits applicable in the R-2 district are as follows:

~~(1) *Minimum lot area:*~~

~~a. Six thousand (6,000) square feet for single family dwelling.~~

~~b. Seven thousand (7,000) square feet for two story two family dwellings.~~

~~c. Nine thousand (9,000) square feet for single story two family dwelling.~~

~~d. Seven thousand (7,000) square feet for all other uses.~~

~~(2) *Maximum lot coverage.* Sixty percent (60%).~~

~~(3) *Minimum lot width:*~~

~~a. Fifty (50) feet for single family dwellings.~~

~~b. Seventy (70) feet for all other uses.~~

~~(4) *Minimum front yard.* Twenty (20) feet (twenty five (25) feet minimum on arterial street).~~

~~(5) *Minimum rear yard.* Twenty five (25) feet.~~

~~(6) *Minimum side yard.* Six (6) feet.~~

~~(7) *Maximum building height.* Thirty five (35) feet.~~

(1) *Two-family dwellings (duplex) and Other uses.*

a. *Minimum lot area, Single-family dwelling (detached):* Six thousand (6,000) square feet.

b. *Minimum lot area, Two-family dwellings (two-story duplex):* Seven thousand (7,000) square feet.

c. *Minimum lot area, Two-family dwellings (single story duplex):* Nine thousand (9,000) square feet.

d. *Minimum lot area, All other uses:* Seven thousand (7,000) square feet.

e. *Minimum lot width, Single-family dwelling:* Fifty (50) feet.

f. *Minimum lot width, All other uses:* (70 feet).

g. *Minimum front lot line setback:* Twenty (20) feet (twenty-five (25) feet minimum on arterial street).

h. *Minimum rear lot line setback:* Twenty-five (25) feet.

i. *Minimum side lot line setback:* Six (6) feet.

j. *Maximum lot coverage:* Sixty percent (60%).

k. *Maximum building height:* Thirty-five (35) feet.



(2) Zero lot line Two-family dwellings.

- a. Minimum lot area: Three thousand (3,000) square feet per dwelling.
- b. Minimum lot width: Thirty (30) feet per dwelling.
- c. Minimum front lot line setback: Twenty (20) feet (twenty-five (25) feet minimum on arterial street).
- d. Minimum rear lot line setback: Twenty-five (25) feet.
- e. Minimum side lot line setback: Zero (0) feet on one (1) side with a common wall provided that:
  - i. The opposite side yard being a minimum of six (6) feet.
  - ii. Patios and decks may have a zero setback from the zero lot line side yard setback.
  - iii. Driveways may be separate or shared.
  - iv. All state and local building code requirements shall be met for a zero-lot line two-family dwelling.
  - v. Every zero lot line two-family dwelling constructed after (insert ordinance effective date) shall be constructed with identical materials.
  - vi. For the purpose of this subsection the term “identical materials” means exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc.
  - vii. For the purpose of this subsection the term “similar materials” means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, color, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.
  - viii. Restrictive covenants shall be recorded at the county register or deeds, providing declarations and or bylaws similar to those typically recorded on a declaration of condominium.
    1. If the driveway is shared, the maintenance and use standards for the shared driveway shall be part of said covenants.
    2. Include a note that reads, “The parties hereto agree that the aesthetics of the units are important to the value of the building. Therefore, any subsequent repairs or maintenance performed by a unit owner to the exterior of their portion of the zero lot line two-family dwelling shall use at a minimum materials similar with those materials already incorporated into the building if identical materials are not incorporated into the repair or maintenance project. Each party may agree in writing to change the original color of the building so long as the color change applies to each unit. No party may change the color of the building so that it is different than the other unit.”
    3. Said covenants shall provide for mediation of any and all disputes between owners of each dwelling unit and third party with regard to construction, use and maintenance of the real property.
    4. Said covenants shall specifically state the City of Appleton and all approving authorities shall not be held responsible for same, and that said covenants shall insure to all heirs and assigns.

5. Proof of said recorded covenants or subsequently amended shall be submitted to the Community and Economic Development Department.

ix. Each dwelling unit shall have separate sewer and water lines and other separate utility lines entering each dwelling unit and also separate sump pump.

x. Easements shall be provided upon each lot as may be necessary for ingress and egress, water, sewer and all other utility services.

xi. The zero lot line parcel shall be divided by certified survey map or subdivision plat pursuant to Chapter 17 Subdivisions of the Municipal Code.

1. A restrictive endorsement shall be placed on the face of the CSM or plat that reads, “When zero lot line two-family dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, use, repair and maintenance shall be guarded against by private/restrictive covenants and deed restrictions, and no approving authority shall be held responsible for the enforcement of same.”

2. A copy of said Restrictive covenants shall be submitted with the initial application for certified survey map or subdivision plat approval.

**f. Maximum building height:** Thirty-five (35) feet.

(h) **Parking and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening requirements.

*Comments: In response to the public’s interest (local realtors, property owners and stakeholders) to amend the City’s Zoning Ordinance by including provisions to permit zero lot line duplexes in the R-2 and R-3 Zoning District. A zero-lot-line duplex is a side-by-side duplex built on two separate lots with the common wall separating the two units placed.*

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

(a) **Purpose.** The R-3 district is intended to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses.

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

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

(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.

(d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the R-3 District.

(e) **Special uses.** Special uses in the R-3 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• Manufactured and mobile home communities; pursuant to §23-66(h)(10) and Chapter 11 of the Municipal Code.</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery, including a mausoleum, provided that a mausoleum shall have a forty- (40) foot setback from any lot line of the cemetery.</li> <li>• Community living arrangements serving sixteen (16) or more persons, pursuant to §23-22 and §23-52.</li> <li>• Day care, group, when located and operated in an educational institution, place of worship or semi-public building.</li> <li>• Educational institution; business, technical or vocational school.</li> <li>• Educational institution; college or university.</li> <li>• Educational institution; elementary school, junior high school or high school.</li> <li>• Essential services.</li> <li>• 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.</li> <li>• Group home, adult.</li> <li>• Group housing.</li> <li>• Marina and/or boat landing.</li> <li>• Place of worship.</li> <li>• Public parks or playgrounds.</li> <li>• Recreation facility, non-profit.</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Recycling collection point pursuant to §23-66(h)(14).</li> <li>• Shelter facility.</li> <li>• Urban farms pursuant to §23-66(h)(17).</li> </ul>

(f) **Site plan.** Prior to obtaining a building permit for any use except for one- (1-) and two- (2-) family dwellings on land in the R-3 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.

(g) **Development standards.** ~~The space limits applicable in the R-3 district are as follows:~~

~~(1) **Minimum lot area.**~~

- a. ~~Six thousand (6,000) square feet for single family dwelling.~~
  - b. ~~Seven thousand (7,000) square feet for two (2) story two (2 ) family dwellings.~~
  - e. ~~Nine thousand (9,000) square feet for single story two (2-) family dwelling.~~
  - d. ~~Three thousand (3,000) square feet per dwelling unit for multi family dwellings.~~
  - e. ~~Seven thousand (7,000) square feet for all other uses.~~
- (2) ~~**Maximum lot coverage.** Seventy percent (70%).~~
- (3) ~~**Minimum lot width.**~~
- a. ~~Fifty (50) feet for single family dwellings.~~
  - b. ~~Seventy (70) feet for two (2-) family dwellings.~~
  - e. ~~Eighty (80) feet for all other uses.~~
- (4) ~~**Minimum front yard.**~~
- a. ~~Twenty (20) feet.~~
  - b. ~~Twenty five (25) feet if located on an arterial street.~~
- (5) ~~**Minimum rear yard.** Thirty five (35) feet.~~
- (6) ~~**Minimum side yard.**~~
- a. ~~Six (6) feet for single and two family dwellings.~~
  - b. ~~Twenty (20) feet all other uses.~~
- (7) ~~**Minimum setback from single or two family lot line.** Thirty (30) feet.~~
- (8) ~~**Maximum building height:**~~
- a. ~~Thirty five (35) feet for single and two (2 ) family dwellings.~~
  - b. ~~Forty five (45) feet or all other uses.~~
- (9) ~~**Minimum distance between multi-family buildings.** Twelve (12) feet.~~
- (1) **Single-Family Dwelling, Detached:**
- a. **Minimum lot area:** Six thousand (6,000) square feet.
  - b. **Minimum lot width:** Fifty (50) feet.
  - c. **Minimum front lot line setback:** Twenty (20) feet (twenty-five (25) feet minimum on arterial street).
  - d. **Minimum rear lot line setback:** Twenty-five (25) feet.
  - e. **Minimum side lot line setback:** Six (6) feet.

f. Maximum lot coverage: Seventy percent (70%).

g. Maximum building height: Thirty-five (35) feet.

**(2) Two-family Dwellings (duplex):**

a. Minimum lot area, Two-family dwellings (two-story duplex): Seven thousand (7,000) square feet.

b. Minimum lot area, Two-family dwellings (single story duplex): Nine thousand (9,000) square feet.

c. Minimum lot width: Seventy (70) feet.

d. Minimum front lot line setback: Twenty (20) feet (twenty-five (25) feet minimum on arterial street).

e. Minimum rear lot line setback: Twenty-five (25) feet.

f. Minimum side lot line setback: Six (6) feet.

g. Maximum lot coverage: Seventy percent (70%).

h. Maximum building height: Thirty-five (35) feet.

**(3) Multi-family Dwellings and Other Uses:**

a. Minimum lot area, Multi-family dwellings: One thousand five-hundred (1,500) square feet per dwelling unit.

b. Minimum lot area, All other uses: Seven thousand (7,000) square feet.

c. Minimum lot width: Eighty (80) feet.

d. Minimum front lot line setback: Twenty (20) feet (twenty-five (25) feet minimum on arterial street).

e. Minimum rear lot line setback: Thirty-five (35) feet.

f. Minimum side lot line setback: Twenty (20) feet.

g. Minimum distance between multi-family buildings: Twelve (12) feet.

h. Maximum lot coverage: Seventy percent (70%).

i. Maximum height: Forty-five (45) feet.

**(4) Zero Lot Line Two-family Dwelling:**

a. Minimum lot area: Three thousand (3,000) square feet per dwelling.

b. Minimum lot width: Thirty (30) feet per dwelling.

c. Minimum front lot line setback: Twenty (20) feet (twenty-five (25) feet minimum on arterial street).

d. Minimum rear lot line setback: Twenty-five (25) feet.

e. Minimum side lot line setback: Zero (0) feet on one (1) side with a common wall provided that:

i. The opposite side yard being a minimum of six (6) feet.

- ii. Patios and decks may have a zero setback from the zero lot line side yard setback.
- iii. Driveways may be separate or shared.
- iv. All state and local building code requirements shall be met for a zero-lot line two-family dwelling.
- v. Every zero lot line two-family dwelling constructed after (insert ordinance effective date) shall be constructed with identical materials.
- vi. For the purpose of this subsection the term “identical materials” means exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc.
- vii. For the purpose of this subsection the term “similar materials” means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, color, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.
- viii. Restrictive covenants shall be recorded at the county register or deeds, providing declarations and or bylaws similar to those typically recorded on a declaration of condominium.
  - 1. If the driveway is shared, the maintenance and use standards for the shared driveway shall be part of said covenants.
  - 2. Include a note that reads, “The parties hereto agree that the aesthetics of the units are important to the value of the building. Therefore, any subsequent repairs or maintenance performed by a unit owner to the exterior of their portion of the zero lot line two-family dwelling shall use at a minimum materials similar with those materials already incorporated into the building if identical materials are not incorporated into the repair or maintenance project. Each party may agree in writing to change the original color of the building so long as the color change applies to each unit. No party may change the color of the building so that it is different than the other unit.”
  - 3. Said covenants shall provide for mediation of any and all disputes between owners of each dwelling unit and third party with regard to construction, use and maintenance of the real property.
  - 4. Said covenants shall specifically state the City of Appleton and all approving authorities shall not be held responsible for same, and that said covenants shall insure to all heirs and assigns.
  - 5. Proof of said recorded covenants or subsequently amended shall be submitted to the Community and Economic Development Department.
- ix. Each dwelling unit shall have separate sewer and water lines and other separate utility lines entering each dwelling unit and also separate sump pump.
- x. Easements shall be provided upon each lot as may be necessary for ingress and egress, water, sewer and all other utility services.
- xi. The zero lot line parcel shall be divided by certified survey map or subdivision plat pursuant to Chapter 17 Subdivisions of the Municipal Code.
  - 1. A restrictive endorsement shall be placed on the face of the CSM or plat that reads, “When zero lot

line two-family dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, use, repair and maintenance shall be guarded against by private/restrictive covenants and deed restrictions, and no approving authority shall be held responsible for the enforcement of same.”

2. A copy of said Restrictive covenants shall be submitted with the initial application for certified survey map or subdivision plat approval.

f. Maximum building height: Thirty-five (35) feet.

(h) **Parking and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening standards.

*Comments: The proposed changes to the C-1 District are intended to implement recommendations from the Comprehensive Plan 2010-2030, which are aimed at creating a zoning district to accommodate mixed-use infill and redevelopment. The proposed changes are meant to find the middle ground between the CBD and C-2 Districts. Currently, there are only two parcels in the City with C-1 zoning, and the proposed changes should not create any nonconformities.*

**Sec. 23-112. C-1 neighborhood ~~commercial~~ mixed use district.**

(a) **Purpose.** The C-1 district is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, enclosed in buildings and that are small in size; to provide convenience goods and services to local residents; and to identify businesses that can be located close to residential properties without being detrimental to the established residential neighborhoods.

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• <del>None.</del></li> <li>• <u>Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Clubs.</li> <li>• Day care, group.</li> <li>• Governmental facilities.</li> <li>• Museums.</li> <li>• Places of worship.</li> <li>• Public parks or playgrounds.</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Commercial entertainment; excluding sexually-oriented establishments.</u></li> <li>• <u>Hotel or motels.</u></li> <li>• Multi-tenant building.</li> <li>• Offices.</li> <li>• <u>Painting/Craft Studio without alcohol sales.</u></li> <li>• Personal services.</li> <li>• <u>Printing.</u></li> <li>• Professional services.</li> <li>• <u>Restaurants (without alcohol).</u></li> <li>• <u>Restaurant, fast foods.</u></li> <li>• <u>Retail businesses under 5,000 square feet in floor area.</u></li> <li>• <u>Shopping centers.</u></li> <li>• Urban farms pursuant to §23-66(h)(17).</li> <li>• <u>Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight.</u></li> </ul>

(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) Drive through facility pursuant to §23-49.~~

~~(4) (3)~~ Home occupation pursuant to §23-45.

~~(5) (4)~~ Outdoor storage and display pursuant to §23-46.

~~(6) (5)~~ Fences and walls pursuant to §23-44.

(d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the C-1 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"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school.</li> <li>• Essential services.</li> <li>• Recreation facilities, non-profit.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Amusement arcade.</u></li> <li>• <u>Bar or Tavern pursuant to §23-66(h)(6).</u></li> <li>• <del>Commercial entertainment; excluding sexually oriented establishments.</del></li> <li>• <u>Craft-Distillery pursuant to §23-66(h)(19).</u></li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• <u>Manufacturing, custom pursuant to §23-66(h)(16).</u></li> <li>• <u>Microbrewery/Brewpub pursuant to §23-66(h)(19).</u></li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11).</li> <li>• <u>Painting/Craft Studio with alcohol pursuant to §23-66(h)(6).</u></li> <li>• Parking garages.</li> <li>• Recycling collection points pursuant to §23-66(h)(14).</li> <li>• <u>Research laboratories or testing facilities.</u></li> <li>• <u>Restaurants (without alcohol) with alcohol pursuant to §23-66(h)(6).</u></li> <li>• <del>Restaurants, fast food.</del></li> <li>• <u>Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</u></li> <li>• Tower or antenna for telecommunication services pursuant to Article XIII.</li> <li>• <u>Winery pursuant to §23-66(h)(21).</u></li> <li>• <del>Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight.</del></li> </ul>

(f) **Site plan.** Prior to obtaining a building permit on any land in the C-1 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.



(g) **Parking and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards; however, the number of off-street parking and loading spaces required are reduced by fifty percent (50%) for uses in the C-1 district. Landscaping requirements are set forth in §23-601, Landscaping and screening requirements.

(h) **Development standards.** The space limits applicable in the C-1 district are as follows:

- (1) **Minimum lot area.** ~~Nine thousand (9,000)~~ Six thousand (6,000) square feet.
- (2) **Maximum lot coverage.** ~~Seventy percent (70%)~~ Ninety percent (90%).
- (3) **Minimum lot width.** ~~Seventy (70)~~ Forty (40) feet.
- (4) **Minimum front yard.** ~~Twenty (20) feet.~~ None.
- (5) **Minimum rear yard:**
  - a. Twenty (20) feet.
  - b. ~~Twenty five (25) feet if abutting a residentially zoned district.~~
- (6) **Minimum side yard:**
  - a. ~~Ten (10) feet.~~ None.
  - b. ~~Twenty (20)~~ Ten (10) feet if abutting a residentially zoned district.
- (7) **Maximum building height.** ~~Thirty five (35)~~ Sixty (60) feet.

(i) **District location.** The C-1 district shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map.

*Comments: The proposed change would remove the personal storage facility use from the C-2 General Commercial District. After much consideration, staff determined that this particular use is better suited for industrial areas. Staff finds that the personal storage facility use does not conform with the areas identified with a future Commercial or Mixed Use designation on the Comprehensive Plan Future Land Use Map. A provision is proposed for the Transition Rules section in order to clarify that all previously-approved special use permits remain in full effect under the terms of its original approval.*

*Add craft-distillery, microbrewery/brewpub, painting/craft studio and winery as special uses with a cross reference to special regulations listed in the Zoning Ordinance to be consistent with Wisconsin Act 67 which amended the Wisconsin State Statutes pertaining to the way conditional uses (special uses) are regulated. Painting/Craft Studio without alcohol sales will be identified as a permitted use.*

**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:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Assisted living or retirement homes.</li> <li>• Nursing or convalescent homes.</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs.</li> <li>• Day care, group.</li> <li>• Educational institutions; business, technical or vocational school.</li> <li>• Educational institutions; college or</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops.</li> <li>• Commercial entertainment; excluding sexually-oriented establishments.</li> <li>• Drive through facilities pursuant</li> </ul>

	<p>university.</p> <ul style="list-style-type: none"> <li>• Governmental facilities.</li> <li>• Hospitals.</li> <li>• Marina or boat landings.</li> <li>• Museums.</li> <li>• Places of worship.</li> <li>• Public parks or playground.</li> <li>• Recreation facilities; non-profit.</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li> </ul>	<p>to §23-49.</p> <ul style="list-style-type: none"> <li>• Greenhouses or greenhouse nurseries.</li> <li>• Hotel or motels.</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16).</li> <li>• Multi-tenant building.</li> <li>• Offices.</li> <li>• <u>Painting/Craft Studio without alcohol sales.</u></li> <li>• Parking lots.</li> <li>• Personal services.</li> <li>• Printing.</li> <li>• Professional services.</li> <li>• Restaurants (without alcohol).</li> <li>• Restaurants, fast food.</li> <li>• Retail businesses.</li> <li>• Shopping centers.</li> <li>• Towing businesses pursuant to §23-66(h)(15).</li> <li>• Urban farms pursuant to 23-66(h)(17).</li> <li>• Veterinarian clinics.</li> </ul>
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(e) *Special uses.* Special uses in the C-2 district may include:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school.</li> <li>• Essential services.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcades.</li> <li>• Any principal building that exceeds thirty-five (35) feet in height.</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5).</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5).</li> <li>• Bar or taverns pursuant to §23-66(h)(6).</li> <li>• Body repair and/or paint shops pursuant to §23-66(h)(4).</li> <li>• Bus terminals.</li> <li>• Car washes.</li> <li>• 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).</li> <li>• <u>Craft-Distillery pursuant to §23-66(h)(19).</u></li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Freight distribution and/or moving centers.</li> <li>• Gasoline sales pursuant to §23-66(h)(8).</li> <li>• Helicopter landing pads pursuant to §23-66(h)(9).</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Indoor kennels.</li> <li>• Landscape business.</li> <li>• Manufacturing, light.</li> <li>• <del>Microbreweries</del> <u>Microbrewery/Brewpub pursuant to §23-66(h)(19).</u></li> <li>• Mobile home sales lots.</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11).</li> <li>• <u>Painting/Craft Studio with alcohol sales pursuant to §23-66(h)(6).</u></li> <li>• Parking garages.</li> <li>• <del>Personal storage facility (self storage/mini warehouse), including outdoor storage areas for recreational vehicles pursuant to §23-66(h)(18).</del></li> <li>• Recycling collection points pursuant to §23-66(h)(14).</li> <li>• Recycling and waste recovery centers pursuant to §23-66(h)(13).</li> <li>• Research laboratories or testing facilities.</li> <li>• Restaurants with alcohol pursuant to §23-66(h)(6).</li> <li>• Sexually-oriented establishments pursuant to Article XII.</li> <li>• Shelter facility.</li> <li>• <u>Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</u></li> <li>• Towers or antennas for wireless telecommunication services, pursuant to Article XIII.</li> <li>• Wholesale facilities.</li> <li>• <u>Winery pursuant to §23-66(h)(21).</u></li> </ul>

*Comments: Add craft-distillery, microbrewery/brewpub, painting/craft studio and winery as special uses with a cross reference to special regulations listed in the Zoning Ordinance to be consistent with Wisconsin Act 67 which amended the Wisconsin State Statutes pertaining to the way conditional uses (special uses) are regulated. Painting/Craft Studio without alcohol sales will be identified as a permitted use.*

**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"> <li>• Assisted living or retirement homes.</li> <li>• Nursing or convalescent homes.</li> <li>• Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse; however, residential uses are prohibited on the ground floor for any lot with frontage on College Avenue or within 120 feet of College Avenue</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs.</li> <li>• Day care, group.</li> <li>• Educational institutions; college or university.</li> <li>• Governmental facilities.</li> <li>• Museums.</li> <li>• Places of worship.</li> <li>• Public park or playgrounds.</li> <li>• Registered historic places open to</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops.</li> <li>• Commercial entertainment; excluding sexually-oriented establishments.</li> <li>• Drive through facilities pursuant to §23-49.</li> <li>• Hotel or motels.</li> <li>• Multi-tenant building.</li> <li>• Offices.</li> </ul>

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"> <li>• <u>Painting/Craft Studio without alcohol sales.</u></li> <li>• Personal services.</li> <li>• Printing.</li> <li>• Professional services.</li> <li>• Restaurants (without alcohol).</li> <li>• Restaurant, fast foods.</li> <li>• Retail businesses.</li> <li>• Shopping centers.</li> <li>• Urban farms pursuant to §23-66(h)(17)</li> <li>• Veterinarian clinics.</li> </ul>
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(e) *Special uses.* Special uses in the CBD district may include:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institution; elementary school, junior high school or high school.</li> <li>• Essential services.</li> <li>• Hospital.</li> <li>• Marina and/or boat landing.</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcade.</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot, new pursuant to §23-66(h)(5).</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot when including used vehicles pursuant to §23-66(h)(5).</li> <li>• Bar or Tavern pursuant to §23-66(h)(6).</li> <li>• Body repair and/or paint shop pursuant to §23-66(h)(4).</li> <li>• Bus terminal.</li> <li>• <u>Craft-Distillery pursuant to §23-66(h)(19).</u></li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Gasoline sales pursuant to §23-66(h)(8).</li> <li>• Indoor kennel.</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16).</li> <li>• <u>Microbrewery Microbrewery/Brewpub pursuant to §23-66(h)(19).</u></li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11).</li> <li>• <u>Painting/Craft Studio with alcohol sales pursuant to §23-66(h)(6).</u></li> <li>• Parking garage.</li> <li>• Parking lot; however, surface lots are prohibited on lots fronting on College Avenue.</li> <li>• Recycling collection point pursuant to §23-66(h)(14).</li> <li>• Research laboratories or testing facilities.</li> <li>• Restaurant with alcohol pursuant to §23-66(h)(6).</li> <li>• Shelter facility.</li> <li>• <u>Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</u></li> <li>• Towers or antennas for wireless telecommunication services pursuant to Article XIII.</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>Wholesale facility.</li> <li>Winery pursuant to §23-66(h)(21).</li> </ul>

*Comments: Add craft-distillery, distillery, microbrewery/brewpub, brewery and winery as permitted uses for the manufacturing and distribution operations with a cross reference to special regulations listed in the Zoning Ordinance to be consistent with Wisconsin Act 67 which amended the Wisconsin State Statutes pertaining to the way conditional uses (special uses) are regulated for on-site consumption of alcohol.*

**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"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>Governmental facilities.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Agriculture.</li> <li>Brewery pursuant to §23-66(h)(20).</li> <li>Commercial entertainment.</li> <li>Community garden.</li> <li>Craft-Distillery pursuant to §23-66(h)(19).</li> <li>Distillery pursuant to §23-66(h)(20).</li> <li>Freight distribution or moving centers.</li> <li>Manufacturing, light.</li> <li>Microbrewery/Brewpub pursuant to §23-66(h)(19).</li> <li>Offices.</li> <li>Multi-tenant buildings.</li> <li>Printing.</li> <li>Research laboratory or testing facilities.</li> <li>Urban farms pursuant to §23-66(h)(17).</li> <li>Warehouses.</li> <li>Wholesale facilities.</li> <li>Winery pursuant to §23-66(h)(21).</li> </ul>

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

(6) Showrooms and incidental retail sales provided ~~that~~ 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.

*Comments: Add craft-distillery, distillery, microbrewery/brewpub, brewery and winery as permitted uses for the manufacturing and distribution operations with a cross reference to special regulations listed in the Zoning Ordinance to be consistent with Wisconsin Act 67 which amended the Wisconsin State Statutes pertaining to the way conditional uses (special uses) are regulated for on-site consumption of alcohol.*

**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"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Governmental facilities.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops.</li> <li>• Body repair and/or paint shops pursuant to §23-66(h)(4).</li> <li>• <u>Brewery pursuant to §23-66(h)(20).</u></li> <li>• Bus terminals.</li> <li>• <u>Craft-Distillery pursuant to §23-66(h)(19).</u></li> <li>• Commercial entertainment.</li> <li>• Commercial truck body repair or paint shops.</li> <li>• Commercial truck maintenance shops.</li> <li>• Community garden.</li> <li>• <u>Distillery pursuant to §23-66(h)(20).</u></li> <li>• Freight distribution or moving centers.</li> <li>• Landscape businesses.</li> <li>• Manufacturing, light.</li> <li>• <u>Microbrewery/Brewpub pursuant to §23-66(h)(19).</u></li> <li>• Multi-tenant buildings.</li> <li>• Offices.</li> <li>• Personal storage facility (self storage/mini-warehouse), including outdoor storage areas for recreational vehicles pursuant to §23-66(h)(18).</li> <li>• Printing.</li> <li>• Research laboratories or testing facilities.</li> <li>• Towing businesses pursuant to §23-66(h)(15).</li> <li>• Truck or heavy equipment sales or rental.</li> <li>• Urban farms pursuant to §23-66(h)(17).</li> <li>• Warehouses.</li> <li>• Wholesale facilities.</li> <li>• <u>Winery pursuant to §23-66(h)(21).</u></li> </ul>

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

(7) Showrooms and incidental retail sales provided ~~that~~ 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.

*Comments: The proposed changes to the Off-Street Parking and Loading section are intended to implement recommendations from the Comprehensive Plan 2010-2030, which are aimed at providing greater flexibility for*

redevelopment. The most significant change introduces an administrative adjustment process for reducing minimum parking space requirements. Other changes are intended to include minimum parking spaces for new uses added to the Zoning Ordinance and clarify and simplify language related to the CBD District and interior landscaping. In light of recently approved variances, another change would allow vehicles to back into an alley from a parking space.

**Sec. 23-172. Off-street parking and loading standards.**

(d) **Exceptions to design standards.** The following are exempt from the design standards of this chapter.

- (1) Due to the primarily pedestrian orientation of the Central Business District (CBD), provision for off-street parking and loading spaces are not required for uses in the CBD. However, new or expanded parking lots and loading areas in the CBD shall comply with the off-street parking and loading requirements of this section, including standards governing design, interior landscaping, and perimeter landscaping do not apply to uses within the Central Business District CBD zoning district unless otherwise stated in this chapter.

(e) **Design standards.** All off-street parking spaces and off-street parking lots or areas shall conform to the following design requirements, unless otherwise stated in this chapter:

- (3) **Maneuvering.** All off-street parking spaces shall be designed to provide all maneuvering to occur within the property line(s). Vehicles shall not back into the public right-of-way from an off-street parking lot or parking space. Alleys are an exception to this provision, as maneuvering may occur within alley right-of-way when authorized by the Director of the Department of Public Works or designee.

(f) **Interior parking lot landscaping.**

- (1) All parking lots designed for twenty (20) or more parking spaces shall be landscaped in accordance with the following interior parking lot standards.
  - a. Five percent (5%) of the minimum square footage of the paved area of the off-street parking lot shall be devoted to interior landscape islands.
    1. ~~The landscape islands shall contain a minimum of one hundred sixty (160) square feet.~~
  - b. The primary plant materials shall be shade or ornamental trees with at least one (1) shade tree for every ~~one hundred sixty (160)~~ two hundred (200) square feet of interior landscape island area, except in cases where drainage, stormwater, or utility features preclude the planting of trees.
  - c. The interior landscape islands shall be dispersed throughout the off-street parking lot to the satisfaction of the Community and Economic Development Director.
- (2) All off-street parking lots designed for nineteen (19) off-street parking spaces or less shall provide landscaping as deemed appropriate by the Community and Economic Development Director.

(j) **Determination of required off-street parking spaces.** In computing the number of off-street parking spaces required by this chapter, the following shall apply:

- (1) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross square footage of all floors that may be occupied of a building.
- (2) Where maximum capacity is designated as the standard for determining off-street parking space requirements, the maximum capacity shall mean the maximum number of persons permitted to occupy the building under the International Building Code (IBC) and the International Fire Code (IFC), whichever is more restrictive, currently used by the City.

- (3) Where the number of employees is designated as the standard for determining off-street parking space requirements, the number of employees on the largest shift shall be used for calculation purposes.
- (4) Fractional numbers shall be increased to the next highest whole number.
- (5) An applicant may request an administrative adjustment for a reduction in the number of parking spaces required by §23-172(m). The request shall be submitted in writing and provide justification for the reduction, including estimates of parking demand or other acceptable data as approved by the Community and Economic Development Director. Sources of data may include, but are not limited to, the Institute of Transportation Engineers or Urban Land Institute. Community and Economic Development staff may approve up to a twenty percent (20%) reduction. Any reductions greater than 20% shall require a variance from the Board of Appeals.

(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
<b>Residential</b>	
Dwelling, single-family detached and zero lot line two-family dwellings	Up to three (3) bedrooms - Two (2) spaces for each dwelling unit
	Four (4) or more bedrooms – Three (3) spaces for each dwelling unit

Use Type	Minimum Off-Street Parking Spaces Required
<b>Commercial</b>	
Craft-Distillery	<u>One (1) space for each three (3) persons based on maximum capacity.</u>
Microbrewery/Brewpub	One (1) space for each three (3) persons based on maximum capacity
Painting/Craft Studios	<u>One (1) space for each three (3) persons allowed based on maximum capacity.</u>
Tasting Room	<u>One (1) space for each three (3) persons allowed based on maximum capacity.</u>
Winery	<u>One (1) space for each three (3) persons based on maximum capacity.</u>

Use Type	Minimum Off-Street Parking Spaces Required
<b>Industrial</b>	
Brewery	<u>One (1) space for each one (1) employee on the largest shift, plus three (3) visitors spaces, plus space to accommodate all company vehicles in connection therewith.</u>
Distillery	<u>One (1) space for each one (1) employee on the largest shift, plus three (3) visitors spaces, plus space to accommodate all company vehicles in connection therewith.</u>

*Comments: Section 66.0404(4)(c) of the Wisconsin State Statutes indicates, the City cannot prohibit telecommunication towers from particular locations within the City. In order to clean up this conflicted between the Zoning Ordinance and the Wisconsin State Statues, we recommend the following language be deleted.*

**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. ~~Proposed telecommunication towers are only allowed in commercial and industrial zoning districts.~~



*Comments: The edits reflect updates to the Site Plan process and requirements. The edits are intended to streamline the process, eliminate certain items that require site plan review and reflect our current practices. In addition to clarifying certain areas and minor “clean up,” the more significant changes to the Site Plan Section 23-570 are summarized as follows:*

- *Accessory buildings less than 2,500 square feet do not require site plan review. Only a building permit would be required. Any accessory building or structures greater than 2,500 square feet would require minor site plan review.*
- *Clarified that one and two family uses do not require Site Plan review and refer the reader to the Site Plan section for all other uses in the single and two-family districts.*
- *Removed the list of minor site plan and site plan requirements from the zoning code and refer readers to our application form for site plan submittal requirements. This will allow staff more flexibility if/when the list needs to be updated since it won’t be imbedded in the zoning code.*

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

(a) **Purpose and intent.** A site plan review of certain new construction, rehabilitation of buildings, additions to structures, related site work and landscape development is required in order to further promote the safe and efficient use of land and to further enhance the value of property in the City. The site plan review process is intended to help ensure that newly developed properties, expanded structures or redeveloped properties are compatible with adjacent development and safety, traffic, overcrowding and environmental problems are minimized to the extent possible.

The site plan review requirements of this section are designed to ensure the orderly and harmonious development of property in the City in a manner that shall:

- (1) Promote the most beneficial relationship between adjacent land uses.
- (2) Facilitate efficient and safe circulation of traffic both on the site and as it interfaces with the public right-of-way and adjacent properties.
- (3) Permit development to a level commensurate with the availability and capacity of public facilities and services.
- (4) Encourage adequate provision for surface and subsurface drainage.
- (5) Provide appropriate screening of parking, truck loading, refuse containers, mechanical equipment and outdoor storage areas from adjacent residential districts and public rights-of-way.

(b) **No minor site plan or site plan review is required.**

(1) **Change in existing building or structure:**

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	Less than 1,000 square feet
10,001-25,000 square feet	Less than 2,500 square feet
25,001-50,000 square feet	Less than 5,000 square feet
50,001 square feet and over	Less than 7,500 square feet

- a. While no minor site plan or site plan review is required for the above addition or expansions, the addition or expansion is still subject to all applicable provisions of this chapter including but not limited to: lot coverage, setbacks, building height, parking, loading, signage and lighting.
- b. Prior to the issuance of a permit, persons not required to submit a minor site plan or site plan for the above referenced addition or expansions pursuant to this section shall submit all proposed plans and specifications

to the Inspection Division along with the completed building permit application. The Inspections Division shall coordinate the review of such plans and specifications, if applicable, with other City staff. After the submittal and acceptance of a complete building permit application, and after notification to other City staff, the proposed plans and specifications shall be reviewed for compliance with all applicable provisions of this chapter and other Municipal Code provisions. Thereafter, the permit shall be approved, approved with conditions or denied with rationale within the review timeframe identified in the Building Code.

(2) ***Maintenance, overlay, resurfacing of an existing off-street parking lot and loading area.***

- a. While no minor site plan or site plan review is required for maintenance, overlay and resurfacing of an existing off-street parking lot and loading area, the maintenance, overlay or resurfacing activity is still subject to all applicable provisions of this chapter.
- b. Off-street parking lot and loading area maintenance (patching). Fifteen percent (15%) or less than the total square foot area of an existing off-street parking lot and/or loading area is allowed to be patched per calendar year without submittal of a minor site plan or site plan.
- c. Prior to the issuance of a permit, persons not required to submit a minor site plan or site plan for maintenance, overlay or resurfacing of an off-street parking lot and loading area pursuant to this section shall submit all proposed plans and specifications to the Inspection Division along with the completed permit application. The Inspections Division shall coordinate the review of such plans and specifications, if applicable, with other City staff. After the submittal and acceptance of a complete building permit application, and after notification to other City staff, the proposed plans and specifications shall be reviewed for compliance with all applicable provisions of this chapter and other Municipal Code provisions. Thereafter, the permit shall be approved, approved with conditions or denied with rationale within the review timeframe identified in the Building Code.

(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.

(1) ***Development subject to minor site plan review.***

- a. ~~The following in the AG, R 1A, R 1B, R 1C and R 2 zoning districts:~~
  1. ~~Accessory buildings, uses and structures when associated with the following:~~
    - a. ~~Governmental facilities.~~
    - b. ~~Places of worship.~~
    - e. ~~Educational institution; elementary school, junior high school, high school.~~
    - d. ~~Educational institution; college or university.~~
    - e. ~~Educational institution; business, technical or vocational school.~~
    - f. ~~Earth berms over three (3) feet in height.~~
- b. ~~The following in the R 3, P I, N C, C O, C 1, C 2, CBD, parking, M 1 and M 2 zoning districts:~~

- a. ~~1. Accessory uses and structures. Accessory buildings and/or structures, not including off-street parking lots or loading areas, that are 2,500 square feet or greater in size; except when associated with one-(1) or two-(2) family dwellings, unless when required per Certified Survey Map, Subdivision Plat, or the like.~~
- b. ~~2. Personal wireless facilities as identified in §23-422(b)(1)-(3).~~
- c. ~~3. Construction, reconstruction, rehabilitation and expansion of off-street parking lots and loading areas that consist of less than twenty (20) parking spaces or loading spaces.~~

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

- a. The following new principal buildings, uses, building additions, or structures in ~~the AG, R-1A, R-1B, R-1C and R-2~~ any zoning districts; 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. ~~Governmental facilities.~~
- 2. ~~Places of worship.~~
- 3. ~~Educational institution; elementary school, junior high school, high school.~~
- 4. ~~Educational institution; college or university.~~
- 5. ~~Educational institution; business, technical or vocational school.~~
- 6. ~~Earth berms over three (3) feet in height.~~

- b. ~~The following buildings, building additions, uses and structures in the R-3, P-I, N-C, C-O, C-1, C-2, CBD, P, M-1 and M-2 zoning districts:~~

- 1. Any new principal buildings or structures ~~except single and two (2) family dwellings and accessory buildings, structures, or uses when associated with single and two (2) family dwellings.~~
- 2. Additions to existing principal buildings, structures or uses except single and two (2) family dwellings and accessory buildings, structures, or uses ~~when associated with single and two (2) family dwellings~~ 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. ~~Internal function of a building is changed which requires ten percent (10%) more in the number of off-street parking spaces.~~
- 4. 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.

5. 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.
- ~~6. Storage tanks over five thousand (5,000) gallons or over twelve (12) feet high.~~
- ~~7. When a building or structure is destroyed by more than fifty percent (50%) of the City of Appleton's fair market value and the property owner desires to rebuild, except in the case of single and two (2) family dwellings and accessory buildings, structure or uses when associated with single and two (2) family dwellings.~~
- ~~8. Earthen berm over three (3) feet in height.~~

(d) **Authority.** The Community and Economic Development Director is hereby charged with the duty of performing site plan review and granting site plan approval for minor site plans and site plans.

(e) **Procedure.** Whenever any property owner or individual having a contractual interest proposes to develop/redevelop any tract or parcel of land where site plan review is required, that person shall submit to the Community and Economic Development Director a request for minor site plans or site plan approval.

- (1) **Presubmittal meeting.** To ensure the correct submission of a minor site plan or site plan and to identify the requirements for a complete application, applicants shall attend a presubmittal meeting with the City Community and Economic Development staff prior to submitting an application for site plan review. The applicant will discuss with staff the submission requirements for minor site plan and site plan review. The Community and Economic Development Director shall have the authority to waive the presubmittal meeting, if necessary.
- (2) **Submission of application.** All required information shall be submitted to the Community and Economic Development Director for review and processing. Within fifteen (15) business days after the submittal and acceptance of a complete application, and after notification to the Alderperson of the appropriate district and in consultation with other City officials, the Community and Economic Development Director shall, in a written decision, state the findings of the Site Plan Review Committee. Upon approval, approval with modifications or conditional approval, a building permit may be issued.
- (3) **Request of additional information.** If in the judgment of the reviewing authority, the site plan application does not contain sufficient information to enable it to properly discharge its responsibilities, the reviewing authority may request additional information from the applicant. In that event, the fifteen (15) business day period referred to above shall be suspended pending the receipt of all information requested.
- (4) **Issuance of Building Permit.** No building permit shall be issued by the City until site plan approval has been granted as provided in this section, unless otherwise authorized by the Director of the Department of Public Works.

(f) **Fees and structure.** Fees for site plan review shall be established by the City to cover the cost of this review. This fee may include passing along review costs of consultants or agencies that may be requested for review of site plans under unique circumstances such as traffic impact studies or stormwater management plans.

(g) **Minor site plan required information.** Minor Site Plans which are submitted for review shall be drawn to an appropriate scale on sheets of uniform size, recommended at 11"x17" or a previously approved site plan may be used and submitted. A total of ~~twelve (12)~~ five (5) complete sets shall be submitted to the Community and Economic Development Director.

- (1) All Minor Site Plans shall include as a minimum all of the information as required on a form provided by the Department of Community and Economic Development. ~~following items of information. The Community and Economic Development Director may waive any of the following submission requirements as deemed unnecessary for review, at the time of the presubmittal conference.~~

(2) The Community and Economic Development Director may require additional information or may waive submission requirements as deemed necessary for thorough and efficient review.

- (1) Name of project, address, legal description of property, tax key number of each lot, description of proposed use and both existing and proposed zoning descriptions.
- (2) Name, address and phone number of the record property owner and site plan preparer (include fax number if available).
- (3) North arrow, date of preparation, revision dates and scale.
- (4) Name(s) of adjacent or surrounding streets.
- (5) Recorded property lines and their dimensions.
- (6) The total land area in the development.
- (7) All existing and proposed buildings and structures accessory to the principal use, including use of each structure, dimensions, identification of the class of construction (per State Building Code), and their location on the parcel.
- (8) Dimensions of existing and proposed yard setbacks of the buildings and structures.
- (9) Dimensions of existing and proposed parking, loading and unloading areas, and sidewalks. Identify proposed and existing surface materials.
- (10) Show existing and proposed landscaping. Identify size and variety of existing and proposed landscaping including the preservation of existing trees on site.
- (11) Identify by list the type of roof, wall and all trim materials, colors and textures and submit color samples and building material samples.
- (12) If buildings are to be removed, the site plan shall so indicate.
- (13) A note shall appear on the minor site plan that indicates the calculations for parking and loading requirements per §23-172(m), Required spaces for specific uses.
- (14) Existing and proposed driveways and parking lots including: pavement markings to show traffic flow; parking stall sizes and layout; handicap stalls and ramps; loading zones, driveways widths and radii or flares on driveway aprons to public streets.
- (15) If existing curb cuts are to be abandoned, the statement "curb cut will be closed per City of Appleton standards" shall be clearly noted on the site plan.
- (16) Identify all proposed sidewalks with grade elevations and handicap access at driveways.
- (17) Identify snow storage areas located outside of setbacks, in required parking areas, landscaped areas and vision clearance triangles.
- (18) The location and extent of all existing and proposed outdoor storage and outdoor display.
- (19) The location and detail of refuse containers and their enclosures.
- (20) The location of all mechanical equipment and the type of screening provided.

- (21) Location, heights, elevations and materials of all fences or retaining walls.
- (22) Show on site fire hydrants.
- (23) Identify as needed, any public right of way with accurate locations for existing and proposed facilities such as streets, curbs, sidewalks, sidewalk planters, street trees, utility poles, traffic signs and signals, median islands, project driveways, driveways on opposite street frontages, bus stops and other improvements. Elevations of sidewalks at property lines and elevations to indicate handicap accessibility shall be identified. A statement that "Any existing sidewalk damaged during construction will be replaced as a part of this project" shall be clearly noted on the site plan.
- (24) Calculate drainage area for each catch basin. Indicate the size and slope of utility lines that will be tapped into in the adjacent streets.
- (25) Identify as needed, all existing and proposed public and private easements for utility, drainage, sewer, parking, access and other purposes, and all easements on surrounding properties benefiting the subject property. If existing utilities are to be abandoned, clearly state the method of abandonment.
- (26) Identify, as needed, all existing and proposed sanitary sewer mains and laterals including method of connection to public main, easements, size, materials, slope, manholes, rim elevation, invert elevations, clean outs, plumbing code calculations, how many drainage fixture units and public mains for connection.
- (27) Identify, as needed, all existing and proposed water mains and laterals, including easements, size, depth, materials, tracing wires, hydrants, method of connection valves, meters, plumbing code calculations, how many water supply fixture units and public mains for connection.
- (28) Identify, as needed, all existing and proposed storm sewer mains and laterals, including method of connection to public main, easements, size, materials, slope, manholes, inlets, catch basins, yard drains, rim elevations, invert elevations, area map for drainage to each catch basin, square feet draining to each catch basin, plumbing code calculations, roof drain discharges and/or connections, square foot of roof area and public systems for connection.
- (29) Identify, as needed, all existing and proposed surface run off features, including easements, swales, open channels, type of surface, rip rap, flow path of runoff from upstream areas and flow path for runoff leaving the site including the public system adjacent to or for connection.
- (30) Identify, as needed, existing topography (by dashed lines) at one (1) foot intervals and proposed grade elevations per city elevations (City datum) for the building, parking lot, catch basin inlet, rim and invert elevations, drives, surrounding open areas and including all property within fifty (50) feet using contour lines and spot elevations and drainage flow areas as needed to define drainage patterns.
- (31) List all existing and proposed grades for first floor elevations.
- (32) Provide all erosion control information as required in Chapter 24 of the Appleton Municipal Code.
- (33) Identify all exterior lighting fixtures, either mounted on the building or freestanding light along with dispersion pattern, intensity of light and cut off shielding that reflects light downward and in which the light source is not visible from adjacent properties.
- (34) Identify type of all surfaces, including seeded grass, sod, type of mulch in planting beds, pavers, concrete and asphalt, including pavement thickness.
- (35) Identify streams, wetlands, channels, ditches and other watercourses on the site and on adjacent properties.
- (36) Identify the 100 year flood plain, including flood fringe, floodway and flood storage areas.

~~(37) Identify the size of basement/below grade space or clearly mark “no below grade space” on the site plan.~~

~~(38) Calculate lot coverage percentage of impervious surface areas.~~

~~The Community and Economic Development Director may require additional information or may waive submission requirements as deemed necessary at the presubmittal conference for thorough and efficient review.~~

(h) *Site plan required information.* Plans which are submitted for review shall be drawn to an appropriate scale on sheets of uniform size, recommended at 24” x 36”. A total of ~~twelve (12)~~ five (5) complete folded sets shall be submitted to the Community and Economic Development Director.

(1) All Site Plans shall include, as a minimum, all of the information as required on a form provided by the Department of Community and Economic Development.

(2) The Community and Economic Development Director may require additional information or may waive submission requirements as deemed necessary for thorough and efficient review.

~~All site plans shall include as a minimum all of the following items of information:~~

~~(1) Name of project, address, legal description of property, tax key number of each lot, description of proposed use and both existing and proposed zoning descriptions.~~

~~(2) Location map.~~

~~(3) Name, address and phone number of the record property owner and site plan preparer (include fax number if available).~~

~~(4) The signature of the surveyor, engineer or architect who is responsible for site plan preparation along with the revision date(s) clearly marked on the plan.~~

~~(5) North arrow, date of preparation and revision.~~

~~(6) Dates and scale.~~

~~(7) Name(s) of adjacent or surrounding streets.~~

~~(8) Recorded property lines and their dimensions.~~

~~(9) The total land area in the development including the percentage of lot coverage for all impervious surface areas.~~

~~(10) The schedule of phasing for this project if to be completed in phases.~~

~~(11) The location and architectural features of all existing and proposed structures, including occupancy classification of each structure as identified in the State Building Code, dimensions, number of stories and their locations on the parcel.~~

~~(12) Identify what types of products will be manufactured, sold and/or stored on site.~~

~~(13) Identify all types of hazardous materials to be stored on site. If none, state “No hazardous materials will be stored on site”.~~

~~(14) Identify if there will be food and/or beverage sales, a public swimming pool or whirlpool, or overnight lodging at this location.~~

~~(15) If buildings are to be removed, the site plan shall so indicate.~~

- (16) ~~A note shall appear on the of the site plan that indicates the calculations for parking and loading requirements which must identify: All existing uses on the property, the number of existing, proposed and future employees based on a five (5) year projection, the gross floor area and useable floor area for existing buildings, expanded buildings and proposed buildings and a calculation of required handicapped accessible parking spaces. Any joint use of parking must be in writing, approved by the Community and Economic Development Director, signed by both parties involved and attached and recorded in the Registrar of Deeds Office.~~
- (17) ~~Show barriers, curbing or wheel stops.~~
- (18) ~~Existing and proposed driveways and parking lots including: pavement markings to show traffic flow; parking stall sizes and layout; handicap stalls and ramps; loading zones; driveway widths and radii or flares on driveway aprons to public streets. For parking areas, identify all proposed and existing stop signs at all private driveway exits onto public roadways. If stop signs are required, add a note on the site plan identifying: "Stop signs shall be installed and maintained in accordance with the Federal Highway Administration Manual of Uniform Traffic Control Devices, latest version."~~
- (19) ~~If existing curb cuts are to be abandoned, the statement "Curb cut will be closed per City of Appleton standards" shall be clearly noted on the site plan.~~
- (20) ~~For drive through uses, show vehicle stacking spaces and pedestrian access to entry doors that do not cross drive-through lanes.~~
- (21) ~~Provide recycling calculations and locations according to the State Building Code.~~
- (22) ~~Identify all existing and proposed sidewalks with grade elevations and handicap access at driveways.~~
- (23) ~~Identify snow storage areas located outside of setbacks, in required parking areas and vision clearance triangles.~~
- (24) ~~Dimensions of all required yard setbacks for buildings and off street parking (any variances approved by the Board of Appeals attached).~~
- (25) ~~The location and extent of all existing and proposed outdoor storage and outdoor display.~~
- (26) ~~The location and detail of refuse containers and their enclosures, sidewalks, other pedestrian type walkways, bicycle storage racks, traffic control dividers, tree islands and other similar improvements.~~
- (27) ~~The location of all mechanical equipment and the type of screening provided.~~
- (28) ~~Location of existing and proposed signage, sign elevation showing the height of sign to grade, height and face dimensions, colors, typeset, materials, lighting and orientation of signage.~~
- (29) ~~Location, height, elevations and materials of all fences or retaining walls.~~
- (30) ~~Location, size and use of any buildings, driveways and public rights-of-ways within fifty (50) feet of property lines and driveways, including those located across the street.~~
- (31) ~~Identify the types of fire protection/detection systems will be used.~~
- (32) ~~Show on site fire hydrants, Fire Department hose connections, and the respective flow calculations to meet the International Fire Code for installed fire protection systems.~~
- (33) ~~The statement "A Knox Box will be provided at the front entrance" shall be included on the site plan.~~
- (34) ~~Identify the location and presence of all fire related wall assemblies.~~
- (35) ~~Identification of the class of construction in accordance with State Building Code.~~



- (36) When abutting a site plan project, any public right of way shall be identified with accurate locations for existing and proposed facilities such as streets, curbs, sidewalks, sidewalk planters, street trees, utility poles, traffic signs and signals, median islands, project driveways, driveways on opposite street frontages, bus stops and other improvements. Elevations of sidewalks at property lines and elevations to indicate handicap accessibility shall be identified. A statement that "Any existing sidewalk damaged during construction will be replaced as a part of this project" shall be clearly noted on the site plan.
- (37) Locate and label, whether underground or overhead, all existing and proposed utility lines and easements with sizes and material designations, and slopes (as needed), including sanitary sewer (manholes, laterals and clean outs), storm sewer (manholes, laterals and catch basins), water (laterals, fire lines, valves and meters), fire hydrants, gas, telephone, cable and electric lines.
- (38) Calculate drainage area for each catch basin. Indicate the size and slope of utility lines that will be tapped into in the adjacent street.
- (39) Show all existing and proposed public and private easements for utility, drainage, sewer, parking, access and other purposes, and all easements on surrounding properties benefiting the subject property. If existing utilities are to be abandoned, clearly state the method of abandonment.
- (40) State the provider of sanitary and water if not provided by the City of Appleton and provide written documentation of approval from said provider.
- (41) Identify all existing and proposed sanitary sewer mains and laterals, including: methods of connection to public mains, easements, size, materials, slope, manholes, rim elevation, invert elevations, clean outs, plumbing code calculations, how many drainage fixture units and public mains for connection.
- (42) Identify all existing and proposed water mains and laterals, including easements, size, depth, materials, tracing wires, hydrants, method of connection valves, meters, plumbing code calculations, how many water supply fixture units and public mains for connection.
- (43) Identify all existing and proposed storm sewer mains and laterals, including the method of connection to the public main, easements, size, materials, slope, manholes, inlets, catch basins, yard drains, rim elevations, invert elevations, area map for drainage to each catch basin, square feet draining to each catch basin, plumbing code calculations, roof drain discharges and/or connections, square foot of roof area and public systems for connection.
- (44) Identify all existing and proposed surface run off features, including easements, swales, open channels, type of surface, rip rap, flowpath of runoff from upstream areas, and flowpath for run off leaving the site including the public system adjacent to or for connection.
- (45) Identify existing topography (by dashed lines) at one (1) foot intervals and proposed grade elevations per City elevations (City datum) for the building, parking lot, catch basin inlet, rim and invert elevations, drives, surrounding open areas and including all property within fifty (50) feet using contour lines and spot elevations and drainage flow arrows as needed to define drainage patterns.
- (46) List all existing and proposed grades for first floor elevations and catch basin inlet rim and invert elevations.
- (47) Show details of all existing and proposed retaining walls, swales and inlets.
- (48) Provide all erosion control information as required in Chapter 24 of the Appleton Municipal Code.
- (49) Identify all exterior lighting fixtures, either mounted on the building or freestanding light along with dispersion pattern, intensity of light and cut off shielding that reflects light downward and in which the light source is not visible from adjacent properties.

- ~~(50) Provide cross sections for all pavement and identify depth of base gravel base and thickness of hard surfaced pavement (concrete or asphalt compacted).~~
- ~~(51) Locate all trees over six (6) inches in diameter and indicate whether they will remain, be relocated or be removed. Identify any other significant vegetation that is to remain and the means of protection during construction.~~
- ~~(52) Identify the location, size, species and variety of proposed trees, shrubs, ground cover and other landscape features that will be used to control erosion, or screen parking, truck loading, refuse disposal, and outdoor storage from adjacent residential districts and the public right of way.~~
- ~~(53) Identify the finished height and width of landscape elements.~~
- ~~(54) Provide a planting schedule that includes a key abbreviation, graphic symbol of vegetation, botanical name of plants, common name of plants, quantity of plants, size of plant at planting and size of plant at maturity.~~
- ~~(55) Identify type of temporary and finishing materials, including seeded grass, sod, type of mulch in planting beds, pavers, concrete and asphalt.~~
- ~~(56) Identify streams, wetlands, channels, ditches and other watercourses on the site and on adjacent properties.~~
- ~~(57) Identify the 100 year floodplain, including flood fringe, floodway and flood storage areas.~~
- ~~(58) Identify the predominate soil types.~~
- ~~(59) Identify all open space that will remain undisturbed and undeveloped. \_\_\_\_\_~~
- ~~(60) Provide dimensioned elevations of all exterior walls (photographs may be substituted for existing elevations to remain unchanged).~~
- ~~(61) Identify the size of basement/below grade space or clearly mark "not below grade space" on the site plan.~~
- ~~(62) Identify by list the type of roof, wall and all trim materials, colors and textures and submit color samples and building material samples.~~
- ~~(63) Changes or additions to existing buildings or materials clearly identified.~~
- ~~(64) Identify the location(s) of outdoor display areas and/or outdoor storage areas.~~
- ~~(65) Multifamily residential projects shall include additional information that identifies the total acres of subject property, the total number of dwelling units and density per acre and the percentage of proposed site coverage for buildings and hard surfaced areas as opposed to green space and landscaping.~~
- ~~(66) The Community and Economic Development Director may require additional information or may waive submission requirements as deemed necessary for thorough and efficient review.~~

(i) **Scope of review.** The Department of Community and Economic Development ~~Director~~, when evaluating minor site plans or site plans, will review:

- (1) The relationship of the site plan to adopted land use plans and policies.
- (2) Parking layout so as to:
  - a. Minimize dangerous traffic movements.
  - b. Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers Transportation and Traffic Engineering Handbook.

- c. Provide for the optimum number of parking spaces, while maintaining City design standards.
  - d. Provide for pedestrian safety.
- (3) Provisions for surface and subsurface drainage and for connections to water and sewer lines, so not to overload existing public utility lines nor increase the danger of erosion, flooding, landslide or other endangerment of adjacent or surrounding properties.
- (4) Landscaping, so as to:
- a. Maintain existing mature trees and shrubs to the maximum extent practicable. Where practical, the property owner shall make every effort to preserve and retain existing trees and vegetation on the site when designing for the development or redevelopment of the site during design, construction and after construction.
  - b. Buffer adjacent incompatible uses.
  - c. Screen unsightly activities from public view.
  - d. Break up large expanses of asphalt and buildings with plant material.
  - e. Provide an aesthetically pleasing landscaping design.
  - f. Provide plant materials and landscaping designs that can withstand the City's climate and the microclimate on the property.
- (5) Location of principal structures, accessory structures, lighting, freestanding signs, refuse containers, mechanical equipment, etc. so that their location and proportion does not impede safe and efficient traffic flow or adversely impact the development of adjacent property or the character of the surrounding neighborhood.
- (6) All electrical, telephone and cable lines shall be placed underground whenever practical.
- (7) Compliance with this chapter, the subdivision regulations, ~~and~~ the stormwater management ordinance, erosion control ordinance and stormwater utility of the City of Appleton.

(j) ***Validity of approval, expiration and revisions to site plan.*** A site plan shall become effective upon obtaining certification of approval by the Community and Economic Development Director on the minor site plan or site plan application and the signature of the Director on the approved plans (revised if necessary).

The approval of any site plan required by this section shall remain valid for one (1) year after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this article, "actual construction" shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property or stockpiling of materials on the site shall not constitute actual construction.

An approved site plan shall remain in effect until it is supplanted by a new site plan or is deemed null and void as identified above. A revision to a site plan may be requested by submitting the changes in writing or on a copy of the approved site plan to the Community and Economic Development Director. The Community and Economic Development Director may approve, approve with conditions, deny the requested revision(s) or determine that a new site plan is needed.

Cases that require an extension of time by the applicant can be submitted to the Community and Economic Development Director, in writing, for consideration. In no case, however, shall an extension of time exceed one (1) year.

(k) ***Appeal.*** If the Community and Economic Development Director denies the application for a site plan or approves the site plan with conditions, the applicant may appeal the decision to the Plan Commission. A notice of appeal must be filed with

the Community and Economic Development Director no later than fifteen (15) days after receipt by the applicant of the decision of the Community and Economic Development Director. Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a site plan.

The Plan Commission shall act as promptly as practical on any appeal taken in connection with the proposed site plan. The Plan Commission shall approve, approve with conditions or disapprove the site plan by action taken by a majority of the Plan Commission present at any meeting at which a quorum is present. If the Plan Commission approves the site plan, a building permit may then be issued, provided that all other requirements of all other applicable City codes and ordinances are satisfied.

(l) **Violation.** Construction or other activities contrary to the approved site plan, or in the absence of an approved plan, shall be a violation of this section.

*Comments: This section was updated to make the vision corner measurements consistent with the Vision Corner updates to Section 23-50.*

### **Sec. 23-601 Landscaping and Screening Standards.**

(f) **Design Criteria.** Landscape plans shall be prepared, evaluated and approved based on design criteria as identified below.

- (2) Any landscaping located within the front setback, in a required vision corner or within ~~fifteen (15)~~ ten (10) feet of a private driveway (§23-50~~(f)~~(g), Vision corner), shall have the following restrictions:
  - a. Shrubs shall be maintained at a height of no greater than three (3) feet.
  - b. Trees must have a clearance from the ground to the bottom of the first branch of a minimum of six (6) feet.
- (3) Side yard screening located within ~~fifteen (15)~~ ten (10) feet of the street right-of-way or private driveway must not exceed three (3) feet in height. For other side and rear yard screening requirements, see §23-50~~(f)~~(g), Vision corner.

## **RECOMMENDATION**

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

Article II Definitions: Sections 23-21 and 23-22, Article III General Provisions: Sections 23-35, 23-42, 23-44, and 23-50, Article IV Administration: Sections 23-63, 23-65, 23-66, and 23-67, Article V Residential Districts: Sections 23-91, 23-92, 23-93, 23-94, 23-95, and 23-96, Article VI Commercial Districts: Sections 23-112, 23-113, and 23-114, Article VII Industrial Districts: Sections 23-131 and 23-132, Article IX Off-Street Parking and Loading: Section 23-172, Article XIII Wireless Telecommunications Facilities: Section 23-422, Article XV Site Plan Review and Approval: Section 23-570, and Article XVI. Landscaping and Screening: Section 23-601.

usa0355@fedex.com

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**From:** Tony Kubek <vanishingpointdistillery@gmail.com>  
**Sent:** Tuesday, February 25, 2020 2:13 PM  
**To:** usa0355@fedex.com  
**Subject:** [EXTERNAL] Fwd: Distillery

----- Forwarded message -----

**From:** Eric Kaegi <kaegie88@gmail.com>  
**Date:** Mon, Feb 24, 2020 at 9:58 PM  
**Subject:** Distillery  
**To:** [vanishingpointdistillery@gmail.com](mailto:vanishingpointdistillery@gmail.com) <[vanishingpointdistillery@gmail.com](mailto:vanishingpointdistillery@gmail.com)>

Good evening

I would like to reach out and say, I think it is a great idea to finally have a local distillery. I would like to start by thanking you for bringing this to Appleton.

Some reasons I believe your choice is a good one, because everyone likes to support local stuff, and local is a relative term, Wisconsin has a lot pride in its spirits and beers. My best example is the New Glarus brewery every one in Wisconsin knows about Spotted Cow. It brings people pride when they talk about the beer. How many times have you herd, "you have too try a cow".

Another example is the Wisconsin Old Fashion, that is a staple here in our state and I believe your distillery could even help that. There are famous people that talk about Wisconsin Old Fashions, see Lewis Black. With that being said it's time Wisconsin gets it own distillery to really help this drink stay a true Wisconsin drink.

The popularity of the clear spirits is a huge market now. With all the diets that are cutting carbs. Why not have a local vodka and gin to help with this craze, and bring in revenue to the whole area.

I believe that this is a good idea, and can be a profitable venture for all who are involved from distiller, local businesses and consumers. It is a bit startling that it has taken this long to have someone try to make local spirits.

Wish you the best of luck! Can't wait to try your product.

Eric

**usa0355@fedex.com**

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**From:** Tony Kubek <vanishingpointdistillery@gmail.com>  
**Sent:** Tuesday, February 25, 2020 2:13 PM  
**To:** usa0355@fedex.com  
**Subject:** [EXTERNAL] Fwd: Letter

----- Forwarded message -----

**From:** **Tony Kubek** <ackubek@gmail.com>  
**Date:** Sat, Feb 22, 2020 at 9:26 AM  
**Subject:** Fwd: Letter  
**To:** <vanishingpointdistillery@gmail.com>

----- Forwarded message -----

**From:** **Anne Schauman** <akschauman@gmail.com>  
**Date:** Sat, Feb 22, 2020 at 8:48 AM  
**Subject:** Letter  
**To:** Tony Kubek <ackubek@gmail.com>

Hi Tony!

Below is the letter I wrote to the City Plan Commission. I have never written anything like this so please let me know if you feel there should be changes. Do you need me to put it into a word document, sign it, and scan it in so you can print it? I can easily do that if it would help.

Best of luck Tuesday,

Sissy

Dear City Plan Commission Members:

It has come to my attention that there is no language in the Appleton Zoning Codes related to the operation of distilleries in the city. With almost 2,000 distilleries operating in the United States and more certainly on the horizon, I think it is time that Appleton write language that would set parameters on the operation of distilleries so that only legitimate ones are recognized and allowed to operate in the city.

Respectfully submitted,

Anne Schauman  
Appleton Business Owner

**usa0355@fedex.com**

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**From:** Tony Kubek <vanishingpointdistillery@gmail.com>  
**Sent:** Tuesday, February 25, 2020 2:12 PM  
**To:** usa0355@fedex.com  
**Subject:** [EXTERNAL] Fwd: Appleton Distillery

----- Forwarded message -----

**From:** Jack Kubek <jkubes10@gmail.com>  
**Date:** Fri, Feb 21, 2020 at 8:59 PM  
**Subject:** Appleton Distillery  
**To:** <vanishingpointdistillery@gmail.com>

To whom it may concern,

With Appleton ever-growing and ever-expanding, a distillery is the next great destination for the loving community. I know the great people would love to see this business thrive. The time is right and Appleton is absolutely ready for this.

Thank you for your thought and consideration!

A homegrown Appleton lover,  
Jack

**usa0355@fedex.com**

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**From:** Tony Kubek <vanishingpointdistillery@gmail.com>  
**Sent:** Tuesday, February 25, 2020 2:12 PM  
**To:** usa0355@fedex.com  
**Subject:** [EXTERNAL] Fwd: Appleton Distillery

----- Forwarded message -----

**From:** William Heiges <bill.copperrock@icloud.com>  
**Date:** Wed, Feb 19, 2020 at 10:56 PM  
**Subject:** Appleton Distillery  
**To:** <vanishingpointdistillery@gmail.com>

To whom it may concern,

Craft Distilleries are growing in popularity across the country. They fit with the growing trend to source locally what we eat and drink. There is little difference in the process of fermenting a craft beer and that of fermenting other spirits.

There are no shortages of places to buy spirits in Appleton, so why not support a small business that can produce them locally, while also creating jobs and revenue for our city. I think a distillery would only add to the diverse and trendy city that Appleton has worked so hard to become.

Please consider adding an ordinance that would allow for distilleries in Appleton.

Thank you.

Sincerely,

William Heiges  
Copper Rock Coffee Co. - Owner  
Copper State Brewing - Owner

Sent from my iPhone



**From:** Tony Kubek <vanishingpointdistillery@gmail.com>  
**Sent:** Tuesday, February 25, 2020 2:11 PM  
**To:** usa0355@fedex.com  
**Subject:** [EXTERNAL] Fwd: Distillery

----- Forwarded message -----

**From:** James Kubek <james.kubek@gmail.com>  
**Date:** Wed, Feb 19, 2020 at 5:58 PM  
**Subject:** Distillery  
**To:** <vanishingpointdistillery@gmail.com>

To Whom it May Concern:

As a former long-time resident and frequent visitor to Appleton, please allow me to express some thoughts in support of allowing a distillery to open in your city. For many years, the trend has been the opening of small, interesting and experimental micro-breweries in cities across America. Only recently have we begun to see a similar trend with distilleries.

Appleton is gaining deserved acclaim for its live music (The Mile of Music), great restaurants (Antojitos is a personal favorite) and vibrant and diverse nightlife. In central and northern Wisconsin, there is no city that rivals Appleton for good, consistent food and fun. The addition of a well-run distillery will expand on all that Appleton offers. Milwaukee and Madison have embraced them. Having lived in all 3 cities, I can say that Appleton already bests Madison and trails Milwaukee in size only.

Please allow Appleton to continue to grow by granting permission for a distillery to be entered into the city's ordinances.

Respectfully,

James Kubek

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**58-20**

**AN ORDINANCE AMENDING SECTION 2-29(a) OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ALDERPERSON ABSENCE; PARTICIPATION ELECTRONICALLY.**

(Finance Committee? – 3/18/2020)

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

**Section 1:** That Section 2-29(a) of Chapter 2 of the Municipal Code of the City of Appleton, relating to alderperson absence; participation electronically, is hereby amended to read as follows:

**Sec. 2-29. Alderperson absence; participation electronically.**

(a) An alderperson, who is a qualified individual with a disability as defined in s. 35.104, Code of Federal Regulations, Title 28, Chapter 1, Section 3, unable to appear in person at a meeting of the Common Council may request in writing or by email at least twenty-four (24) hours in advance of the meeting the written or emailed permission from the President of the Common Council to participate in the meeting electronically. The participation by ~~an said~~ alderperson electronically shall be permitted in cases where extreme temperatures would negatively impact adaptive equipment used by the person either on their person or as a mode of transportation; or, during times when in a national or state public health emergency is in effect and attending a public meeting would place the alderperson's health at risk. An alderperson's appearance electronically must be noted in the meeting minutes. Electronic participation must occur in the meeting room so that the physically absent member can hear and can be heard by all those who are present. An alderperson appearing electronically shall be entitled to participate and vote to the fullest extent possible.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**59-20**

**AN ORDINANCE REPEALING SECTION 2-561 OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AUTHORITY OF CITY CLERK REGARDING ELECTIONS.**

(Finance Committee – 3/18/2002)

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

**Section 1:** That Section 2-561 of Chapter 2 of the Municipal Code of the City of Appleton, relating to authority of City Clerk regarding elections, is hereby repealed.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

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## *Proclamation*

**WHEREAS**, a disaster, namely the COVID-19 Health Emergency, will imminently impact the City of Appleton; and

**WHEREAS**, the emergency has caused the City of Appleton to expend or commit all of its available resources; and

**WHEREAS**, the City of Appleton is asking for county assistance and requests the county to advise the State of Wisconsin of emergency conditions;

**NOW, THEREFORE**, I, Mayor Timothy M. Hanna, do declare a

### *State of Emergency in the City of Appleton*

pursuant to my authority under Wisconsin Statutes Sec. 323.14(4)(b) as Mayor of the City of Appleton in testimony whereof I have hereunto set my hand and have caused the great seal of the City of Appleton to be affixed.

Signed and sealed this 15<sup>th</sup> day of March 2020.



A handwritten signature in black ink, appearing to read "Timothy M. Hanna", is written over a horizontal line.

**TIMOTHY M. HANNA**  
**MAYOR OF APPLETON**





# City of Appleton

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

## Meeting Minutes CEA Review Committee

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Monday, February 24, 2020

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order

*Aldersperson Meltzer called the meeting to order at 4:00 p.m.*

2. Roll call of membership

**Present:** 4 - Vandehey, Saucerman, Croatt and Meltzer

3. Approval of minutes from previous meeting

[20-0195](#)

Minutes from July 8, 2019

**Attachments:** [Minutes from July 8, 2019.pdf](#)

**Croatt moved, seconded by Saucerman, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Vandehey, Saucerman, Croatt and Meltzer

4. **Public Hearings/Appearances**

5. **Action Items**

[20-0196](#)

Request to replace pickup truck #475 prior to the 2021 budget adoption (\$35,000).

**Attachments:** [Replace pickup truck #457 prior to 2021 budget adoption.pdf](#)

**Croatt moved, seconded by Saucerman, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Vandehey, Saucerman, Croatt and Meltzer

6. **Information Items**

[20-0197](#)

2020 Equipment Purchase Log.

**Attachments:** [2020 Equipment Purchase Log.pdf](#)

7. Adjournment

**Vandehey moved, seconded by Croatt, to adjourn the meeting at 4:06 p.m..  
Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Vandehey, Saucerman, Croatt and Meltzer

The Autovu 2 Camera System is a public safety resource the Appleton Police Department (APD) has been trying to add for several years. The implementation of the system involves outfitting a squad car with several automatic license plate recognition (ALPR) cameras which have the ability to read license plates in a variety of conditions and at high speeds. The data gathered by the cameras is then compared to a database, quickly alerting the officer if any of the scanned plates are wanted for any of a variety of reasons. As an example, the Grand Chute Police Department (GCPD), who has the system already, had an officer parked in a median turnaround on Highway 41 in the dark during early morning hours. A car going by at interstate speeds was detected by the system as being reported stolen. During the ensuing stop, the occupants were found to also be wanted and in possession of firearms. This stop, used as an example to show the value of the system, would not have been possible relying on traditional observations made by the officer alone. It is just one of many such examples available.

During Octoberfest 2019, in fact, GCPD was requested to utilize the system in the downtown area in the days leading up to the event. The Statewide Intelligence Center received a tip that a person threatened on Snapchat to go on a mass shooting somewhere in Wisconsin. Resources were deployed and the person was later found to be staying with relatives in Green Bay. As Octoberfest neared, one of GCPD's squads having the ALPR system was requested to drive the downtown area, including the parking ramps, in order to verify whether a vehicle known to be associated with the person was detected. Utilizing the system, of course, was a much more thorough verification than relying on human observation skills in congested areas. Checking for the vehicle was as easy as entering the known license plate into the system and driving the squad with scanning cameras through the area. The system would automatically alert the officer via the squad's computer if the plate was detected. It was not detected and, combined with other investigative measures in place, the agencies involved were comfortable that the threat was unlikely to lead to hostile actions.

The APD would like to get a squad equipped with the cameras. We would then join the system's server housed at GCPD. Combining resources with other agencies is the most cost-effective approach. Another Fox Valley agency is similarly planning to join the server. Agencies in the Milwaukee area utilize a similar model of sharing one system. Concerns about government intrusion with such technology can be mitigated by the implementation of restrictive record retention schedules. It is intended that the chiefs of police from participating agencies will agree on and implement such schedules through MOUs.

Budget breakdown:

Autovu Sharp X law dual base kit (1)

Sharp X camera hard mount mounting bracket (2)

Generic Sharp XS XGA camera (2)

Black Autovu Sharp X Camera XGA 16 mm lens (2)

Installation (1)

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\$16,381.16

5 year extended warranty

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\$6295.00

Anticipated 1% increase in 2020

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\$226.76

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Total \$22,902.92

There aren't any other anticipated streams of revenue for the project at this time. ALPR, however, is a powerful project that would have real benefits for the Fox Valley.

Previous Octoberfest Grants Awarded:

2007 Radar Trailer \$5,000

2010 Traffic Enforcement Software \$8,000

2011 Surveillance Camera \$6,000

2015-2016 Plate carriers \$5,000

2015-2016 Messaging Board \$17,000



**City of Appleton Resolution #2020-02**

**SALES TAX SHARED REVENUE RESOLUTION**

The Outagamie County Board of Supervisors has adopted Ordinance B—2019-20 enacting a county sales and use tax of one-half of one percent (0.5%) in Outagamie County effective January 1, 2020. Section 5 of Ordinance B—2019-20 authorizes sharing of the net proceeds of the sales and use tax up to a maximum of 15% of net proceeds with qualifying municipalities and school districts located in Outagamie County.

The method for determining the share local municipalities and school districts receive for the 2020 calendar year is as follows:

- 1) Municipalities (Cities, Towns and Villages) – 80% of the shared revenue
  - a) Equalized Value Including TIF (Per WISDOR 2018 Statement of Changes in Equalized Values) – 33.33%
  - b) Population (Per WISDOA 2018 final estimates) – 33.33%
  - c) Lane Miles (Per WISDOT 2019 final GTA report) – 33.34%
- 2) School Districts – 20% of the shared revenue
  - a) Equalized Value Including TIF (Per WISDOR 2018 Statement of Changes in Equalized Values) – 50%
  - b) Student Enrollment (Per WISDPI 2018) – 50%

For municipalities and school districts spanning multiple counties, only the Outagamie County portion will be used in the formulas.

NOW THEREFORE, the undersigned members of the City of Appleton Common Council recommend adoption of the following resolution.

BE IT RESOLVED, that the City of Appleton does hereby agree to accept and expend the shared county sales tax revenue from Outagamie County *“for the purpose of directly reducing the property tax levy”*, pursuant to Wis. Stat. § 77.70, and

BE IT FINALLY RESOLVED, that a copy of this Resolution be forwarded to the Outagamie County Executive, Outagamie County Clerk and Outagamie County Finance Director.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor Timothy M. Hanna

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City Clerk Kami Lynch



**FINANCIAL SERVICES**  
320 South Walnut St.  
Appleton, WI 54911  
920.832.1680

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November 12, 2019

Dear Outagamie County Municipal/School District Official:

Outagamie County enacted Ordinance B—2019-20 establishing a one-half percent (0.5%) county sales and use tax, which authorized sharing up to a maximum of 15% of the net proceeds with qualifying municipalities and school districts located within Outagamie County. The Outagamie County Board adopted the 2020 budget on November 4<sup>th</sup>, which included revenue sharing with county municipalities and school districts. This correspondence outlines the parameters of the revenue sharing between the county and municipalities/school districts.

The county sales and use tax and revenue sharing will be implemented on January 1, 2020. The revenue sharing is effective for calendar year 2020 and is subject to change, per the annual county budget process. Therefore, there is no guarantee this revenue will be available in 2021.

The county will make distributions to municipalities and school districts that choose to accept the funds based on the methodology outlined in the attached FAQ document. The payment schedule determined by the county is anticipated to be on a semi-annual basis with payments occurring approximately August 10, 2020 (January – June collections) and February 10, 2021 (July – December collections). Payments will be allocated based on actual 2020 revenues received by the county from the WI Department of Revenue. A spreadsheet containing the total *estimated 2020 revenues* for municipalities/school districts is attached to the enclosed FAQ document for your reference.

By signing below and returning this form to Outagamie County **no later than April 1, 2020**, your municipality/school district agrees to accept this source of revenue and to utilize it “*for the purpose of directly reducing the property tax levy*”, pursuant to Wis. Stat. § 77.70. You are encouraged to consult with your legal counsel for guidance as necessary. Please include a copy of your governing body’s resolution to accept the sales tax allocation and agreement to follow the referenced requirements under Section 77.70 (template resolution attached).

Please refer to the attached FAQ document for further information.

Municipality/School District \_\_\_\_\_

Chief Elected Official/Administrator \_\_\_\_\_

Date \_\_\_\_\_

**OUTAGAMIE COUNTY SALES TAX  
MUNICIPAL & SCHOOL DISTRICT REVENUE SHARING  
FREQUENTLY ASKED QUESTIONS**

**Q: Is it legal for the county to share sales tax revenue with municipalities and school districts?**

WI State Statute 77.76(3) allows Wisconsin counties to share all or a portion of sales tax revenue with underlying municipalities and school districts. The statute is included below for reference (emphasis added):

**77.76(3)** From the appropriation under s. 20.835 (4) (g) the department of revenue shall distribute 98.25 percent of the county taxes reported for each enacting county, minus the county portion of the retailers' discounts, to the county and shall indicate the taxes reported by each taxpayer, no later than 75 days following the last day of the calendar quarter in which such amounts were reported. In this subsection, the "county portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction the numerator of which is the gross county sales and use taxes payable and the denominator of which is the sum of the gross state and county sales and use taxes payable. The county taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments of the county taxes previously distributed. Interest paid on refunds of county sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (g) at the rate paid by this state under s. 77.60 (1) (a). ***The county may retain the amount it receives or it may distribute all or a portion of the amount it receives to the towns, villages, cities, and school districts in the county.*** After receiving notice from the department of revenue, a county shall reimburse the department for the amount by which any refunds, including interest, of the county's sales and use taxes that the department pays or allows in a reporting period exceeds the amount of the county's sales and use taxes otherwise payable to the county under this subsection for the same or subsequent reporting period. Any county receiving a report under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5) and (6).

**Q: Why is the county sharing with school districts? Sheboygan County is the only other county currently sharing county sales tax revenue and it's only going to municipalities.**

Outagamie County Corporation Counsel Joe Guidote has reviewed the pertinent statutes and provided a legal opinion. In short, he opines that the county could restrict the *use* of the revenue being shared, which may exclude certain entities. For example, Sheboygan County specifically requires the revenues be used for public transportation infrastructure, which excludes school districts from qualifying. However, if there is no specified use limiting entities that would qualify, the county must share with all of the entities mentioned in the statute,

including school districts, in an equitable manner. The only restriction included in the Ordinance passed by the Outagamie County Board is that the revenue must be used in accordance with WI state statutes. Please note that municipalities and school districts are encouraged to consult their own legal counsel for guidance on utilization of the county sales tax revenue.

**Q: How long can municipalities and schools rely on this shared revenue from the county?**

There is no guarantee the county would continue to share revenue generated by the county sales tax. The current County Board is unable to bind a future County Board to this policy decision. Therefore, all entities receiving a share of this revenue from the county should be mindful of that fact when making budget decisions regarding the use of this revenue. If the revenue is used to pay for debt service, for example, the recipient will be protected against a significant adverse impact should the county rescind the revenue sharing in a subsequent adopted county budget since the recipient could increase the tax levy for debt service (as available under the current levy limit formula). On the other hand, if the revenue was used to cover ongoing operational expenses, a recipient could experience a budgetary gap if the county rescinded the revenue sharing at any point in the future. The ordinance language is intentionally general to allow for as much flexibility as possible for municipalities and school districts, given the range of municipal and school district needs that exist today and may exist in the future. Municipalities and schools can avoid future budget issues by using this revenue prudently.

**Q: How will the county determine the amounts that will be distributed to each municipality and school district?**

The pertinent section of the County Ordinance passed by the County Board reads as follows:

15            SECTION 5. The County of Outagamie authorizes sharing of the net proceeds of such sales and  
16    use tax up to a maximum of 15% of said proceeds with qualifying municipalities and school districts  
17    located within Outagamie County.

The sharing methodologies are outlined within the Sales Tax Analysis Report compiled by Outagamie County Financial Services on Page 26 as follows:

**A) Allocating the Funding Between Local Municipalities and Local School Districts**

The first step in the process is to allocate funding between the local municipalities and school districts. This allocation was completed by considering each municipality/school district as one unit of government. If a municipality or school district is located in more than one county, the share of equalized value located within the county versus that individual unit of government's overall equalized value was used. For example, if 75% of a municipality/school district's equalized value is within the county, that municipality/school

district would be considered as a 0.75 unit. Based upon this analysis and an *estimated* total of \$3,000,000 to be distributed to municipalities and school districts, 80% of the allocation would be made to local municipalities (\$2,400,000) and 20% would be made to local school districts (\$600,000). See tables in **Appendix D** from the Sales Tax Analysis Report (attached) for details.

**B) Sharing the Funding between the two subsets – B1 Local Municipalities and B2 School Districts**

**B1 – Local Municipalities** – This example uses the following three-pronged methodology to distribute the *estimated* \$2,400,000 million in sales tax to the local municipalities within the county: **1) Equalized value** at 33.33%, **2) Population** at 33.33%, **3) Lane miles** at 33.34%.

- 1) **EQUALIZED VALUE** - 33.33% to be allocated based upon Equalized Value (including TIFs). Equalized value is the current method used to calculate the county's tax rate. [Note - While the current tax rate calculation for the county share excludes the TIF valuations, we have used the gross equalized valuation since this more accurately reflects the overall equalized value of the municipalities within the county.] This is consistent with the current approach to allocating tax increases (or decreases) to all local units of government. **NOTE: Equalized values are based on prior year data per the Wisconsin Department of Revenue (i.e. 2018 equalized values utilized for 2020 budget calculation).**
- 2) **POPULATION** - 33.33% to be allocated based upon population. This portion would be based on the premise that the entire population within the county would be paying county sales tax. Therefore, residents in each municipality would benefit from the county contribution back to the local municipalities. **NOTE: Population numbers are based on prior year final estimates per the Wisconsin Department of Administration - Demographic Services Center (i.e. 2018 final estimates utilized for 2020 budget calculation).**
- 3) **LANE MILES** - 33.34% would be based on the number of lane miles within each jurisdiction (and only within Outagamie County's borders). **NOTE: Lane miles are based on prior year data per the Wisconsin Department of Transportation (i.e. 2019 lane miles data utilized for 2020 budget calculation).**

This balanced, three-pronged approach would reasonably and equitably distribute the sales tax back to the local municipalities based on the allocated share of the county's levy (equalized value), those that have paid it (population based) and those that need it to fund transportation or other infrastructure or related expenditures (lane miles). The *estimated* allocations for each local municipality based on this methodology are noted in

**Appendix E of the Sales Tax Analysis Report (attached). NOTE: It is important to underscore that the allocations in Appendix E are *estimates*. While the county took a conservative approach estimating total sales tax collections in 2020, actual revenues may be less than projected resulting in lower distributions to municipalities than reflected in Appendix E. Therefore, municipalities are encouraged to be conservative when including sales tax revenue in their 2020 budgets.**

B2 – Local School Districts - We have used the following two-pronged methodology to distribute the *estimated* \$600,000 in sales tax to the local school districts within the county:

**1) Equalized value** at 50% and **2) Enrollment** at 50%.

- 1) **EQUALIZED VALUE** - 50% to be allocated based on Equalized Value (Including TIFs). Equalized Value is the current method used to calculate the county's tax rate. [While the current tax rate calculation for the county share excludes the TIF valuations, we have used the gross equalized valuation since this more accurately reflects the overall equalized value for them within the county.] This portion would maintain the current approach to allocating tax increases (or decreases) to all local units of government. **NOTE: Equalized values are based on prior year data per the Wisconsin Department of Revenue (i.e. 2018 equalized values utilized for 2020 budget calculation).**
- 2) **STUDENT ENROLLMENT** - 50% to be allocated based upon school enrollment. This ensures that local school districts with higher student counts would receive a slightly higher portion of the school districts' allocation. **NOTE: Student enrollment numbers are based on prior year data per the Wisconsin Department of Public Instruction or on other reasonable allocation methods if enrollment data by county is not readily obtainable.**

This balanced, two-pronged approach would reasonably and equitably distribute the sales tax back to the local school districts based on the allocated share of the county's levy (equalized value) and student enrollment. The *estimated* allocations for each local school district based on this methodology are noted in **Appendix F** of the Sales Tax Analysis Report (attached). **NOTE: It is important to underscore that the allocations in Appendix F are *estimates*. While the county took a conservative approach estimating total sales tax collections in 2020, actual revenues may be less than projected resulting in lower distributions to school districts than reflected in Appendix F. Therefore, school districts are encouraged to be conservative when including sales tax revenue in their 2020 budgets.**

**Q: When can municipalities and school districts expect to receive sales tax revenue payments from the county?**

The county will determine the payment method and schedule. It is currently anticipated that payments will be made on a semi-annual basis (approximately August 10, 2020 for January – June collections and February 10, 2021 for July – December collections) and will be based on 15% of actual 2020 revenues received by the county from the WI Department of Revenue. The county’s fiscal year is the calendar year. Entities with differing fiscal years will need to choose which fiscal year to apply the revenues based on their financial reporting guidelines.

**Q: What are the county requirements for municipalities and school districts regarding their use of the sales tax revenue?**

Municipalities and school districts will be required to adopt a resolution and sign a form agreeing to utilize the revenue consistent with state statute. The county will provide standard templates for municipalities and school districts to utilize. Please note that municipalities and school districts are encouraged to consult their own legal counsel for guidance on the utilization of county sales tax revenue.

## APPENDIX D

### MUNICIPAL & SCHOOL DISTRICT ALLOCATION TABLES

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MUNICIPALITY	*TOTAL EQUALIZED VALUE	*OC EQUALIZED VALUE	UNIT SHARE
<b>TOWNS</b>			
BLACK CREEK	\$ 102,821,000	\$ 102,821,000	1.00
BOVINA	101,956,800	101,956,800	1.00
BUCHANAN	684,363,800	684,363,800	1.00
CENTER	378,915,000	378,915,000	1.00
CICERO	90,794,800	90,794,800	1.00
DALE	267,681,600	267,681,600	1.00
DEER CREEK	44,403,400	44,403,400	1.00
ELLINGTON	276,129,900	276,129,900	1.00
FREEDOM	533,827,200	533,827,200	1.00
GRAND CHUTE	2,657,993,100	2,657,993,100	1.00
GREENVILLE	1,323,094,600	1,323,094,600	1.00
HORTONIA	122,906,900	122,906,900	1.00
KAUKAUNA	140,412,400	140,412,400	1.00
LIBERTY	72,791,800	72,791,800	1.00
MAINE	75,697,100	75,697,100	1.00
MAPLE CREEK	46,737,000	46,737,000	1.00
ONEIDA	216,087,800	216,087,800	1.00
OSBORN	98,654,400	98,654,400	1.00
SEYMOUR	103,983,100	103,983,100	1.00
VANDENBROEK	172,130,300	172,130,300	1.00
<b>VILLAGES</b>			
BEAR CREEK	16,788,500	16,788,500	1.00
BLACK CREEK	69,657,000	69,657,000	1.00
COMBINED LOCKS	297,130,800	297,130,800	1.00
HORTONVILLE	199,760,600	199,760,600	1.00
HOWARD	1,809,530,400	25,000	0.00
KIMBERLY	524,142,700	524,142,700	1.00
LITTLE CHUTE	878,465,300	878,465,300	1.00
NICHOLS	9,157,000	9,157,000	1.00
SHIOCTON	41,281,400	41,281,400	1.00
WRIGHTSTOWN	254,760,200	43,542,300	0.17
<b>CITIES</b>			
APPLETON	5,443,435,200	4,586,364,300	0.84
KAUKAUNA	1,088,410,700	1,088,364,100	1.00
NEW LONDON	388,138,900	124,884,900	0.32
SEYMOUR	210,167,300	210,167,300	1.00
<b>TOTALS</b>	<b>\$ 18,742,208,000</b>	<b>\$ 15,601,113,200</b>	<b>31.34</b>
*WI Dept of Revenue - 2018 Statement of Changes in Equalized Values			



SCHOOL DISTRICT	*TOTAL EQUALIZED VALUE	*OC EQUALIZED VALUE	UNIT SHARE
APPLETON	\$ 8,129,465,172	\$ 7,137,207,575	0.88
KIMBERLY	2,156,682,752	1,257,653,218	0.58
KAUKAUNA	2,393,293,273	1,814,423,363	0.76
LITTLE CHUTE	549,592,535	549,592,535	1.00
HORTONVILLE	2,202,756,864	2,202,756,864	1.00
SEYMOUR	823,012,881	804,836,610	0.98
FREEDOM	925,383,873	925,383,873	1.00
SHIOCTON	336,846,131	336,846,131	1.00
CLINTONVILLE	651,189,274	66,666,495	0.10
NEW LONDON	1,126,138,908	354,557,852	0.31
WEST DEPERE	2,265,512,409	41,611,601	0.02
WRIGHTSTOWN	719,987,676	109,111,540	0.15
PULASKI	1,815,504,581	453,011	0.00
MENASHA	1,406,322,239	12,532	0.00
<b>TOTALS</b>	<b>\$ 25,501,688,568</b>	<b>\$ 15,601,113,200</b>	<b>7.78</b>
* WI Dept of Education - The number of students enrolled on the 3rd Friday of Sept.			

\*\*\*\*\*

MUNICIPAL & SCHOOL DISTRICT ALLOCATION TABLE:			
			<i>County Distribution</i>
MUNICIPAL UNITS	31.34	80%	\$2,400,000.00
SCHOOL DIST UNITS	7.78	20%	\$600,000.00
<b>TOTALS</b>	<b>39.12</b>	<b>100%</b>	<b>\$3,000,000.00</b>

## APPENDIX E

### MUNICIPAL DISTRIBUTION TABLE

\*\*\*\*\*

**Estimate of Potential Distributions to Local Government Municipalities**  
**\$2,400,000 allocated by: 33.33% Equalized Value, 33.33% Population, 33.34% Lane Miles**

MUNICIPALITY	EQUALIZED VALUE SHARE	POPULATION SHARE	LANE MILES SHARE	TOTAL SHARE
<b>TOWNS</b>				
BLACK CREEK	\$ 5,272	\$ 5,400	\$ 23,168	\$ 33,840
BOVINA	5,232	5,024	18,248	28,504
BUCHANAN	35,096	30,208	24,880	90,184
CENTER	19,432	15,448	34,632	69,512
CICERO	4,656	4,824	26,024	35,504
DALE	13,728	12,360	24,992	51,080
DEER CREEK	2,280	2,808	17,840	22,928
ELLINGTON	14,160	13,000	31,416	58,576
FREEDOM	27,376	26,256	34,608	88,240
GRAND CHUTE	136,296	98,408	68,328	303,032
GREENVILLE	67,848	51,088	56,960	175,896
HORTONIA	6,304	4,736	10,864	21,904
KAUKAUNA	7,200	5,616	19,480	32,296
LIBERTY	3,736	3,800	12,584	20,120
MAINE	3,880	3,824	16,464	24,168
MAPLE CREEK	2,400	2,616	11,880	16,896
ONEIDA	11,080	20,504	43,176	74,760
OSBORN	5,056	5,240	15,032	25,328
SEYMOUR	5,336	5,152	20,808	31,296
VANDENBROEK	8,824	6,824	11,312	26,960
<b>VILLAGES</b>				
BEAR CREEK	864	1,920	2,096	4,880
BLACK CREEK	3,568	5,672	3,912	13,152
COMBINED LOCKS	15,240	15,280	9,264	39,784
HORTONVILLE	10,240	11,896	7,840	29,976
HOWARD	-	-	-	-
KIMBERLY	26,880	28,984	17,632	73,496
LITTLE CHUTE	45,048	48,208	27,320	120,576
NICHOLS	472	1,176	1,840	3,488
SHIOCTON	2,120	4,024	2,832	8,976
WRIGHTSTOWN	2,232	864	1,408	4,504
<b>CITIES</b>				
APPLETON	235,160	266,896	142,920	644,976
KAUKAUNA	55,808	69,592	41,624	167,024
NEW LONDON	6,400	7,424	7,544	21,368
SEYMOUR	10,776	14,928	11,072	36,776
<b>TOTALS</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 800,000</b>	<b>\$ 2,400,000</b>
	33.33%	33.33%	33.34%	100.00%

**APPENDIX F**

**SCHOOL DISTRICT DISTRIBUTION TABLE**

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**Estimate of Potential Distributions to School Districts**

**\$600,000 allocated by: 50% Outagamie Equalized Value, 50% Outagamie Student Enrollment**

<b>SCHOOL DISTRICT</b>	<b>ENROLLMENT SHARE</b>	<b>EQUALIZED VALUE SHARE</b>	<b>TOTAL SHARE</b>
APPLETON	\$ 136,140	\$ 137,250	\$ 273,390
KIMBERLY	28,800	24,180	52,980
KAUKAUNA	28,380	34,890	63,270
LITTLE CHUTE	15,240	10,560	25,800
HORTONVILLE	38,160	42,360	80,520
SEYMOUR	20,640	15,480	36,120
FREEDOM	15,300	17,790	33,090
SHIOCTON	6,660	6,480	13,140
CLINTONVILLE	1,230	1,290	2,520
NEW LONDON	6,840	6,810	13,650
WEST DEPERE	630	810	1,440
WRIGHTSTOWN	1,980	2,100	4,080
PULASKI	-	-	-
MENASHA	-	-	-
<b>TOTALS</b>	<b>\$ 300,000</b>	<b>\$ 300,000</b>	<b>\$ 600,000</b>
	50.00%	50.00%	100.00%

\*\*\*\*\*



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**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

1819 East Witzke Boulevard  
Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 3/9/20

RE: Action: Award the City of Appleton "2020 Park Pavilion HVAC Upgrades" contract to J.F. Ahern Co. in the amount of \$68,900 with a contingency of \$1,100 for a project total not to exceed \$70,000.

The 2020 Capital Improvement Plan includes \$80,000 to upgrade HVAC equipment at Park Pavilions. Of that amount, \$10,000 has been utilized for design services leaving a balance of \$70,000 for construction. Construction includes replacing existing HVAC equipment at the Scheig Center and Pierce Park restroom building.

The Scheig Center HVAC equipment is original from 1996. Since 2013 when the City of Appleton took ownership of the Scheig Center, the Facilities Management division has experienced multiple HVAC equipment component failures. Equipment to be replaced include two furnaces, air cooled condensing units, and restroom exhaust fans.

The Pierce Park restroom building HVAC equipment is original from 2001. In recent years the Facilities Management division has experienced make up air unit components failing. Equipment to be replaced includes exhaust fan for the restrooms and make-up air unit to provide fresh air and heat to the restrooms and support rooms.

HVAC equipment has an average useful life of 15 years. Through preventive maintenance, the Facilities Management division has been able to extend the useful life of the equipment mentioned above. Having reliable HVAC equipment allows programs and events to utilize the Scheig Center and Pierce Park restroom building year round.

The Parks, Recreation and Facilities Management Department has solicited bids. A bid walk through was completed on February 18th with three contractors in attendance. Bids were received from two of the three contractors:

J.F. Ahern Co.	\$68,900
Sure-Fire, Inc.	\$70,500

It is the recommendation of the Parks, Recreation & Facilities Management Department to execute a contract with J.F. Ahern Co. in the amount of \$68,900 with a contingency of \$1,100 for a project total not to exceed \$70,000.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



“...meeting community needs...enhancing quality of life.”

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

1819 East Witzke Boulevard  
Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 3/9/20

RE: Action: Award the City of Appleton “2020 Fire Station #5 HVAC Upgrades” contract to Sure-Fire, Inc. in the amount of \$37,525 with a contingency of \$5,000 for a project total not to exceed \$42,525.

The 2020 Capital Improvement Plan includes \$80,000 to upgrade the HVAC system at Fire Station #5. Of that amount, \$10,000 has been utilized for design services leaving a balance of \$70,000 for construction. Construction includes replacing the existing living quarters HVAC equipment from 1991 and installing new direct digital controls. The direct digital controls will be tied to the City’s existing HVAC building automation system. The living quarters HVAC equipment to be replaced includes two furnances, two air cooled condensing units, and humidifier. Furthermore, improvemetns will be made to the outdoor air intake system and existing duct work be inspected and cleaned.

The Parks, Recreation and Facilities Management Department has solicited bids. A bid walk through was completed on February 18th with three contractors in attendance. Bids were received from two of the three contractors:

Sure-Fire, Inc.	\$37,525
J.F. Ahern Co.	\$54,800

It is the recommendation of the Parks, Recreation & Facilities Management Department to execute a contract with Sure-Fire, Inc. in the amount of \$37,525 with a contingency of \$5,000 for a project total not to exceed \$42,525.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.

**City of Appleton**  
**2019 - 2020 REAPPROPRIATION REQUESTS - NOT UNDER CONTRACT**

Fund / Org Project	Object Seg 1	Proj Seg 2	Seg 3	Contract #	PO/ Project #	Year Budgeted	Vendor	PROJECT	Carryover	JUSTIFICATION
N	FACILITIES	FACRENO	BUILDINGS	CITY HALL	None	2019	Milbach Construction	Public Works Office Renovation	55,119	Common Council approved funds for this project as contingency
N	FACILITIES	SAFESECURE	MACH&EQUIP	LIBRARY	None	2019		Library Security Upgrades	26,566	Project began in 2019 and will be finished Spring 2020
N	FACILITIES	STATUEMON	MACH&EQUIP		None	2018		Statue and Monument Restoration	11,200	Was originally transferred to utilize in 2019 for Pierce Park restorations which were suspended due to Council vote regarding Soldiers Square.
N	FACILITIES	STATUEMON	MACH&EQUIP		None	2019		Statue and Monument Restoration	15,000	With work suspended at Pierce Park the focus will be to restore the Civil War Monument in 2020/2021.
N	FACILITIES	TELULAH	INFRASTRUC	TELULAH	None	2019	Omni & DNR	Lower Telulah Project	8,670	Contingency for closeout documents and DNR permits pending DNR determination of requirements
<b>Subtotal - Facilities Capital Project Not Under Contract</b>									<b>116,555</b>	
N	5230	680904				2019		Flood Report Projects - Backyard Drainage Improvements along Orchard	50,000	Property owner coordination and easement acquisition were completed in 2019 but there was not enough time to contract and perform the work. Intent is to perform work under relay and mini-sewer programs in spring 2020
N	5230	680904				2019		Stormwater Incentive Program	50,000	Holding for use with bluff site and/or Lawrence University and/or another opportunity
N	5230	680904				2019		Leona Street Pond	20,000	Phase 1 Pond Construction was completed in late 2019. Phase 2 restoration of urban forest area at north end of site is planned for 2020. Once carry over is approved, the amount would be included on the K-20 contract work.
N	5230	680904				2019		Concrete street repair and private property grass surface restoration	100,000	These funds are requested to supplement available funding to restore surfaces damaged by the 2019 emergency storm sewer repair on Kernan Avenue. The scope of surface restoration increased significantly due to design modifications for the emergency storm sewer repair.
N	5230	680904		36-19	Y-19	2019	Van Straten	#3 Sewer & Water reconstruction	30,500	Project not complete. Contractor to complete in spring 2020. Contract amendment request will be brought forward for additional quantities and modifications of scope of work based on field conditions
<b>Subtotal - Stormwater Not Under Contract</b>									<b>250,500</b>	
N	WTRSUPPLY	LKSTAT	CONTRACTOR			2019		Phase 1 Lake Intake Shorewell Project	501,795	Engineering started in 2019, construction to start later in 2020.
N	WTRSUPPLY	INTAKE	CONSULTING			2019		Lake Intake System	156,365	Environmental review continues into 2020.
N	WTRSUPPLY	SUPLINE	CONSULTING			2019		Supply Main from Lake Station to Plant	122,844	Environmental review continues into 2020.
N	WTRFMDFAC	HARDSCAPE	LANDIMPROV			2019		North Water Tower Road Replacement	21,027	Balance of project budget, construction to start in 2020.
<b>Subtotal - Water Utility Not Under Contract</b>									<b>802,031</b>	
N	5431	680903		36-19	Y-19	2019	Van Straten	#3 Sewer & Water reconstruction	10,000	Project not complete. Contractor to complete in spring 2020. Contract amendment request will be brought forward for additional quantities and modifications of scope of work based on field conditions
N	WWUTL	PROCIMPRV	CONTRACTOR			2017		2017 WWTP Improvement Project	402,795	Balance of project budget, construction to be completed in 2020.
N	WWUTL	PROCIMPRV	CONSULTING			2017		2017 WWTP Improvement Project	25,945	Balance of project budget, construction to be completed in 2020.
N	WWUTL	PIPING	CONTRACTOR			2019		2019 WWTP Improvement Project	954,125	Engineering started in 2019, construction to start later in 2020.
N	WWUTL	PIPING	CONTRACTOR			2019		2019 WWTP Improvement Project	560,000	Combine with 2019 WWTP Improvement Project. Engineering started mid 2019, construction to start later in 2020.
N	WWUTL	COMPRESSOR	CONSULTING			2019		2019 WWTP Improvement Project	30,000	Engineering started in mid 2019, construction to start later in 2020.
N	WWUTL	COMPRESSOR	MACH&EQUIP			2019		2019 WWTP Improvement Project	100,000	Engineering started in mid 2019, construction to start later in 2020.
N	WWLIFT	MIDWAYLS	CONTRACTOR			2018		Midway Lift Station upgrade	50,000	Balance of project budget, construction to be completed in 2020. Land restoration costs now known until project is complete.
N	WWLIFT	MIDWAYLS	CONSULTING			2018		Midway Lift Station upgrade	23,511	Balance of project budget, construction to be completed in 2020. Land restoration costs not known until project is complete.
N	WWFMD	WATERLATER	BUILDINGS			2019		WWTP Water Lateral Replacement	194,045	Design started in 2019, construction to start in 2020.
N	WWFMD	ELECTDISTR	CONTRACTOR			2019		WWTP Electrical Distribution System	1,550,202	Bids to be opened 1/29/2020, will review budget amount
N	WWFMD	HVAC	BUILDINGS			2019		A-Bldg air handling unit replacement	352,969	Bids to be opened 1/29/2020, project to be completed in 2020
N	WWUTL	PLCSCADA	MACH&EQUIP			2019		PLC SCADA replacement for B & D Bldgs	21,686	Balance of project budget needed for additional aging PLC equipment replacements.
N	WWUTL	SLUDGESTOR	CONSULTING			2019		Sludge Storage Project	750,000	Project on hold due to PFAS regulation changes.

**City of Appleton**  
**2019 - 2020 REAPPROPRIATION REQUESTS - NOT UNDER CONTRACT**

Fund / Org Project	Object Seg 1	Proj Seg 2	Seg 3	Contract #	PO/ Project #	Year Budgeted	Vendor	PROJECT	Carryover	JUSTIFICATION
N	5422	641800				2019		Clarifier re-coating	95,100	This repair work to be combined with the 2019 WWTP Improvement Project contractor contract. Work to be started later in 2020.
<b>Subtotal - Wastewater Utility Not Under Contract</b>									<b>5,120,378</b>	
N	58072000	680401	1800			2018		Upgrade fueling station	62,500	Project budgeted 2018; Grant funding applied for but not awarded until 2019;
N	58073000	680402	1800			2019		Replace Transit Center furniture	25,000	
<b>Subtotal - Valley Transit Not Under Contract</b>									<b>87,500</b>	
<b>Unclassified General Fund</b>										
N	12020	664000						Fuel contingency	137,315	Carry forward balance of fuel budget contingency
N	12020	664000						Operating contingency	402,298	Carry forward balance of operating budget contingency
N	12020	664000						State aid contingency	812,267	Carry forward balance of State aid contingency
N	12020	664100						Wage reserve	1,389,564	Balance of wage reserve contingency
N	Police	17511	65900			2019	FACT	Wellness grant	10,094	Balance of funds rec'd in 2019 to continue wellness checks in 2020 .
N	Fire									
N	18021	632101						Dress uniform hats	1,750	Donations from Culvers & GB Packers rec. 9/19; budget adjustment # 21.
N	Library	16032	631500						2,897	Patron reimbursements for lost materials
N	CEC									
N	15030	659900						Cooperative Parking advertising project with DPW & Mayor's Office	10,000	This cooperative advertising project began in late 2019. The concept was taken to Committee and Council prior to year-end, but was referred back. Council approved the concept on 1/22/2020.
<b>Subtotal - General Fund Not-Under Contract</b>									<b>2,766,185</b>	
<b>Grand Total - Not Under Contract</b>									<b>9,143,149</b>	



**City of Appleton**  
**2019 - 2020 REAPPROPRIATION REQUESTS - SPECIAL CONSIDERATION**

Fund / Org Project	Object Seg 1	Proj Seg 2	Seg 3	Contract #	PO/ Project #	Year Budgeted	Vendor	PROJECT	Carryover	JUSTIFICATION
S	2223							Resolve trash bin placement issue for 500 W College block	10,000	Per Municipal Services Committee charge, solve the refuse problem for the 500 W College Avenue block; proposal to build a fence on a designated area of Flanagan's parking lot, pending agreement with other property owners.
<b>Subtotal - Sanitation Special Consideration</b>									<b>10,000</b>	
S	FACILITIES	FACRENO	BUILDINGS	CITY HALL		2019	Milbach Construction	Public Works Office Renovation	187,507	Additional contingency for anticipated additional expense; using unexpended Blue Ramp budget.
S	FACILITIES	FACRENO	BUILDINGS	CITY HALL				Fire protection upgrade for escalator shaft	25,000	Notification from Pfeifferle of need for upgrade of entire escalator shaft in City Ctr; using unexpended Blue Ramp budget.
S	FACILITIES	TELULAH	MISCEQUIP	TELULAH	147-19	2019	Radtke Contractors	Installation of Fishing Pier Piles at Lower Telulah	2,852	Utilize unexpended 2019 budget for Scheig hardscape to complete Telulah fishing pier project
<b>Subtotal - Facilities Capital Project Special Consideration</b>									<b>215,359</b>	
S	53246730	640800				2019		Hire Utilis Satellite Leak Detection System to perform leak detection of our water distribution system to identify potential leaks and reduce lost water.	30,000	The Town of Grand Chute, City of Kaukauna and Town of Greenville are joining forces to hire Utilis in order to reduce the per mile cost for this leak detection system. The City of Green Bay recently hired Utilis and found 57 leaks saving the Utility tens of thousands of dollars in lost water.
<b>Subtotal - Water Utility Special Consideration</b>									<b>30,000</b>	
S	13030	641800							13,394	Utilize unexpended 2019 repair parts budget for various security upgrades
S	17511	659900						Lexipole	36,000	Policy development and management service that provides legal guidance and provides daily training bulletins to ensure our police policies are up-to-date
S	17541	632700						Drone equipment and Axon Air	18,600	Drone imaging camera used with Axon Air and Crystal Sky controller will detect people, objects, etc. that can be streamed live and downloaded into Evidence.Com.
<b>Subtotal - General Fund Special Consideration</b>									<b>67,994</b>	
<b>Grand Total - Special Consideration</b>									<b>323,353</b>	



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**TO:** Finance Committee  
**FROM:** Tony Saucerman, Finance Director  
**DATE:** March 9, 2020  
**RE:** Request approval of final 2019 Budget adjustments

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In closing out 2019, the following funds showed expenditures in excess of budget. I am requesting budget adjustments to bring them back into compliance. All adjustments are fully fundable by revenues or fund balance within the respective funds.

Community Development Block Grant (CDBG) Fund

This fund accounts for the receipt and disbursement of Federal Community Development Block Grant proceeds. As a result of the actual grant awarded in 2019 being higher than estimated at the time the budget was prepared, a budget amendment is being requested to increase the grant revenue and related disbursements.

Emergency Housing & Homeless Grant (EHH) Fund

This fund accounts for the receipt and disbursement of emergency housing grant funds from the Wisconsin Department of Administration. As a result of the actual grant awarded in 2019 being higher than estimated at the time the budget was prepared, a budget amendment is being requested to increase the grant revenue and related disbursements.

Police Grants Fund

In 2019, the Police Department was awarded additional grant funds for task force initiatives such as alcohol, speed, and drug enforcement. The additional grant amounts funded additional enforcement expenditures. The requested budget adjustment records the additional grant proceeds and related expenditures.

TIF 8 Capital Projects Fund

TIF 8 includes the Riverheath, Eagle Flats and Eagle Point developments along the City's riverfront. The TIF is considered a "developer funded" TIF whereby the developer pays for the costs of the development and a portion of the cost is paid back through increased property tax revenues generated from the increased property values. The excess expenditures in 2019 represent increased developer payments due to higher than projected equalized values on the properties.

Information Technology/Facilities Capital Project Funds

At the end of 2018, approximately \$115,216 of proceeds from the 2017 general obligation note issue remained in the Information Technology Capital Projects fund. In order to meet the requirements necessary to avoid having to prepare arbitrage calculations, these proceeds needed to be spent by April 2, 2019 (100% of the proceeds need to be spent within 18 months of the issue date of October 2, 2017). Due to the ERP project progressing less rapidly than originally anticipated, these funds were not immediately needed. Therefore, the remaining proceeds were transferred to the Facilities Management Capital Projects fund where they were immediately applied to qualifying projects. A budget amendment is being requested to reflect this transfer.

Thank you for your consideration of these budget adjustments. As always, feel free to contact me if you have questions.



## MEMO

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**TO:** Finance Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*

**DATE:** March 5, 2020

**SUBJECT: Request to approve the following 2020 Budget adjustment:**

Stormwater Utility Fund Balance	- \$10,000
Stormwater Capital Projects Fund	+\$10,000

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In 2018, The Common Council approved Maximum Extent Practical and Fee-in-lieu payment for stormwater management requirements for the Eagle Point Senior Housing Project (see attached memo dated March 2, 2018). The \$37,500 was received and receipted into the Stormwater Capital Contributions Revenue Account in 2018.

The intent of the Fee-in-lieu program is to use payments from a site that cannot meet stormwater requirements for any number of reasons (topography, poor soils, contamination, space constraints, etc) and use it to implement a project that would not otherwise be funded somewhere else in the watershed. This feature has been included in the ordinance since the beginning of the program in 2004, but has not been greatly used.

This summer, the Parks, Recreation and Facilities Department is reconstructing the Reid Golf Course Parking Lot. This project provides an excellent opportunity to incorporate stormwater management beyond what is required by WisDNR and City Code. This project will help to meet the City's goals under the Lower Fox River TMDL and the MS4 Stormwater Permit by showing continual progress in water quality improvements. This type of project – adding stormwater management practices to smaller sites - is also identified in the City-wide Stormwater Management Plan. Adding water quality practices on land that is already owned by the City adds to the cost effectiveness. Therefore, including stormwater management at this site, which is within the same drainage basin as the Eagle Point Senior Housing Project, is a perfect scenario for using some of the in-lieu of funds set aside for this specific purpose. Staff will continue to look for other opportunities to use the remaining funds from Eagle Point Senior Housing.

Attachment

**Department of Public Works – Engineering Division**

**MEMO**

**TO:** Utilities Committee

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

**DATE:** March 2, 2018

**RE:** Approve Maximum Extent Practical (MEP) and Fee-in-lieu payment for Stormwater Management Requirements for Eagle Point Senior Housing

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Eagle Point Senior Housing, located at 935 E. John Street, received a Stormwater Management Permit prior to starting construction in 2017. Per the ordinance, as a site greater than five (5) acres, one of their requirements was to achieve 80% Total Suspended Solids (TSS) removal from the developed condition. They prepared a plan that included a biofilter and a pond and met 80.1% TSS removal.

In October 2017, staff approved a modification to reduce the size of the stormwater pond. That change did not impact the TSS removal, but did require changes to the maintenance plan. In February 2018, the design consultant for the project notified the City of problems with the soils under the pond, requiring extensive geotechnical work, reinforcement of the soils beneath the pond, and adding a plastic liner.

The developer has requested MEP for the site of 32% TSS removal, which is the amount received by the biofilter. If the developer builds the pond, they need to do so while the site is frozen, to minimize groundwater into the site which must be pumped to the wastewater treatment plant.

After discussions with the City's plan review consultant, the developer, and the developer's consultant, staff recommends the following, taken together:

1. Waive the 80% TSS removal requirement down to the WDNR 40% requirement, and
2. Agree that the pond does not need to be constructed based on soil conditions, and
3. Accept a \$37,500 in-lieu fee to allow the City to do off-sight practices to make up the difference between 32% and 40% TSS removal. (This is approximately 50% of the estimated cost of finishing the pond under current site conditions and consistent with past practice of in-lieu fees.)

The Developer will still need to obtain WDNR approval of MEP.

**Resolution #4-R-20**  
**Opposing the Deportation of Hmong and Lao Refugees**

*Submitted By:* Alderperson Thao, District 7

*Co-signers:* Fenton, District 6; Van Zeeland, District 5; Meltzer, District 2; Firkus, District 3; Schultz, District 9; Williams, District 10 & Otis, District 15

*Date:* March 4, 2020

*Referred To:* Finance Committee

WHEREAS, Secretary of State Mike Pompeo, on behalf of the Trump Administration, has engaged in discussions with the Lao People's Democratic Republic; and

WHEREAS, the State Department is calling on Laos to accept deported U.S. residents; and

WHEREAS, Wisconsin is home to over 61,287 Hmong, Lao, Vietnamese, Cambodian and other ethnic minority groups from Laos, many of whom are refugees as a result of the American involvement in the Vietnam War; and

WHEREAS, the state of Wisconsin is home to the third largest Hmong population in the United States and the City of Appleton has 3156 Hmong residents, ranking us 4th in the state of Wisconsin by the 2010 Census; and

WHEREAS, the Hmong community came to Wisconsin as refugees after fighting alongside US soldiers during the Vietnam War, in order to be rescued from retribution and genocide at the hands of the Communist Laotian government for the role they played in supporting the US fight for freedom and democracy; and

WHEREAS, proposed deportations would tear apart families and communities across the state of Wisconsin, harming not just the Hmong community but destabilizing the entire community at large, and subjecting individuals to the threat of imminent death in a foreign country; and

WHEREAS, Vietnamese and Cambodian refugees have already been subject to deportation for years and have faced severe hardship and retaliation; and

WHEREAS, the Hmong community is a vital inseparable part of our Wisconsin community, and Hmong communities across the state of Wisconsin have picked up the torch in furthering the values and ideas that have forged the state, becoming successful in agriculture and farming, in small businesses and entrepreneurship, and in working hard to support their families and to make the community a better place to live; now, therefore, be it

RESOLVED, that the City of Appleton Common Council opposes efforts by the State Department and Trump Administration to allow for the deportation of Hmong and Lao U.S. residents to the Lao People's Democratic Republic; and, be it further

RESOLVED, That the city clerk shall transmit a copy of this resolution to all members of the Wisconsin Congressional delegation, Secretary of State Mike Pompeo, and President Donald Trump.

**Resolution #6-R-20**  
**Purple Heart City**

*Submitted By:* Alderperson Croatt, District 14; Alderperson Otis, District 15, Alderperson Williams, District 10 & Alderperson Siebers, District 1

*Date:* March 4, 2020

*Referred To:* Finance Committee

**WHEREAS**, the Purple Heart Medal was the first American service award or decoration made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States of America; and

**WHEREAS**, the organization now known as the “Military Order of the Purple Heart,” was formed in 1932 for the protection and mutual interest of all who have received the Purple Heart Medal, and it is the only veterans service organization comprised strictly of “combat” veterans; and

**WHEREAS**, the mission of the Military Order of the Purple Heart is to foster an environment of goodwill among the combat-wounded veteran members and their families, promote patriotism, support legislative initiatives, and most importantly – make sure we never forget; and

**WHEREAS**, the City of Appleton has long been supportive of the United States Armed Forces and is proud and supportive of our high veteran population and all visiting veterans.

**THEREFORE, BE IT RESOLVED** that the city of Appleton supports the mission of the Military Order of the Purple Heart, and therefore desires to be designated as a Purple Heart City in honor of the sacrifices our Purple Heart recipients have made in defending our freedoms.



REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

1-P-20

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

- Alvin St (Evergreen Dr to CDS)
- Douglas St (Reid Dr to Prospect Ave)
- Glendale Ave (Mason St to Richmond St)
- Harris St (Badger Ave to Richmond St)
- Newberry Ave (Schaefer St to city limits)
- Summer St (Gillett St to Richmond St)

In accordance with the preliminary resolution of the Common Council dated March 18, 2020 we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$6,094,221**.

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$774,831**.

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Finance Committee

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

2-P-20

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

- Mackville Road (Ballard Rd to Purdy Pkwy)
- Purdy Parkway (Tiburon Ln to Mackville Rd)
- Henry Street (Warner St to Telulah Ave) – sidewalk only
- Prospect Avenue (Sunny Slope Ct to Hillcrest Dr) – sidewalk only

In accordance with the preliminary resolution of the Common Council dated March 18, 2020 we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$3,141,821.**

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$438,000.**

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Finance Committee



# MEMORANDUM

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

TO: Community and Economic Development Committee  
FROM: Nikki Gerhard, Community Development Specialist  
DATE: March 11, 2020  
RE: Final Award Recommendations for 2020 Community Development Block Grant Funding

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The City of Appleton CDBG HUD award is \$592,072 for the 2020 fiscal year. This is \$14,858 higher than the anticipated award of \$577,214.

The 2020 awards approved in December 2019 by the Common Council totaled \$702,214 (City programs and sub recipients combined). This total included an additional \$200,000 rolled over from the 2017PY and is dedicated to affordable housing initiatives.

The CDBG Advisory Board was asked to consider staff recommendations for the additional \$14,858 (below) for the 2020PY, as well as for the remaining \$75,000 from the 2017PY, or make their own recommendation for these funds. By majority vote, the Committee recommends the approval of the staff recommendations.

These recommendations will be considered by CEDC on March 11<sup>th</sup> and Common Council on March 18<sup>th</sup>.

**Staff recommends allocating the \$89,858 as follows:**

***1. Award \$55,000 to CDBG Administration Costs for Final Award of \$80,504.***

The City of Appleton can fund administrative activities up to 20% of the total award. For the 2020PY, this amount would be \$118,414.40. Previously, an allocation of \$25,504 was approved. By adding the outstanding \$55,000, the total allocated to administration would total \$105,504 [in sum with Fair Housing activities], and would total 17% of the budget. While still remaining under the 20% cap, this increase will help offset administrative costs associated with managing the CDBG program, which are anticipated to be much higher than normal for this program year due to the complexity of the projects and additional obligations.

***2. Award \$6,000 to Rebuilding Together Fox Valley for Final Award of \$100,000.***

Rebuilding Together Fox Valley requested \$100,000 to complete a community revitalization partnership project to the West Appleton Neighborhood. Due to the limited capacity of funds available, Rebuilding Together was only funded at \$94,000 during the first phase of this process. With the additional funds available, this proposal can be fully funded.

**3. Award \$13,900 to the Mooring Programs (Apricity, Inc.) for Final Award of \$70,000.**

The Mooring Programs (d/b/a Apricity, Inc.) requested \$70,000 to complete rehabilitation activities on six of their men's apartment program houses and the main building facility. Due to the limited capacity of funds available, Mooring was only funded at \$56,100 during the first phase of this process. With the additional funds available, this proposal can be fully funded.

**4. Award \$2,228.80 to LEAVEN, Inc. for Final Award of \$16,759.74.**

CDBG funding restricts allocating more than 15% of the total award toward public service activities. Due to the official grant award being greater than anticipated, the 15% threshold also increased. By awarding this additional amount to LEAVEN, the 15% threshold will have been met.

**5. Allow a remaining \$12,729.20 to be unallocated until the 2021PY.**

Staff has been able to award all funded agencies to their full requested amounts. Due to the small portion of funding remaining, staff is proposing to roll it into the 2021PY application process, which begins in August 2020.

The following attachments are provided for additional information for this action item.

**Attached Documents:**

- 1.) November 06, 2019, Memo from Community Development Specialist to CEDC  
RE: Recommendations for 2020 CDBG Funding
- 2.) Revised Award Recommendations for the 2020 CDBG Program Year
- 3.) Executive Summary of Award Recommendations for 2020 CDBG Program Year

If you have any questions, please contact me at 832-6469 or [nikki.gerhard@appleton.org](mailto:nikki.gerhard@appleton.org). Thank you!



# MEMORANDUM

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“...meeting community needs...enhancing quality of life.”

TO: Community and Economic Development Committee  
FROM: Nikki Gerhard, Community Development Specialist  
DATE: November 5, 2019  
RE: Recommendations for 2020 Community Development Block Grant (CDBG) Funding

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**Background.** The estimated 2020 CDBG award listed in the 2020 City budget was \$577,214. This amount was estimated based on the most recent three years of awards. Staff determined the allocations for the Homeowner Rehabilitation Loan Program, Appleton Housing Authority, and administrative costs. The remaining amount was available for department projects and community partners through a competitive application process. In 2017, Committee and Council approved an allocation to an affordable housing project, that was to be managed internally by staff. Due to several variables, the project was not able to progress as intended; and, therefore, an additional \$200,000 was made available to community partners for an affordable housing project.

**Application Information.** CDBG applications from City Departments were due to the Community and Economic Development Department on August 30, 2019. One application was submitted and was recently approved for the full request. CDBG applications [from both pools of funding] from community partners for the 2020 program year were due to the Community and Economic Development Department on September 30, 2019.

Nine applications were submitted under the routine annual allocation process. After awards were allocated for City programs, administration, and the City Department project, the amount available to allocate to the community partner applicants was \$301,964.04. Only 15 percent of a grantee's allocation may be used for public service activities, per HUD regulations. In this instance, only a maximum of \$86,582 is projected to be available for public service activities. Because the Appleton Police Department's Summer of Services project fell under the public service category, the remaining balance allowable to community partner applicants was \$14,530.94. The total amount requested by community partner applicants whose activities fell under the public service category was \$34,530.94, while the total amount requested by community partner applicants whose activities did not fall under the public service category was \$525,334. Please refer to the attachments for a specific breakdown of the allocations.

A total of two applications were submitted under the affordable housing project special application process. To be considered eligible, proposed projects must be incorporating “new” additional housing units onto the tax roll, either homeowner or rental. The total amount requested by community partner applicants was \$175,000. Please refer to the attachments for a specific breakdown of the allocations.

***Application Review.*** The CDBG Advisory Board met on October 29, 2019. Members were asked to review the applications and decide upon allocation amounts prior to the meeting. The allocation amounts made by each board member were compiled and discussed at the meeting. Allocation recommendations were agreed upon pursuant to this discussion.

***Allocation Approval.*** The funding allocation recommendations for the Homeowner Rehabilitation Loan Program, Appleton Housing Authority, and administrative costs, as determined by staff, the allocation for the Appleton Police Department, and the allocation recommendations from the CDBG Advisory Board for community partners are presented in the attached table for CEDC approval.

Staff recommends approval of the preliminary allocations, as presented.

The following attachments are provided for additional information on this action item.

**Attached Documents:**

- 1.) 2020PY CDBG Advisory Board membership
- 2.) CDBG Policy
- 3.) 2020PY Community Partner Application Award Recommendations
- 4.) 2020PY Affordable Housing Project Application Award Recommendations
- 5.) 2020PY Simple Summary of Award Recommendations

If you have any questions, please contact me at (920) 832-6469 or [nikki.gerhard@appleton.org](mailto:nikki.gerhard@appleton.org).  
Thank you!

**Community Partner Application AWARD RECOMMENDATIONS  
for the 2020 CDBG Program Year**

CITY PROGRAMS/ADMINISTRATION	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	CDBG REQUESTED AMOUNT	AMOUNT PREVIOUSLY APPROVED	CDBG ADVISORY BOARD \$ REC
City of Appleton Homeowner Rehabilitation Loan Program	housing	24 homes rehabilitated	rehabilitate 24 homes for low or moderate income homeowners	\$ 77,694.00	\$ 77,694.00	\$ 77,694.00
Fair Housing Services	administration	NA	provide fair housing services as program administration costs per HUD regulations	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Appleton Housing Authority	housing	TBD	assist first-time homebuyers with downpayments and rehabilitation, provide homebuyer counseling	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
Appleton Police Department	public service	30 at-risk youth served	engage youth in meaningful, team-based community service projects	\$ 72,051.06	\$ 72,051.06	\$ 72,051.06
CDBG Program Administration	administration	NA	fund costs associated with administering the CDBG Program for the Finance and Community and Economic Development Departments	-	\$ 25,504.00	\$ 80,504.00
				\$ 249,745.06	\$ 197,555.06	\$ 330,249.06
NON-PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	CDBG REQUESTED AMOUNT	AMOUNT PREVIOUSLY APPROVED	CDBG ADVISORY BOARD \$ REC
Pillars, Inc Adult & Family Shelter	public facility	elevator replacement	replace current elevator at emergency shelter location	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
Rebuilding Together Fox Valley	housing	10 properties rehabilitated	provision of home repairs to low-income homeowners in need, specifically older adults, veterans and individuals with disabilities	\$ 100,000.00	\$ 94,000.00	\$ 100,000.00
The Mooring Programs, Inc. (dba Apricity)	public facility	program rehabilitation	rehabilitation of 6 program houses and the main facility (Phase II)	\$ 70,000.00	\$ 56,100.00	\$ 70,000.00
St. Bernadette Parish/Iris Place Respite Center	public facility	window replacement	replace original windows in NAMI's peer run respite center	\$ 62,334.00	\$ 62,334.00	\$ 62,334.00
Greater Fox Cities Habitat for Humanity (Affordable Housing Initiative)	housing	acquisition & rehab of single-family home	acquire and rehabilitate a single-family home, sell or rent to low-income household	\$ 148,000.00	\$ 125,000.00	\$ 125,000.00
				\$ 455,334.00	\$ 412,434.00	\$ 432,334.00
PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	CDBG REQUESTED AMOUNT	AMOUNT PREVIOUSLY APPROVED	CDBG ADVISORY BOARD \$ REC
LEAVEN	public service	61 households served	provide rental assistance to those at risk of homelessness through the Emergency Assistance Program	\$ 14,530.94	\$ 14,530.94	\$ 16,759.74
				\$ 14,530.94	\$14,530.94	\$16,759.74

City Programs/Appleton Housing Authority/Administration  
Appleton Police Department  
CDBG Advisory Board Recommendations

**BUDGETED**  
\$178,198.00  
\$72,051.06  
\$451,964.94

**ACTUAL**  
\$233,198.00  
\$72,051.06  
\$474,093.74

↑  
This amount cannot exceed \$16,759.74 due to 15% cap on Public Service Activities per HUD regulations.

\$702,214.00

\$779,342.80

Unallocated

\$12,729.20

**GRAND TOTAL**

\$792,072.00

\$592,072 2020PY CDBG Allocation  
\$200,000 2017PY CDBG Allocation

## AWARD RECOMMENDATIONS FOR 2020 CDBG PROGRAM YEAR

**Revised**

City Programs/Appleton Housing Authority/Administration			
City of Appleton Homeowner Rehabilitation Loan Program	\$	77,694.00	<b>\$ 77,694.00</b>
Fair Housing Services	\$	25,000.00	<b>\$ 25,000.00</b>
Appleton Housing Authority	\$	75,000.00	<b>\$ 75,000.00</b>
CDBG Program Administration Costs	\$	25,504.00	<b>\$ 80,504.00</b>
Appleton Police Department	\$	72,051.06	<b>\$ 72,051.06</b>
Non-Public Service			
Pillars, Inc. Adult & Family Shelter	\$	75,000.00	<b>\$ 75,000.00</b>
Rebuilding Together Fox Cities	\$	94,000.00	<b>\$ 100,000.00</b>
The Mooring Programs	\$	56,100.00	<b>\$ 70,000.00</b>
St. Bernadette/NAMI Fox Valley	\$	62,334.00	<b>\$ 62,334.00</b>
Greater Fox Cities Habitat for Humanity- Affordable Housing Initiative	\$	125,000.00	<b>\$ 125,000.00</b>
Public Service			
LEAVEN	\$	14,530.94	<b>\$ 16,759.74</b>
SUBTOTAL	\$	577,214.00	<b>\$ 654,342.80</b>
Affordable Housing Initiative Funding	\$	125,000.00	<b>\$ 125,000.00</b>
<b>TOTAL</b>	<b>\$</b>	<b>702,214.00</b>	<b>\$ 779,342.80</b>

\* \$12,721.80 unallocated until 2021 application process



**Affordable Housing Project Application AWARD RECOMMENDATIONS  
for the 2020 CDBG Program Year**

NON-PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	CDBG ADVISORY BOARD \$ REC
Greater Fox Cities Area Habitat for Humanity	housing	1 property acquired and rehabilitated	acquire 1 property to do full house rehabilitation and then either sell to qualified low or moderate income homebuyers or incorporate into rental program, Almost Home	\$50,000	\$ 125,000
Pillars, Inc	housing	1 property acquired and rehabilitated	acquire 1 property to complete rehabilitation and incorporate into affordable rental program	\$125,000	<i>application pending</i>
				\$175,000	<b>\$ 125,000.00</b>



This amount cannot exceed \$200,000 due to limitation on available funding.



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Department of Utilities  
Water Treatment Facility  
2281 Manitowoc Rd.  
Menasha, WI 54952  
920-997-4200 tel.  
920-997-3240 fax

**TO:** Chairperson Meltzer and Members of the Utilities Committee

**FROM:** Chris Shaw, Utilities Director

**DATE:** March 3, 2020

**RE:** *Award Contract for Asbestos and Hazardous Materials Abatement to Asbestos Removal Inc. for an amount not to exceed \$39,986*

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**BACKGROUND:**

The Appleton Water Utility includes the Lake Winnebago Raw Water Pump Station. The station was constructed in 1970 with the purpose of pumping Lake Winnebago Water to the Appleton Water Treatment Facility (AWTF). The building design and equipment purchased were typical for projects of this time period.

The Lake Station will be undergoing a capital construction project in 2020. As part of the preconstruction preparations a hazardous materials assessment was completed by the City's Parks, Recreation and Facilities Management Department. Their investigation sampled for lead and asbestos and asbestos containing materials were found.

In order to prepare the Lake Station for the construction project it was deemed appropriate to remove the hazardous materials prior to the construction project. Staff and engineers from McMahan agreed that pricing would be competitive if the City manages the project. In addition, subcontractor and contractor mark ups would also be avoided.

From a regulatory perspective, the project intent is to abide by Wisconsin Department of Natural Resources (WDNR) 447; DHS 159 for proper abatement of asbestos materials as well as ultimate disposal. As such, all friable as well as non-friable asbestos materials made friable during a renovation or demolition will be properly abated. The abatement company and workers will also be licensed by DHS 159.

A Request for Quotation was developed for contractors to provide quotes. Three abatement companies supplied quotes for the work. The following table summarizes the company quotes.

<b>Contractor</b>	<b>Proposal Cost</b>
Asbestos Removal Inc.	\$39,986.00
Wing Three	\$44,712.00
Advanced Asbestos Removal Inc.	\$48,854.00

**RECOMMENDATION:**

I recommend awarding a contract for hazardous materials abatement to Asbestos Removal Inc., in an amount not to exceed \$39,986.

If you have any questions regarding this project please contact me, Chris Shaw, at ph: 832-5945.

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

RESOLUTION 1-P-20

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2011-2012.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

- Alvin St (Evergreen Dr to CDS)
- Douglas St (Reid Dr to Prospect Ave)
- Glendale Ave (Mason St to Richmond St)
- Harris St (Badger Ave to Richmond St)
- Newberry Ave (Schaefer St to city limits)
- Summer St (Gillett St to Richmond St)

2. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.

3. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:

- a. In cash, or if entered on the Tax Roll;
- b. One installment, if the assessment is \$1000 or less;
- c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the rate of 7.75% per annum on the unpaid balance.

4. The Finance Committee is directed to prepare a report consisting of:

- a. Preliminary plans and specifications for said improvements.
- b. An estimate of the entire cost of the proposed street improvements.
- c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

5. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

S/TIMOTHY M. HANNA (Mayor)

Adopted: March 18, 2020

Attest: Kami L. Lynch (City Clerk)



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Department of Utilities  
Water Treatment Facility  
2281 Manitowoc Road  
Menasha, WI 54952  
920-997-4200 phone  
920-997-3240 fax

**TO:** Chairperson Vered Meltzer and Members of the Utilities Committee

**CC:** Public Works Director Paula Vandehey

**FROM:** Utilities Director Chris Shaw

**DATE:** March 6, 2020

**RE:** *Award America’s Water Infrastructure Act Project to AECOM in the amount of \$43,500 with a 15% Contingency of \$6,525 and total cost not to exceed \$50,025*

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**BACKGROUND:**

The Appleton Water Utility (AWU) is required to perform a risk and resiliency assessment of the water utility in 2020. This assessment is a requirement of the Environmental Protection Agency (EPA) and the Wisconsin Department of Natural Resources (WDNR). The law was promulgated under the America’s Water Infrastructure Act (AWIA). The AWIA relies on industry performance standards that must be adhered to by the AWU. Moreover, the utility has a genuine interest in compliance and utilizing the information garnered to improve the overall efficiency and effectiveness of the utility.

This recommendation proposes an AWIA assessment that will expand from previous assessments where only malevolent acts were considered. This broader approach critiques the utility’s current ability to respond to multiple scenarios. Assessment requirements will include natural hazards (e.g., tornado, flooding, power outage), biological, chemical, and cybersecurity vulnerability.

The AWU has assembled an AWIA project team that is comprised of staff from Utilities, Public Works, Health, and IT. Other city staff involvement will be necessary at a later date (e.g., Police and Fire).

**ENGINEERING PROPOSALS:**

There is a significant skill set that is required in order to perform this type of assessment. Engineering firms generally use project teams in order to cover areas where team members are subject matter experts (e.g., cybersecurity, biological threat assessment, etc.). As such, the team sent Request for Proposals (RFPs) to two engineering firms with experience and work product that favors their past and recent work product with the AWU. The first firm, AECOM, recently completed the AWU Distribution Master Plan. Their firm has also provided an AWIA workshop for the team members. The second firm, McMahon, completed a prior Vulnerability Assessment and was the design engineer for the Appleton Water Treatment Facility.

Both engineering firms produced proposals that have been reviewed and graded. Proposal evaluators graded each firm’s project understanding, team members, firm resources, as well as value added propositions. The review team found that both AECOM and McMahon provided proposals that met the City’s requirements and would produce the desired deliverables. RFQ. The results of the review and proposal costs are listed in the table below.

Engineering Firm	Proposal Score	Project Fee	Value Score
AECOM	74	\$43,500	147
McMahon	64	\$73,400	101

**RECOMMENDATION:**

I recommend that the Utilities Committee award America’s Water Infrastructure Act Project to AECOM in the amount of \$43,500 with a 15% Contingency of \$6,525 and total cost not to exceed \$50,025

If you have any questions regarding the project please contact Chris Shaw at 832-2362.



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Information Technology Department  
100 N. Appleton Street  
Appleton, WI 54911

## MEMO

To: Alderperson Siebers and Members of the HR / IT Committee  
From: Dean J. Fox, Information Technology Director  
Date: 3/4/2020

Re: Request to award Heartland Business Solutions the contract to purchase and implement a new Audio Visual (AV) system for Fire and Police. The amount requested is \$89,628.50 with a 10.4% contingency for a total of \$100,000.

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The CIP budget of \$100,000 includes funding to replace the AV gear at all 6 AFD Stations and add new AV gear to the training room at APD used for inter-station communications and training.

An RFP went out in late November for an AV system to replace the outdated equipment which has reached end of life and 8 years old and is out of maintenance.

We received 7 bids from 6 different vendors and the 2<sup>nd</sup> bid from Heartland was within budget and meets all our needs. All but 2 other bids were over the allotted budget.

I request your consideration and approval of a contract with Heartland Business Solutions as proposed. After considerable review, and multiple follow up questions, it has been determined due to the inclusive nature of the Heartland AV equipment solution, the cost included in the proposal, and the complete software package with it, that the Heartland response is the best solution for the next 7 years for the City of Appleton.

If you have any questions regarding this recommendation, please contact Dean Fox.



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Information Technology Department  
100 N. Appleton Street  
Appleton, WI 54911

## MEMO

To: Alderperson Siebers and Members of the HR / IT Committee  
From: Dean J. Fox, Information Technology Director  
Date: 3/4/2020

Re: Request to award Heartland Business Solutions the contract to purchase and implement a new Audio Visual (AV) system for Council Chambers. The amount requested is \$89,937.81 with a 10% contingency for a total of \$100,000.

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The CIP budget of \$100,000 includes funding to replace the AV gear including sound, cameras and a hearing loop in Council Chambers.

An RFP went out in late November for an AV system to replace the outdated equipment which has reached end of life and 18 years old.

We received 5 bids from 5 different vendors and the bid from Heartland was within budget and meets all our needs.

I request your consideration and approval of a contract with Heartland Business Solutions as proposed. After considerable review, and multiple follow up questions, it has been determined due to the inclusive nature of the Heartland AV equipment solution, the cost included in the proposal, and the complete software package with it, that the Heartland response is the best solution for the next 10 plus years for the City of Appleton.

If you have any questions regarding this recommendation, please contact Dean Fox.



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## MEMO

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**TO:** Human Resources Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*

**DATE:** March 4, 2020

**SUBJECT: Request to Over Hire – Public Works Master Electrician**

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The Department of Public Work's current Table of Organization includes one Lead Electrician and two Master Electricians. We recently filled one of the Master Electrician positions due to a retirement. Now, we have received notification that our Lead Electrician is planning to retire on June 5, 2020. Between these two retirements we will lose 64 years of City of Appleton experience!

The Master Electrician position is responsible for the installation, maintenance and repair of the City's traffic-related electrical equipment and facilities, which includes traffic signals, street lights, traffic communications grid, etc. This is a technically skilled position that requires the incumbent to have considerable knowledge of electrical systems, methods, electrical codes and regulations.

In order for us to have a successful transition of the duties of these two positions, I believe the City would greatly benefit from having the incumbents transfer their significant institutional knowledge over a 30 day over hire period of the Master Electrician position.

The financial impact for this proposal is approximately \$8,420. We anticipate utilizing vacant salary dollars to cover the cost of the requested over hire.

C: Sandy Matz, Human Resources Director  
Eric Lom, City Traffic Engineer

# MEMO

**TO:** Human Resources Committee  
**FROM:** Sandy Matz, Human Resources Director  
**DATE:** March 5, 2020  
**SUBJECT:** **Request to Over Hire – Health Officer**

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As you are aware, our Health Officer, Kurt Eggebrecht, will be retiring in June of this year. To allow for a smoother transition between Kurt and the newly hired Health Officer, we are requesting approval to over hire for this position. We anticipate the over hire to be between two weeks and thirty days. The fiscal impact for a thirty day over hire is approximately \$12,000. Some of the money would be covered by vacant salary dollars from other positions within the Health Department and any remaining amount would be covered by wage reserve.

Please let me know if you have any questions regarding the request.

**Resolution #10-R-19**  
**Changing Beekeeping Permit Process**

*Submitted By: Alderperson Meltzer District 2 & Alderperson Schultz District 9*  
*Date: August 7, 2019*

*Referred to: Board of Health*

WHEREAS the health of bees and the health of our community is interdependent, and beekeeping is a necessary part of restoring collapsing bee populations that we rely on; and

WHEREAS Appleton has recently attained Bee City USA status; and

WHEREAS Appleton residents have provided feedback over the years since residential beekeeping was approved indicating that our regulations are extreme compared to surrounding communities, there are obstacles to accessing beekeeping in Appleton, and there are no incentives to remain in Appleton rather than move to our surrounding communities if one wants to keep bees at their residence;

THEREFORE be it resolved, that the City of Appleton make the following changes to our beekeeping permit requirements:

1. Change the permit cycle to November - November to align with timeline of purchasing bees and setting up hives
2. Remove notification and neighbor veto
3. Bring permit fees into alignment with other Wisconsin communities
4. Replace the calculation for hives per acre with a set number of hives per lot
5. Remove excessive detail from flyaway barrier requirements
6. Allow keeping Top Bar hives in addition to Removable Frame hives and recommend hives face SE direction if possible

RESIDENTIAL BEEKEEPING PERMIT REQUIREMENTS  
(Ref. 3-52 Appleton Municipal Code)  
November 11, 2015

DEFINITIONS:

ACRE means a unit of measure equal to 4,840 sq. yds. or 43,560 sq. ft.

AGGESSIVE BEHAVIOR is any instance in which unusual characteristics are displayed by a honeybee or colony including, but not limited to, stinging or attacking humans or animals without provocation.

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPER means a person who owns or has charge of one (1) or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having one queen and at times drones, including brood, combs and honey.

HEALTH DEPARTMENT means the City of Appleton's Health Department.

HIVE means the receptacle inhabited by a colony that is manufactured for that purpose.

HONEYBEE means all life stages of the common domestic honeybee, *Apis mellifera* species, including the queen and drones.

LOT means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds

PERMIT means the written approval given by the Health Department to a property owner who occupies the premises and who is also a beekeeper pursuant to the definition herein.

PERMIT HOLDER means a beekeeper and who has received a permit from the Health Department allowing for an apiary on his or her property.

PROPERTY means a parcel of land identified by the City of Appleton as a lot in any state of development, ownership and occupation.

PROPERTY OWNER means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. **GENERALLY.** No person shall keep honeybees in the City of Appleton without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one (1) year from March 1 through the last day of February the following year, and may be renewed annually. Only one (1) permit shall be granted per property regardless of the number of beekeepers residing at or owning said property.

Should multiple beekeepers request permits and be eligible for permits for a property, the permit shall be issued on a first-come, first-served basis.

2. **APPLICATION FOR PERMIT.** Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Health Department and shall contain such information which the Health Department may prescribe and require and shall be accompanied by payment of the applicable fees. The Application form may be updated and/or amended as deemed necessary by the Health Department. No prior approval of a permit guarantees future approval. The Health Department reserves the right to require permit holders to reapply if the application is updated and/or amended, and refusal to reapply may result in the termination of a permit.

(a) GENERAL REQUIREMENTS.

1. The applicant must complete the required form by the Health Department, and provide to the Health Department the non-refundable application fee.
2. The permit applicant must provide proof of formal education and/or sufficient practical experience to act as a beekeeper.
3. The permit applicant must provide proof of property ownership for the property where the proposed apiary will be located.
4. The permit application must provide proof of occupancy of the property where the proposed apiary will be located.

(b) NEIGHBORHOOD APPROVAL REQUIRED.

1. When a permit is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the proposed hive(s) will be placed, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.
2. Property owners located within the circular radius of four hundred (400) feet of the proposed apiary objecting to the permit must file a written objection to the permit by contacting the City Health Officer at the Appleton Health Department within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
3. Upon receipt of a written objection, the application shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. 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.

- (c) INSPECTION OF APIARY. Prior to populating the apiary, an inspection of the apiary by the City Health Officer or his or her designee shall be conducted to ensure compliance with all of the following provisions:

1. Public Institutional District. A maximum of five (5) hives may be maintained within areas zoned P-I, Public Institutional District.
2. Urban Farm. A maximum of three (3) hives may be maintained by a permit holder per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.
3. Residential Zone. No residentially zoned property shall have more than the following numbers of hives on the property:
  - a. A maximum of two (2) hives may be maintained on a lot one half (1/2) acre or smaller.
  - b. A maximum of three (3) hives may be maintained on a lot larger than one half (1/2) acre but smaller than three quarters (3/4) acre.
  - c. A maximum of four (4) hives may be maintained on a lot larger than three quarters (3/4) but smaller than one (1) acre.
  - d. A maximum of five (5) hives may be maintained on a lot one (1) acre or larger.
4. Occupation. Apiaries in residentially zoned areas must be located on the lot occupied by the permit holder.
5. Vacant/Unoccupied Lot. No apiary may be placed on vacant or unoccupied lots.
6. Frames. All colonies shall be kept in hives with removable frames, which shall be continuously maintained in sound and usable condition by the permit holder.
7. Identification. Each apiary shall, at all times, have the permit holder's name, address and phone number permanently and legibly displayed in a prominent place on an external portion of each hive.
8. Flyway Barrier. For all hives located within thirty (30) feet of a property line, a 6-foot high closed fence, closed hedge, building, or other solid flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the rear and/or side property lines and the hive(s). A flyway barrier is not needed if the hive(s) are kept at least ten (10) feet off the ground. Flyway barriers, if required shall meet the requirements of the building code.
9. Water Supply. A continuous supply of water shall be located on the property where the apiary is located, and placed near the hive(s) and within the enclosures or flyway barriers. The water source shall be designed to allow the honeybees' access to water by landing on a hard surface available to the honeybees so long as they remain active outside of the hive.

10. Placement.

- a. All beekeeping equipment must be located a minimum of thirty (30) feet from the front property line and ten (10) feet from all other property lines.
- b. Hives may not be located in the front yard of any lot. Should there be multiple street frontages to a property or no front yard clearly indicated on the property records for a property, the placement of the apiary shall be at the discretion of the City Health Officer.
- c. Apiaries must be located a minimum of fifty (50) feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission to the Health Department for closer placement.

3. PERMIT RENEWAL.

- (a) Permits shall be renewed (re-applied for) each year on a form furnished by the Health Department unless written notice of discontinued operation is received by the Health Department.
- (b) When a permit renewal is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the hive(s) are placed, shall be notified of the application renewal by the Health Officer. Notification shall be by first-class U.S. mail.
- (c) Property owners located within the circular radius of four hundred (400) feet of the apiary objecting to the permit renewal must file a written objection to the permit renewal by contacting the Health Department or City Health Officer within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
- (d) Upon receipt of a written objection, the application for renewal shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be renewed. 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.

4. APIARY MAINTENANCE.

- (a) Beekeeping equipment shall be actively maintained and managed at all times by the permit holder.
- (b) If a permit holder no longer intends to maintain and/or manage their apiary, the



permit holder must immediately notify the Health Department and remove or dismantle the hive(s). Failure to immediately remove the hives will be grounds for the Health Department to cause the removal of the hive(s) and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627

- (b) In any instance where the City Health Officer reasonably believes a colony exhibits aggressive behavior, it shall be the duty of the permit holder to immediately destroy or re-queen the hive.
- (c) Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.
- (d) The provisions of Sec. 3-15(a), Appleton Municipal Code, do not apply to beekeeping.

5. **RIGHT OF ENTRY.**

- (a) The Health Officer or his or her designee may enter upon any permit holder's property at any time to inspect the apiary, beekeeping equipment and/or honeybees, and may take photographs and/or videos of the apiary, beekeeping equipment and/or honeybees as he or she deems necessary, or take any other action deemed necessary to properly enforce the provisions of this section.
- (b) If the Health Officer or his or her designee finds any apiary kept in violation of any portion of this section, he or she may order the violation corrected within thirty (30) days unless the violation appears to put the honeybee's or people in immediate harm or danger, in which case the Health Officer or his or her designee may order the immediate correction of the violation. If the permit holder fails to correct the violation pursuant to the order of the Health Officer, the hive(s) in violation may be destroyed and/or removed from the municipality by the Health Officer or his or her designee and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627.

6. **SUSPENSION OR REVOCATION OF PERMIT.** The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

7. **APPEALS.** Any person aggrieved by the denial of a permit or by suspension or revocation of a permit 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 permit 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 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.

Approved by City Council November 2015.

RESIDENTIAL BEEKEEPING PERMIT REQUIREMENTS  
(Ref. 3-52 Appleton Municipal Code)  
November 11, 2015

DEFINITIONS:

ACRE means a unit of measure equal to 4,840 sq. yds. or 43,560 sq. ft.

AGGRESSIVE BEHAVIOR is any instance in which unusual characteristics are displayed by a honeybee or colony ~~including, but not limited to, stinging or attacking humans or~~ animals without provocation.

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPER means a person who owns or has charge of one (1) or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having one queen and at times drones, including brood, combs and honey.

HEALTH DEPARTMENT means the City of Appleton's Health Department.

HIVE means the receptacle inhabited by a colony that is manufactured for that purpose.

HONEYBEE means all life stages of the common domestic honeybee, *Apis mellifera* species, including the queen and drones.

LOT means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds

PERMIT means the written approval given by the Health Department to a property owner who occupies the premises and who is also a beekeeper pursuant to the definition herein.

PERMIT HOLDER means a beekeeper and who has received a permit from the Health Department allowing for an apiary on his or her property.

PROPERTY means a parcel of land identified by the City of Appleton as a lot in any state of development, ownership and occupation.

PROPERTY OWNER means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. **GENERALLY.** No person shall keep honeybees in the City of Appleton without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one (1) year from ~~March-November~~ 1 through the last day of ~~February~~ ~~October~~ the following year, and may be renewed annually. Only one (1) permit shall be granted per property regardless of the number of beekeepers residing at or owning said

property. Should multiple beekeepers request permits and be eligible for permits for a property, the permit shall be issued on a first-come, first-served basis.

2. **APPLICATION FOR PERMIT.** Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Health Department and shall contain such information which the Health Department may prescribe and require and shall be accompanied by payment of the applicable fees. The Application form may be updated and/or amended as deemed necessary by the Health Department. No prior approval of a permit guarantees future approval. The Health Department reserves the right to require permit holders to reapply if the application is updated and/or amended, and refusal to reapply may result in the termination of a permit.

(a) GENERAL REQUIREMENTS.

1. The applicant must complete the required form by the Health Department, and provide to the Health Department the non-refundable application fee.
2. The permit applicant must provide proof of formal education and/or sufficient practical experience to act as a beekeeper.
3. The permit applicant must provide proof of property ownership for the property where the proposed apiary will be located.
4. The permit application must provide proof of occupancy of the property where the proposed apiary will be located.

(b) ~~NEIGHBORHOOD APPROVAL REQUIRED.~~

~~1. When a permit is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the proposed hive(s) will be placed, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.~~

~~2. Property owners located within the circular radius of four hundred (400) feet of the proposed apiary objecting to the permit must file a written objection to the permit by contacting the City Health Officer at the Appleton Health Department within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.~~

~~3. Upon receipt of a written objection, the application shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. 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.~~

(be) INSPECTION OF APIARY. Prior to populating the apiary, an inspection of the apiary by the City Health Officer or his or her designee shall be conducted to ensure compliance with all of the following provisions:

1. Public Institutional District. A maximum of five (5) hives may be maintained within areas zoned P-I, Public Institutional District.

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Commented [BKS1]: This section deleted

2. Urban Farm. A maximum of three (3) hives may be maintained by a permit holder per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.
3. Residential Zone. No residentially zoned property shall have more than ~~the following numbers of five (5)~~ hives on the property:
  - a. ~~A maximum of two (2) hives may be maintained on a lot one-half (1/2) acre or smaller.~~
  - b. ~~A maximum of three (3) hives may be maintained on a lot larger than one half (1/2) acre but smaller than three quarters (3/4) acre.~~
  - c. ~~A maximum of four (4) hives may be maintained on a lot larger than three quarters (3/4) but smaller than one (1) acre.~~
  - d. ~~A maximum of five (5) hives may be maintained on a lot one (1) acre or larger.~~
    - a. for each permitted hive one nucleus colony may be kept for requeening.
    - b. To maximize successful rescues of a swam or a relocated colon, a beekeeper may keep such a colony, upon notification to the health department, until a permanent location can be found.
4. Occupation. Apiaries in residentially zoned areas must be located on the lot occupied by the permit holder.
5. ~~Vacant/Unoccupied Lot. No apiary may be placed on vacant or unoccupied lots.~~
56. Frames. To facilitate inspection for disease, all honeycombs must be readily removeable and replaceable. All colonies shall be kept in hives with removable frames, which shall be continuously maintained in sound and usable condition by the permit holder.
67. Identification. Each apiary shall, at all times, have the permit holder's name, address and phone number permanently and legibly displayed in a prominent place on an external portion of each hive.
78. Flyway Barrier. For all hives located within ~~thirty (30)~~ twenty-five (25) feet of a property line, a ~~6-foot high closed fence, closed hedge, building, or other solid~~ flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the rear and/or side property lines and the hive(s). A flyway barrier is not needed if the hive(s) are kept at least ten (10) feet off the ground. Flyway barriers, if required shall meet the requirements of the building code.
89. Water Supply. A continuous supply of water shall be located on the property where the apiary is located, and placed near the hive(s) and within the enclosures or flyway barriers. The water source shall be designed to allow the honeybees' access to water by landing on a hard surface available to the honeybees so long as they remain active outside of the hive.

Commented [BKS2]: Eliminate a, b, c & d

10. Placement.

- a. All beekeeping equipment must be located a minimum of thirty (30) feet from the front property line and ten (10) feet from all other property lines.
- b. Hives may not be located in the front yard of any lot. Should there be multiple street frontages to a property or no front yard clearly indicated on the property records for a property, the placement of the apiary shall be at the discretion of the City Health Officer.
- c. Apiaries must be located a minimum of ~~fty (50)~~ twenty-five (25) feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission to the Health Department for closer placement.

3. PERMIT RENEWAL.

- (a) Permits shall be renewed (re-applied for) each year on a form furnished by the Health Department unless written notice of discontinued operation is received by the Health Department.
- (b) When a permit renewal is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the hive(s) are placed, shall be notified of the application renewal by the Health Officer. Notification shall be by first-class U.S. mail.
- (c) Property owners located within the circular radius of four hundred (400) feet of the apiary objecting to the permit renewal must file a written objection to the permit renewal by contacting the Health Department or City Health Officer within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
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4. APIARY MAINTENANCE.

- (a) Beekeeping equipment shall be actively maintained and managed at all times by the permit holder.

(b) If a permit holder no longer intends to maintain and/or manage their apiary, the permit holder must immediately notify the Health Department and remove or dismantle the hive(s). Failure to immediately remove the hives will be grounds for the Health Department to cause the removal of the hive(s) and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627

(b) In any instance where the City Health Officer reasonably believes a colony exhibits aggressive behavior, it shall be the duty of the permit holder to immediately destroy or re-queen the hive.

~~(c) Queens shall be selected from stock bred for gentleness and non-swarming characteristics.~~

(d) The provisions of Sec. 3-15(a), Appleton Municipal Code, do not apply to beekeeping.

5. **RIGHT OF ENTRY.**

(a) The Health Officer or his or her designee may enter upon any permit holder's property at any time to inspect the apiary, beekeeping equipment and/or honeybees, and may take photographs and/or videos of the apiary, beekeeping equipment and/or honeybees as he or she deems necessary, or take any other action deemed necessary to properly enforce the provisions of this section.

(b) If the Health Officer or his or her designee finds any apiary kept in violation of any portion of this section, he or she may order the violation corrected within thirty (30) days unless the violation appears to put the honeybee's or people in immediate harm or danger, in which case the Health Officer or his or her designee may order the immediate correction of the violation. If the permit holder fails to correct the violation pursuant to the order of the Health Officer, the hive(s) in violation may be destroyed and/or removed from the municipality by the Health Officer or his or her designee and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627.

6. **SUSPENSION OR REVOCATION OF PERMIT.** The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

7. **APPEALS.** Any person aggrieved by the denial of a permit or by suspension or revocation of a permit 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 permit 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 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.

Approved by City Council November 2015.

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**HEALTH DEPARTMENT - 100 N Appleton St, Appleton WI 54911**  
**Telephone: 920-832-6429 Fax: 920-832-5853**  
**RESIDENTIAL APIARY PERMIT APPLICATION**  
**Effective Date December 1, 2017**

PLEASE PRINT

Date of Application: \_\_\_\_\_ Anticipated Start Date \_\_\_\_\_

**Applicant Information:**

Name: \_\_\_\_\_

**Apiary Information:**

Number of Hives: \_\_\_\_\_

Address: \_\_\_\_\_

Location of Hive or Hives: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

City/State/ZIP \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Person in Charge of Apiary: \_\_\_\_\_

<u>Activity Code</u>	<u>Permit Description</u>	<u>Fee</u>
141	Preinspection Fee: New Apiary	\$145.00
142	Apiary Permit (Separate Permit Required for each apiary on a Property)	\$59.00
NOTE:	The Preinspection Fee Is Non-Refundable	
	<b>Total Amount Due</b>	<b>\$</b>

Provide a sketch of the property and the location where the hive or hives will be kept. Include hive distances from property lines, neighboring dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment. Indicate watering location. Indicate flyway barrier location, material and height. Provide documentation of training as a Beekeeper.

Name of Applicant (Print) \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Drivers License Number \_\_\_\_\_

MAKE CHECK OR MONEY ORDER PAYABLE TO ..... CITY OF APPLETON  
 SUBMIT APPLICATION AND FEE TO ..... APPLETON HEALTH DEPT.  
 100 N APPLETON ST  
 APPLETON WI 54911-4799

OFFICE USE

Date letter sent to property owners within 400 feet of center of proposed apiary \_\_\_\_\_

Written Objections Received (attach) \_\_\_\_\_ Written Objection Deadline \_\_\_\_\_

Inspector Signature \_\_\_\_\_ Date \_\_\_\_\_

Apiary Start Date \_\_\_\_\_

Establishment Number (COA#) \_\_\_\_\_ Account # 12530-4305 Receipt # \_\_\_\_\_

License Year March 1, \_\_\_\_\_ Expires February \_\_\_\_\_, \_\_\_\_\_ Assigned Inspector \_\_\_\_\_

Amount Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Account Name: \_\_\_\_\_







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 Telephone: 920-832-6429 Fax: 920-832-5853  
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Name: \_\_\_\_\_

**Apiary Information:**

Number of Hives: \_\_\_\_\_

Address: \_\_\_\_\_

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City/State/ZIP: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

City/State/ZIP \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Person in Charge of Apiary: \_\_\_\_\_

<u>Activity Code</u>	<u>Permit Description</u>	<u>Fee</u>
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142	Apiary Permit (Separate Permit Required for each apiary on a Property)	59 \$10
NOTE:	The Preinspection Fee Is Non-Refundable	
		<u>Total Amount Due</u> \$

Provide a sketch of the property and the location where the hive or hives will be kept. Include hive distances from property lines, neighboring dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment. Indicate watering location. Indicate flyway barrier location, material and height. **Upon renewal, if no changes have been made, use original sketch on file.** Provide documentation of training as a Beekeeper.

Name of Applicant (Print) \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Drivers License Number \_\_\_\_\_

MAKE CHECK OR MONEY ORDER PAYABLE TO ..... CITY OF APPLETON  
 SUBMIT APPLICATION AND FEE TO ..... APPLETON HEALTH DEPT.  
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Date letter sent to property owners within 400 feet of center of proposed apiary \_\_\_\_\_

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License Year March 1, \_\_\_\_\_ Expires February \_\_\_\_\_, \_\_\_\_\_ Assigned Inspector \_\_\_\_\_

Amount Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Account Name: \_\_\_\_\_





# MEMORANDUM

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“...meeting community needs...enhancing quality of life.”

TO: Community & Economic Development Committee (CEDC)

FROM: Jessica Titel, Principal Planner

DATE: January 22, 2020

RE: Proposed Revisions to the Art in Public Places Policy

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The proposed revisions to the Art in Public Places Policy establish a public notification process and details the procedure to initiate if an applicant/artist is not in compliance with the Art in Public Places Policy. The changes are identified in the attached revised policy. Per the Art in Public Places Policy, the committee of jurisdiction for review of the Policy is the Community & Economic Development Committee.

The Appleton Public Art Committee will meet February 4, 2020 to review the proposed changes to the Art in Public Places Policy. The policy will be forwarded to the Common Council for final action.

The Staff Report prepared for the Public Art Committee is attached as reference.



## REPORT TO PUBLIC ART COMMITTEE

**Appleton Public Arts Committee Meeting Date:** February 4, 2020

**Community and Economic Development Committee Date:** January 29, 2020

**Common Council Meeting Date:** February 5, 2020

**Item:** Revisions to Art in Public Places Policy

**Case Manager:** Jessica Titel

### **BACKGROUND**

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The Art in Public Places Policy was approved by the Common Council on July 18, 2018. Revisions to the policy were approved by the Common Council on October 16, 2019. This policy established the Appleton Public Arts Committee and the policy under which public artwork would be reviewed. Since the adoption of the policy, applications for several public art projects have been submitted for review. The proposed revisions establish a public notification process and details the procedure to initiate if an applicant/artist is not in compliance with the Art in Public Places Policy.

The proposed changes are identified in RED in the attached revised Art in Public Places Policy.

### **RECOMMENDATION**

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Staff recommends the text amendments to the Art in Public Places Policy identified by ~~strikethrough~~ be deleted and underlined be added, as attached to this report, **BE APPROVED**.



# Art in Public Places Policy

Appleton Public Art Committee

July 2018

Updated October 2019

Updated February 2020

## **INTRODUCTION**

This document serves as the policy to oversee the public display of art placed on publicly owned property and to serve as the road map to decisions made in relation to public art in the City of Appleton. This policy will also define the types of public art, how pieces will be chosen, approval and review process, the maintenance of each piece and the process for deaccession of the artwork. The review process is expected to take approximately 6 to 8 weeks, dependent upon project variables and meeting schedules. This policy does not apply to artwork on private property.

### **What is Public Art?**

Public art is any work of art or element of design that is sited in or on property that is publicly owned or controlled by the City of Appleton (parks, buildings, right-of-ways, etc.) for people to experience. Public art pieces can be either privately owned by the artist or other entity or publicly owned by the City, but will be sited on public property. Ownership will be dependent upon each individual project.

For the purposes of this policy, Public Property is defined as *a building and/or land owned and controlled and/or in which the use is operated by the City including fire stations, City Hall, public works and park facilities, library and the like.*

### **Why Public Art?**

Creative placemaking is a way of creating a special place and creating an identity within the places we frequent. Public art has been used in placemaking for decades and there are countless examples throughout the Fox Cities, State and Country on how the arts have improved the quality of life and enhanced the communities we live in.

### **Why a Public Art Committee?**

By developing a Public Arts Committee for the City of Appleton, the City can work toward deliberately creating these special places, events and moments. Creation of a Public Arts Committee will establish a more formal way to review and maintain public art, provide another avenue for the promotion of the arts community and show the continued desire to establish the arts as a priority for our community.

### **Types of Public Art**

Public art can take a wide range of forms, sizes, and scales—and can be temporary or permanent. Public art can include murals, sculptures, memorials, integrated architectural or landscape architectural work, community art, digital new media, lighting installations and even live performances.

#### Temporary/Events/Performance Public Art

Interactive cultural activities, performance-based work, or objects presented in public space that have a limited duration. Temporary public art is exhibited for 6 months or fewer. Public art may be experienced as a surprise or unanticipated activity, or as part of larger or anticipated events such as a festival, parade, or other community event. Temporary public art is transient and may last a few minutes or not more than 6 months. They may take place in one location or move but are not permanently sited.

Examples: Temporary public art can be almost any form; objects such as sculptures, interactive art or furnishing that are movable; street artists that perform music, poetry, dance or skits; modification to existing structures through wrapping, projecting images or other means.

### Functional Art

The primary purpose is functional or utilitarian. Works of art that serve a purpose in publicly owned spaces that are designed and/or embellished by artists.

Examples: seating, benches, bicycle racks, bus shelters, fences, gates, trash cans, lights, light poles, etc.

### Integrated Artwork

Fully incorporated into the design of a larger project or existing element in the community. Artists may work directly with the architects or engineers to enhance the qualities and functionality of publicly owned buildings, structures, spaces and/or infrastructure.

Examples: bridges, retaining walls, walkways, buildings, streetscaping, landscaping, functional building elements – façade elements, entrances, lobbies, etc.

### Two and Three - Dimensional Artwork

Two and Three-dimensional artwork has been the most common form of public art and comes in a variety of forms, including, but not limited to:

- Interpretive: Primary purpose is educating the public. The artwork might be self-explanatory or require a panel explaining the project.
- Monument: A statue, building or other structure created to commemorate a famous or notable person or event. They are typically cast in or sculpted from granite, bronze or marble.
- Mural or Mosaic: A painting or other work of art created or mounted on a wall. Media used to create the mural or mosaic can include paint, tile, glass or other found materials.
- Sculpture: Freestanding, physically independent of other site elements. Can consist of a variety of materials, including metals, wood, concrete, fiberglass, landscape, glass, etc.
- Sensory Art: Appeals to the senses – visual, auditory, touch or a combination of these. Can include water features, fountains, interactive sound or touch features, lighting, etc.

## **APPLETON PUBLIC ART COMMITTEE (APAC)**

The Appleton Public Art Committee (APAC) is responsible for implementing the Art in Public Places Policy. The APAC will create recommendations for the appropriate committee of jurisdiction based upon the proposed project/request. The recommendations will be forwarded to the Common Council to further the City of Appleton's commitment to the promotion, creation and maintenance of public art as defined in this policy. The Public Art Committee is a volunteer committee that works to support the goals and strategies for increasing the prevalence of public art and placemaking. It is important to understand that members will serve in an advisory capacity to the committees of jurisdiction.

The Committee will be made up of no more than 7 members that are appointed by the mayor and will have staggered terms of service. The Mayor will also appoint the chair of this committee.

The Community and Economic Development Committee (CEDC) will be the committee of jurisdiction to the APAC concerning the Art in Public Places Policy, committee budget, other policies and procedures applicable to the APAC. The APAC will also provide a report/summary of current project and initiatives to the CEDC at least annually, or as requested by the CEDC.

## **Goals/Focus Areas**

1. Support the arts and cultural opportunities as identified in Comprehensive Plan 2010-2030 (see Exhibit A).
2. Serve as a forum to receive proposals, review for compliance with City policies and make recommendations regarding the maintenance and deaccession expectations.
3. Advocate for the arts by advising on policies and plans of the City, and by seeking non-City public and private resources to advance the work of the Public Art Committee.
4. Analyze gaps and opportunities in programming, support, funding, and promotion for the arts, cultural activity and economic development.
5. Increase public awareness, appreciation and contribution of public art.
6. Foster artistic creativity in the community and broaden public participation in the planning and creation of public artworks.
7. Consider development of an arts and cultural plan as recommended throughout the Comprehensive Plan.
8. Review and update the arts inventory.

## **Funding Sources**

An ongoing funding source is yet to be determined for Appleton Public Art Committee projects, but will need to be a decision made by the City's elected officials. Some funding options could include a potential annual budget allowance, fundraising, private donations, grants and/or allocations from public projects.

## **PUBLIC ART GUIDELINES**

Note: These guidelines are a dynamic, working document that will be reviewed periodically by the APAC and amended as needed.

Specific criteria are needed to evaluate the location and appropriate type of public art projects sponsored by the City. Proposed public artwork shall be reviewed by the APAC. The typical approval process will include a recommendation by APAC to the applicable committee of jurisdiction based upon the specific project. The committee of jurisdiction will then make a recommendation to the Common Council.

For a City-commissioned project or set of projects, the APAC will establish a formal selection process, seeking a range of choices appropriate for each project. City Staff and the APAC should first articulate the desired goals, nature, budget and any other special requirements for each project. A Request of Proposals or Request for Qualifications may then be issued.

### **Proposed public art will be evaluated on the following:**

- Goals and Objectives. Each project should satisfy some of the goals and objectives as established by this policy, the 2010-2030 Comprehensive Plan and other applicable plans and policies.
- Context. The architectural, historical, geographical, geological and socio-cultural context of the site where the artwork will be installed or displayed.
- Structural Soundness. The resistance to theft, vandalism, weathering and/or excessive maintenance or repair costs.
- Public Safety. Artwork shall not present a hazard to public safety.



- Diversity. Rather than one kind of artwork, a range of styles, scale and approaches to public art should be considered.
- Feasibility. Evidence of the artist's ability to successfully complete the work as proposed including: project budget, timeline, artist's experience, soundness of materials and construction and design guidelines.
- Donor conditions (if applicable).
- Budget (if applicable). Proposal should provide a budget adequate to cover all costs for the design, fabrication, insurance, transportation, storage, installation and maintenance.
- Installation. Applicable engineering and structural requirements for the installation must be provided.

### **Guidelines for Accepted Artwork**

The APAC shall make recommendations regarding any contingencies upon the acceptance of artwork. These contingencies and applicable agreements may vary widely dependent upon the type of artwork and will need to be flexible and customized for each project.

- After the decision is made to accept a piece of artwork, the applicant is informed and a contractual agreement is drafted setting forth the length of time the artwork will be displayed and other terms such as location, maintenance requirements and responsibility, insurance, value of the artwork, installation and removal responsibility, payment schedule (if applicable) and other conditions pertinent to the agreement.
- Final acceptance of the artwork is contingent upon the discretion of the Common Council, consistent with the criteria in this policy.
- Sponsorship plaques will be reviewed on a case-by-case basis in accordance with the City's Sign Code. Specifically, Section 23-531 as it pertains to sponsorship signs for murals will be applied. Section 23-531 allows for one plaque/sign that does not exceed 9 square feet per art work.

### **Installation**

A plan for installation, including structural and engineering information, shall be provided with application and prior to any work commencing. A plan to show any necessary safety barriers around the perimeter of the work area during installation shall also be provided. In most instances, no City assets or resources should be used to install proposed artwork that is not owned by the City. ~~Upon completion of the~~ Within 10 days of the public art installation, the artist shall provide certification that the artwork was installed correctly and meets applicable/required structural standards.

### **Maintenance**

Whether integrated into building construction or standing alone in a public park or right of way, each work requires routine maintenance such as cleaning or trimming weeds, as well as long-term repair such as sealing cracks, fabricating and re-attaching a broken piece or outright replacement. Each public art project should have a maintenance plan and agreement that is prepared as part of the commissioning or acquisition process.

Maintenance for sculptures that are owned by or donated to the City will be the responsibility of the City. The artist should provide the City with information regarding anticipated maintenance needs for the artwork.

### **Insurance**

When artwork is installed by a party other than the City and/or the artwork will not be owned by the City, the applicant is required to provide a Certificate of Insurance meeting the minimum liability requirements as set forth in Exhibit IR 6.1 – Applicant/s – Art in Public Places.

### **Deaccession & Relocation of Artwork**

The City of Appleton will retain the right to relocate or deaccession any public artwork, regardless of the source of funding or method of acquisition. While the intent of acquisition is for long-term public display, circumstances and/or conditions may arise that make it prudent for the City, on behalf of the public interest, to remove an artwork from public display.

Deaccessioning and relocating of artwork may be considered for reasons including, but not limited to:

- The condition or security of the artwork cannot be reasonably guaranteed in its present location.
- The site is being eliminated.
- The site is being altered such that the artwork is no longer compatible with the site.
- The artwork presents a public safety risk.
- The cost of maintaining or updating the artwork's operating technology is cost prohibitive.
- The artwork requires excessive maintenance or has failures of design and workmanship.
- A more suitable location for the artwork has been proposed.
- The artwork no longer meets the goals of the Public Art Policy.

### **REVIEW PROCEDURES**

The Appleton Public Art Committee will make recommendations regarding the placement or acceptance of public art. Community and Economic Development Staff will route the proposal to appropriate departments for review, comments and conditions. Projects will generally be reviewed by the Department of Public Works, Attorney's Office, Parks, Recreation & Facilities Management and Human Resources. The project can also be routed to any other applicable department based upon the project scope. The APAC will be responsible for reviewing the public artwork and making their recommendation to the committee of jurisdiction. The Common Council will make the final determination on whether or not the piece will be placed on publicly owned or controlled property. The review process is expected to take approximately 6 to 8 weeks, dependent upon the project variables and meeting schedules.

Public Art Project Review Team:

- Department of Public Works – review pieces that will be placed within the public right-of-way or on certain structures under the jurisdiction of this department (i.e. parking ramps, utility stations, light poles, etc.).
- Parks, Recreation & Facilities Management – review projects that are proposed to be placed within public parks, City property and grounds, trails or City structures/facilities under the jurisdiction of this department.
- Human Resources – insurance and liability review and requirements.
- Attorney's Office – liability, legal considerations and preparation of applicable documents and agreements.
- Others as determined appropriate by Staff.

### **Application for Review of Public Art**

Any request for the placement of public art requires submittal of a completed application and required supporting materials. The application is available on the City's website or by contacting the Community and

Economic Development Department. The application shall be submitted a minimum of 3 weeks prior to the next regularly scheduled Public Art Committee meeting. All applications must include the following items:

- Brief description of the proposed artwork
- Photos/sketches of proposed work
- Site plan/location map showing location of proposed work
- Reason for choosing the proposed location
- Description of how the work is installed/anchored/attached
- Installation specifications provided by a structural engineer to confirm safety of structure/installation
- Timeline and duration of installation
- How the artwork will be maintained (including any costs associated with the maintenance and who will be responsible for those costs)
- Description of any associated signage

### **Review Steps**

The procedure outlined below includes the general steps that will be involved when reviewing the placement of public art. Because public artwork can take on many forms, the review process is meant to be flexible and can be adjusted based upon each individual project.

1. An application is submitted to the Community and Economic Development Department (CEDD). Staff will review the application and confirm receipt of required information.
2. CEDD Staff route the proposal to appropriate departments for review, comments and conditions. Projects will generally be reviewed by Staff representatives with the Department of Public Works, Attorney's Office, Parks, Recreation & Facilities Management and Human Resources. The project can also be routed to any other applicable department based upon the project scope. These representatives shall furnish the CED Staff, in writing, their comments and/or conditions as to whether an application for a public art installation should be approved, conditionally approved or denied.
- 2-3. When applicable and per the stipulations listed below, notices will be sent to adjacent property owners at least one week prior to the APAC meeting date.
- 3-4. CEDD Staff will compile all findings and recommendations and present a Staff Report for the project to APAC for approval/denial of the proposal. Conditions of APAC approval may be required.
- 4-5. APAC recommendation will be sent to the committee of jurisdiction for action.
- 5-6. Committee of jurisdiction recommendation forwarded to Common Council for final action.
- 6-7. Appropriate legal documents and agreements are signed prior to artwork being accepted, constructed or installed. Applicant provides insurance certificate meeting minimum liability requirements.
- 7-8. Upon completion of the installation, the artist shall provide certification that the artwork was installed correctly and meets applicable/required structural standards.

### **Notification**

All property owners within 100 feet of the proposed public art project will be sent notices. The notices will include the project summary and the APAC meeting date in which the public art project will be discussed. If the proposed public art project is located within an existing City owned park and the nearest private property is more than 100-feet away, notices will not be sent. Notices will not be sent for public art projects located within a City owned or occupied building/structure.

### **Failure to Comply**

No public artwork shall be installed prior to satisfaction of all conditions of approval and the execution of the Public Art Agreement. If public art is installed in violation of the Art in Public Places Policy, the piece shall be immediately removed by the applicant/artist, at their expense. If the applicant does not remove the artwork

within the allotted amount of time, the City may remove the artwork and charge the applicant/artist. Any applicant/artist that violates the Art in Public Places Policy may no longer be allowed to install public art on City-owned property.

### **Public Art Exemptions**

The following public art initiatives and/or displays are exempt from review by the Appleton Public Arts Committee and have been previously reviewed and approved by Municipal Services Committee and/or Common Council.

- Annual or previously approved Art events (these require Street Occupancy Permits through DPW):
  - Fiber Rain (Yarn Bombing)
  - Chalk on the Town
  - Paint on the Town
  - Park(ing) Day
  - Ice Sculptures
- DPW funded and administered art programs:
  - Snowplow Painting Program
  - Sidewalk Poetry Program
- Other exempted artwork:
  - Mandalas on the Red Ramp
  - Traffic Control Boxes
  - Compassion Manhole Project
  - Marigold Mile and street name signage
  - Installation of free libraries made through CARE Program
  - Painting of Water Street retaining wall
  - Acre of Art – existing pieces only (as of May 2018), future artwork associated with Acre of Art, that are placed on public property, will need proper approvals
  - Wayfinding signs for trails and public parks
  - Existing artwork on/in public property

## **EXHIBIT A:**

### **Comprehensive Plan 2010-2030 References Relating to Public Art Committee**

Creating a Public Arts Committee and increasing the prevalence of public art is widely and strongly supported throughout the City's Comprehensive Plan 2010-2030. One of the "Key Issues" heard during the public participation process related to the creative culture and public art. The following questions were posed during this process: *How can the City and its partners encourage the growth and diversification of the local arts and creative culture scene? How can a broader arts strategy be pursued in a fair and equitable manner? How can public art and other forms of creative expression be leveraged to foster a stronger community identity?* Establishing a Public Arts Committee will work towards answering these questions and achieving a vision within the Comprehensive Plan.

A number of vision statements that characterized the quality of life in Appleton were developed to help guide the City's comprehensive planning process. One of those vision statements stated that: *"Creative place making and public art enhance the public realm and contribute to a vibrant economy."* This statement confirms that residents recognize and value the City's commitment to placemaking and public art.

Chapter 8: Agriculture, Natural, Historic, and Cultural Resources of the Comprehensive Plan provides a detailed overview of the cultural amenities or organizations currently provided for in the City. The objectives and policies within this chapter speak directly to maintaining, supporting and enhancing the arts within Appleton.

#### **8.4 OBJECTIVE: Support the organizations, events, and venues that make Appleton the arts and cultural center of the Fox Cities.**

- 8.4.1 *Provide appropriate financial, technical, and other resources to ensure the continued viability and growth of cultural organizations and attractions, in partnership with organizations such as Appleton Downtown, Inc., the Appleton Public Library, and the Fox Cities Convention and Visitor's Bureau.*
- 8.4.2 *Partner with other agencies and organizations to ensure the availability of adequate event space and logistical services to facilitate cultural and related events within the community.*
- 8.4.3 *Continue to broaden education and collaboration with diverse communities.*
- 8.4.4 *Support development of a signature downtown amphitheater to showcase Appleton's growing music and cultural performance scene.*

#### **8.6 OBJECTIVE: Consider developing a comprehensive Cultural Arts Plan to inform and guide efforts that position Appleton as the cultural center of the Fox Cities and a unique regional destination for those interested in history, culture, and all forms of artistic expression**

- 8.6.1 *Reach out to private businesses and arts and cultural organizations to determine if there is sufficient interest in and resources available to prepare a comprehensive Cultural Arts Plan.*
- 8.6.2 *Prepare a Cultural Arts Plan which goes beyond public art to proactively plan for how the City can leverage its tremendous cultural, musical, and creative talents to retain its young people, grow its tourism potential, and attract and retain creative workers to the region.*
- 8.6.3 *Consider establishment of a public arts fund to support on-going public art initiatives.*
- 8.6.4 *Partner with private businesses and organizations to help brand and market Appleton as the creative hub for northeast Wisconsin.*

Chapter 14 - Downtown Plan provides for specific recommendations for Appleton's Downtown and directly supports the creation of a Public Arts Committee. One of the recommendation is the *"formal establishment of*

*a city-wide arts council or commission to administer, promote a public art program and maintain public art collections.”*

This chapter also has a detailed section that illustrates the importance of the arts community to Appleton and encourages the expansion and promotion of placemaking and arts in the City. One of the key strategies identified in this chapter is the development of a citywide Arts and Culture Plan. The creation of a citywide Arts and Cultural Plan is also supported elsewhere within the Comprehensive Plan. This could be an important task that the Public Arts Committee could accomplish.

While there are countless references to the importance of the arts community within Chapter 14 – Downtown Plan, below are the specific Initiatives that establishing a Public Arts Committee would support:

*1.1 Continue development of entry features on major routes into the downtown*

- B. Partner with local artists to design entry features including at the intersection of College Avenue and Richmond Street.*

*1.3 Implement appropriate streetscaping projects throughout the downtown*

- E. Use lighting to showcase the growing inventory of public art downtown, while contributing to a more interesting environment for walking. Continue to integrate public art into streetscape enhancements downtown.*

*1.4 Install sculpture, murals, and other art in public locations throughout the downtown*

*2.1 Maintain and strengthen the vitality of the arts and entertainment niche*

- B. Consider various models of providing broad municipal support for the creation, installation, and maintenance of public art.*

*2.8 Establish an Arts and Culture Plan for the City*

*An Arts and Culture Plan is recommended for the entire City, as described in Chapter 8: Agricultural, Natural, Historic, and Cultural Resources. The plan would create a shared vision for the future of Appleton’s investments in a wide range of public art, educational, and cultural activities and programs. It would help guide both public and private actions and enable a more coordinated strategy to maximize efficiencies and returns on investments. The plan would leverage the City’s growing creative economy, strengthen tourism, and contribute to Appleton’s high quality of life. Implementing this strategy will require additional discussion, direction, and buy-in. Recommended next steps include:*

- A. The City forming a study group to explore alternative models for art and culture planning, inventory assets and opportunities, and survey best practices from other communities.*
- B. Consider engaging an outside facilitator or consultant with experience developing similar plans in order to develop a comprehensive strategy, including a governance and management structure for arts and culture development with clear policies and procedures.*
- C. Establishing criteria for oversight (review/approval) and ongoing maintenance of public art and cultural programs and activities.*
- D. Identifying and securing funding mechanisms.*

*5.6 Plan, design, and implement bike and pedestrian wayfinding signage*

- B. Install destination arrival signs and features that integrate public art into infrastructure*

*7.6 Promote the identity of the riverfront through creative use of lighting*

**IR 6.1 APPLICANT/S – ART IN PUBLIC PLACES**

**City of Appleton  
Insurance Requirements**

**Project:** \_\_\_\_\_

The Applicant/s shall not commence work on this project until proof of insurance required has been provided to the applicable department before the agreement is considered for approval by the City of Appleton.

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and that any insurance or self-insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire project is completed and the length of time that is specified, if any, in the contract or listed below whichever is longer.

**1. INSURANCE REQUIREMENTS FOR CONTRACTOR**

**Commercial General Liability** coverage at least as broad as Insurance Services Office Commercial General Liability Form, including coverage for Products Liability (if applicable), Personal and Advertising Injury, with the following minimum limits and coverage:

- Each Occurrence limit ..... \$1,000,000
- Personal and Advertising Injury limit ..... \$1,000,000
- General Aggregate limit ..... \$2,000,000
- Fire Damage limit — any one fire ..... \$50,000
- Watercraft Liability, (protection and indemnity coverage) **if** the project work includes the use of, or operation of any watercraft)..... \$1,000,000
- Products Completed/ Operations Aggregate ..... \$2,000,000

**Automobile Liability if** owned rented, or leased vehicles will be used on City grounds in conjunction with the project:

Minimum Coverage:

- a) Single limit of liability - \$200,000 for bodily injury and property damage
- OR
- b) Split limit with limits of: \$100,000 each person bodily injury, \$300,000 each accident bodily injury, \$50,000 property damage

**Workers' Compensation** as required by the State of Wisconsin and Employers Liability insurance with \$100,000 Each Accident / \$500,000 Disease Policy Limits / \$100,000 Disease – Each Employee or with sufficient limits to meet underlying umbrella liability insurance requirements.

If applicable, the worker's compensation coverage must include Maritime (Jones Act) or Longshoremen's and Harbor Workers Act coverage.

If worker's compensation is not required by the State of Wisconsin, the City will waive this specific insurance requirement if the applicable Applicant/s signs the attached waiver under Exhibit A.

**Aircraft Liability:** If the project work includes the use of, or operation of any aircraft or helicopter, then Aircraft Liability insurance must be in force with a limit of \$3,000,000 per occurrence for bodily injury and property damage including passenger liability and including liability for any slung cargo.

**Unmanned Aircraft Liability:** If the project includes the use of, or operation of any unmanned aircraft then unmanned aircraft liability insurance must be carried with a limit of \$1,000,000 per occurrence for bodily injury, property damage liability and invasion of privacy liability.

**Applicant's Equipment or Property (If applicable):** The Applicant is responsible for loss and coverage for these exposures. The City of Appleton will not assume responsibility for loss, including loss of use, for damage to Applicant's property, materials, tools, equipment, and items of a similar nature which are being used in the work being performed by the Applicant. This includes but not limited to property owned, leased, rented, borrowed or otherwise in the care, custody or control of the Applicant.

## 2. INSURANCE REQUIREMENTS FOR ALL SUB-CONTRACTORS

All sub-contractors of the Applicant/s shall be required to obtain Commercial General Liability Automobile Liability, Worker's Compensation, Employer's Liability and if applicable, Watercraft Liability, Aircraft Liability and Unmanned Aircraft Liability insurance. This insurance shall be as broad and with the same limits and coverages (including waiver of subrogation) as those required by Applicant/s requirements.

## 3. APPLICABLE PROVISIONS

- **Primary and Non-Contributory requirement: All insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Appleton.**
- **Acceptability of Insurers:** Insurance is to be placed with insurers who have an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the State of Wisconsin.



- **Additional Insured Requirements:** The following must be named as **additional insureds** on all policies for liability arising out of this project work: **City of Appleton, and its officers, council members, agents, employees and authorized volunteers. On the Commercial General Liability Policy, the additional insured coverage must be on ISO form CG 20 10 07 04. This does not apply to Workers Compensation policies.**
- **Waivers of Subrogation** in favor of the City of Appleton must be endorsed onto the Applicant's Worker's Compensation, Commercial General Liability, Automobile Liability, Umbrella Liability coverage and Property/Equipment coverages.
- Certificates of Insurance acceptable to the City of Appleton shall be submitted prior to commencement of the project work for the applicable department. **In addition, form CG 20 10 07 04 for ongoing work exposure must also be provided or its equivalent.** These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non-renewed until at least 30 days' prior written notice has been given to the City of Appleton.

# Waiver and Indemnification Form – Exhibit A

For good and valuable consideration, including but not limited to the City waiving the requirement that Applicant/s must purchase worker’s compensation insurance, the Applicant/s agrees to indemnify, defend, and hold harmless the City of Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expenses, costs, including attorney’s fees, for claims arising out of the performance of this agreement including but not limited to those brought by Applicant’s employees (employed directly or indirectly), agents, volunteers, survivors, and the like.

\_\_\_\_\_, Applicant/s

Witness: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## City of Appleton

Witness: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**18-20**

**AN ORDINANCE AMENDING SECTION 20-401 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS.**  
(Utilities Committee – 3/4/2020)

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

**Section 1:** That Section 20-401 of Chapter 20 of the Municipal Code of the City of Appleton, relating to definitions, is hereby amended to read as follows:

**Sec. 20-401. Definitions.**

For the purposes of this ordinance, the following shall mean:

***Authorized enforcement agency.*** City of Appleton Director of Public Works and/or designees thereof.

***Contaminated stormwater.*** Stormwater that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in NR 216 (effective August 1, 2004).

***Department (DNR).*** The Wisconsin Department of Natural Resources.

***Discharge.*** As defined in Wisconsin Statute 283 (November 1, 2005 or as subsequently amended), when used without qualification includes a discharge of any pollutant.

***Discharge of pollutants.*** As defined in Wisconsin Statute 283 (November 1, 2005), means any addition of any pollutant to the waters of the state from any point source.

***Hazardous materials/substance.*** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

***Illicit connections.*** An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4 or waters of the state including, but not limited to, any conveyances that allow any non-stormwater discharge including sewage, process wastewater, or wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- (2) Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

***Illicit discharge.*** Any discharge to a municipal separate storm sewer system or waters of the state that is not composed entirely of stormwater, except discharges authorized by a WPDES permit or other discharge not requiring a WPDES permit such as landscape irrigation, individual residential car washing, fire fighting, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, flows from riparian habitats and wetlands, and similar discharges.

***Industrial activity.*** Activities subject to WPDES Industrial Permits per NR 216 (effective August 1, 2004) and Wisconsin Statute 283 (November 1, 2005).

***Municipality.*** Any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district, the Wisconsin Department of Transportation or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, stormwater or other wastes.

***Municipal Separate Storm Sewer System (MS4).*** As defined in Wisconsin Administrative Code NR 216 (effective August 1, 2004), means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:

- (1) Owned or operated by a municipality.
- (2) Designed or used for collecting or conveying stormwater.
- (3) Which is not a combined sewer conveying both sanitary and stormwater.
- (4) Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

***Non-stormwater discharge.*** Any discharge to the MS4 that is not composed entirely of stormwater.

**Owner.** Any person holding fee title, an easement or other interest in property.

**Outfall.** The point at which stormwater is discharged to waters of the state or to a storm sewer or to an adjacent municipality.

**Person.** An individual, owner, operator, corporation, partnership, association, municipality, interstate agency, state agency or federal agency.

**Pollutant.** As defined in Wisconsin Statute 283 (November 1, 2005), means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, yard waste and industrial, municipal and agricultural waste discharged into water.

**Pollution.** As defined in Wisconsin Statute 283 (November 1, 2005), means any man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

**Pollution prevention.** Taking measures to eliminate or reduce pollution.

**Premises.** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks.

**Stormwater.** Runoff from precipitation including rain, snow, ice melt or similar water that moves on the land surface.

**Stormwater Management Plan/Stormwater Pollution Prevention Plan.** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, MS4s, and/or waters of the State to the Maximum Extent Practicable.

**Stormwater Management Practices (SMPs).** Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or other pollutants carried in runoff to waters of the state.

**Wastewater.** Any water or other liquid, other than uncontaminated stormwater, discharged from a property.

**Watercourse.** A natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in the NRCS soils map for Outagamie, Winnebago and Calumet Counties, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.

***Waters of the state.*** As defined in Wisconsin Statute 283 (November 1, 2005), means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

***Wisconsin Pollutant Discharge Elimination System (WPDES) Stormwater Discharge Permit.*** A Wisconsin pollutant discharge elimination system permit issued pursuant to Wisconsin Statute 283 (November 1, 2005).

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**19-20**

**AN ORDINANCE AMENDING SECTION 20-412 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ALLOWED DISCHARGES.**

(Utilities Committee – 3/4/2020)

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

**Section 1:** That Section 20-412 of Chapter 20 of the Municipal Code of the City of Appleton, relating to allowed discharges, is hereby amended to read as follows:

**Sec. 20-412. Allowed discharges.**

(a) Irrigation, diverted stream flows, ground waters, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, springs, water from crawl space pumps, footing drains, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges.

(b) Discharges or flow from firefighting, and other discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(c) Discharges associated with dye testing, provided verbal notification is given to the authorized enforcement agency and the Department of Natural Resources a minimum of three (3) days prior to the time of the test.

(d) Any non-stormwater discharge permitted under an WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department of Natural Resources. Any person subject to such an WPDES stormwater discharge permit shall comply with all provisions of such permit.

(e) Notwithstanding (a) – (d), the occurrence of a discharge listed above may be considered an illicit discharge on a case-by-case basis if the permittee or the Department identifies it as a significant source of a pollutant to waters of the state.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk



**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**20-20**

**AN ORDINANCE AMENDING SECTION 20-423 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF STORMWATER MANAGEMENT PRACTICES.**

(Utilities Committee – 3/4/2020)

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

**Section 1:** That Section 20-423 of Chapter 20 of the Municipal Code of the City of Appleton, relating to requirement to prevent, control and reduce stormwater pollutants by the use of best management practices, is hereby amended to read as follows:

**Sec. 20-423. Requirement to prevent, control and reduce stormwater pollutants by the use of stormwater management practices.**

The owner or operator of any activity, operation, or property which may cause or contribute to pollution or contamination of stormwater, the MS4, watercourses, or waters of the State shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of structural and non-structural SMPs. Further, any person responsible for a property or premise, that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural SMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, shall be deemed compliance with the provisions of this section. These SMPs shall be part of a Stormwater Management Plan (SWMP)/Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**21-20**

**AN ORDINANCE AMENDING SECTION 20-433 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NOTICE OF VIOLATION.**

(Utilities Committee – 3/4/2020)

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

**Section 1:** That Section 20-433 of Chapter 20 of the Municipal Code of the City of Appleton, relating to notice of violation, is hereby amended to read as follows:

**Sec. 20-433. Notice of violation.**

(a) Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person.

(b) The Notice of Violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the authorized enforcement agency by filing a written notice of appeal within three (3) days of service of notice of violation; and
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a

designated governmental agency or contractor and the expense thereof shall be charged to the violator.

- (c) Such notice may require without limitation:
- (1) The performance of monitoring, analyses, and reporting;
  - (2) The elimination of illicit connections or discharges;
  - (3) That violating discharges, practices, or operations shall cease and desist;
  - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - (5) Payment of a fine to cover administrative and remediation costs; and
  - (6) The implementation of SMPs.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**22-20**

**AN ORDINANCE AMENDING SECTION 20-33 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO METERS AND ACCESS TO PREMISES.**

(Utilities Committee – 3/4/2020)

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

**Section 1:** That Section 20-33 of Chapter 20 of the Municipal Code of the City of Appleton, relating to meters and access to premises, is hereby amended to read as follows:

**Sec. 20-33. Meters and access to premises.**

(a) Authorized employees of the Water Utility shall have free access to any premises supplied with water, at proper times, to inspect and ascertain the condition of the meters and fixtures, or for reading meters, and no owner or occupant shall refuse such employees such access. The Water Utility shall have the right to enter any premises to remove the meter for the purpose of examination and test after first notifying the owner or occupant, and may shut off the water from the premises where free access is prevented.

(b) Remote reading devices may be installed on or in all structures supplied with water by the Water Utility. The remote reading device shall be located within or on the structure in such a way that it can be serviced and communicated with effectively. The remote reading device may not be obstructed and shall be at a readable height. Original installation shall be at the cost of the Water Utility, but any cost of defacing, vandalism or any other damage shall be charged to the owner or occupant. Water service may be discontinued for failure to comply with the requirements of this subsection.

(c) The owner of any structure supplied with water shall provide a location of adequate size for installation of a water meter. Such location shall be adequately ventilated and shall not be a manhole, pit, vault, or other confined space as defined by the Wisconsin Department of Safety and Professional Services (DSPS), or the U.S. Department of Labor Occupational Safety and Health Administration (OSHA). The owner of any meter pit or vault considered a confined space (by definition) shall be required to conform with this section at such time as any piping of structural modifications or repairs are made to the structure, within ninety (90) days of a determination that the structure is a confined space as defined by DSPS. Any additional costs incurred with reading or servicing a water meter in a confined space, including but not limited to, dewatering and confined space entry procedures, shall be billed to the customer.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**23-20**

**AN ORDINANCE AMENDING SECTION 20-39 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LEAKAGE IN WATER PIPES.**

(Utilities Committee – 3/4/2020)

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

**Section 1:** That Section 20-39 of Chapter 20 of the Municipal Code of the City of Appleton, relating to leakage in water pipes, is hereby amended to read as follows:

**Sec. 20-39. Leakage in water pipes.**

Where a leak develops in the privately owned water pipe, the Water Utility shall follow the approved water leak policy.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**24-20**

**AN ORDINANCE AMENDING SECTION 23-21 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PURPOSE.**  
(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-21 of Chapter 23 of the Municipal Code of the City of Appleton, relating to purpose, is hereby amended to read as follows:

**Sec. 23-21. Purpose.**

The following words and terms, wherever they occur in this chapter, shall be construed as herein defined. Words not defined in this zoning ordinance shall be interpreted in accordance with definitions in Municipal Code of the City of Appleton, *The New Illustrated Book of Development Definitions* by Harvey S. Moskowitz, the Wisconsin State Statutes, State Building Code or Uniform Dwelling Code. If a word or term is not defined as identified by the protocol above, it shall have the meaning set forth in the latest edition of Webster's New World College Dictionary.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

25-20

**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 – 3/18/2020)

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 to read as follows:

**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.

***Brewery*** means a use which manufactures, bottles and packages a total of more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year on premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.

***Craft-Distillery*** means a use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

***Development regulations*** means the parts of a zoning ordinance that applies to elements including but not limited to parking, loading and unloading, building and structure height, lot coverage, design and yard setback requirements.

***Distillery*** means a use which manufactures, bottles and packages a total of more than 100,000 proof gallons of intoxicating liquor under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

***Dwelling, multi-family*** means a building or portion thereof containing three (3) or more dwelling units.

***Dwelling, single family detached*** means a building containing one (1) dwelling unit that



is entirely surrounded by open space on the same lot. Typically referred to as a single-family home.

***Dwelling, two-family (or duplex)*** means a building containing two (2) dwelling units. The dwelling units are attached and may be located on separate floors or side-by-side.

***Dwelling, two-family zero lot line*** means two (2) single-family dwellings, attached by a common wall, each being on separate lots (a side-by-side duplex with each unit typically under separate ownership).

***Microbrewery/Brewpub*** means a use which manufactures, bottles and packages a total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year and may or may not operate restaurant on the premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.

***Nonconforming building or structure*** means a dwelling, building or structure that existed lawfully before the current zoning ordinance was enacted, but does not conform with one or more of the development regulations in the current zoning ordinance.

***Nonconforming use*** means a use of land, a dwelling, a building or a structure that existed before the current zoning ordinance was enacted or amended, but does not conform with the use restrictions in the current ordinance.

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

***Painting/Craft Studio without alcohol sales*** means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and non-alcoholic beverages for consumption while they paint and/or make crafts.

***Proof*** means the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percentage of ethyl alcohol by volume.

***Proof gallon*** means a gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof. Proof is a method of measuring the alcohol content of spirits (intoxicating liquor). You calculate the proof of a spirits product by multiplying the percent of alcohol by volume by two (2). For example, a spirits (intoxicating liquor) product that has a 40% alcohol content by volume is 80 proof [40 multiplied by 2 = 80]. Converting U.S. gallons into proof gallons:

1. Multiply U.S. gallons by the percent of alcohol by volume.
2. Multiply by 2.

3. Divide by 100.

Sample calculation:

1. 100 U.S. gallons x 40% alcohol by volume=4000
2. 4000 x 2=8000
3. 8000/100= 80 proof gallons

**Restoration** means a construction process of repairing or renovating all or a portion of an existing building and/or structure, so as to restore it to its former or original appearance or condition.

**Replacement** means a construction process of completely removing all or a portion of an existing building and/or structure, so as to replace it with a new building or structure.

**Tasting room** means a use offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.

**Use, special** means a use that is permitted in a zoning district only if a special use permit is expressly authorized by the Common Council in accordance with the provisions in this zoning ordinance, but does not include a variance.

**Winery** means a use which manufactures, bottles and packages wine on premises including storage and distribution of wine that have been manufactured on the premises. The establishment shall hold the required liquor license issued by the state and/or city if, in addition to offering for sale fermented malt beverages manufactured on the premises, it also offers for sale fermented malt beverages and other alcohol manufactured by other producers other than the establishment.

*Please note: Only definitions with changes are included.*

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**26-20**

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

(City Plan Commission – 3/18/2020)

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

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

**Sec. 23-35. Transition rules.**

This section addresses the applicability of new substantive standards enacted by this ordinance to activities, actions, and other matters that are pending or occurring as of the effective date of this ordinance.

(a) Any application that has been filed with the Community and Economic Development Department or Inspections Division and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall be regulated by the terms and conditions of the ordinances and codes that were in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this code.

(b) Except as noted otherwise, any application for a Zoning District Map Amendment that was filed, and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall continue through the process to completion pursuant to the terms and conditions of the ordinances and codes that were in place at the time of filing.

(c) Planned development districts in force at the time of adoption of this ordinance shall continue to be controlled under the standards of the existing planned development district until rezoned by Common Council. However, processes for approving or amending adopted final development plans, plats, certified survey maps, or site plans, shall follow the procedures of this ordinance.

(d) Any application before the Board of Appeals or any application that has been filed with the Community and Economic Development Department or Inspections Division and is fully completed, prior to the effective date of this ordinance, shall continue the process pursuant to the terms and conditions of the ordinance that were in place at the time of filing, provided that:

- (1) If such application is no longer required by the terms of this ordinance, the application will be dismissed; or,
- (2) If the proposed use or development requires additional approvals from the Board of Appeals pursuant to the terms of this ordinance that were not required under the previous ordinance, the application will be amended to include only those additional approvals that are now required and within the purview of the Board of Appeals.

(e) All new building sites shall meet the requirements of this ordinance unless, prior to the effective date of this ordinance:

- (1) A building permit was issued and is still valid; or,
- (2) A parcel was approved as a buildable lot by the Common Council, Plan Commission, Community and Economic Development Director or the Board of Appeals prior to the effective date of this code.

(f) **Previously Approved Special Use Permits.** All special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter shall remain in full force and effect under the terms and conditions of the special use permit approval. Any expansions or change of use of a previously approved special use permit may require compliance with the nonconforming building, structure, use and lot and/or special use permit provisions of this chapter.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

27-20

**AN ORDINANCE AMENDING SECTION 23-42 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NONCONFORMING BUILDINGS, STRUCTURES, USES AND LOTS.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-42 of Chapter 23 of the Municipal Code of the City of Appleton, relating to nonconforming buildings, structures, uses, and lots, is hereby amended to read as follows:

**Sec. 23-42. Nonconforming buildings, structures, uses and lots.**

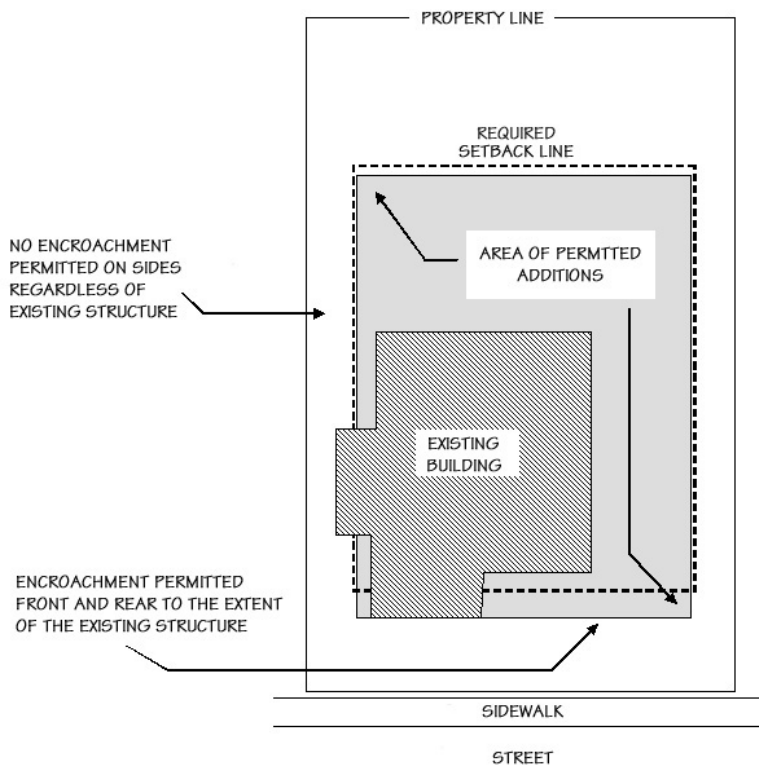
(a) ***Purpose.*** Within the Zoning Districts established by this chapter, there may exist uses, buildings, structures and lots that do not conform to the applicable provisions of this chapter, the purpose of this section is to specify those circumstances and conditions under which these nonconforming uses, buildings, structures, and lots may be allowed to continue.

(b) ***Continuance of nonconforming principal or accessory buildings or structures.*** A nonconforming principal or accessory building or structure existing on the effective date of this chapter or subsequent amendments to this chapter may continue to exist. However, said nonconforming principal or accessory building or structure shall be subject to the following requirements:

- (1) ***Principal building or structure alterations.*** Alterations within the existing footprint of a nonconforming principal building or structure may be allowed provided that the alteration does not increase the degree of the existing nonconformity(ies) of the nonconforming principal building or structure.
- (2) ***Principal building or structure additions or expansions.*** Additions or expansions made to nonconforming principal buildings or structures may be permissible in the front, side and rear yards provided all of the following requirements of this subsection are complied with:
  - a. ***Side yard setback.*** The addition or expansion shall not encroach into the required principal building or structure side yard setback and required building and/or

structure separation setback of the applicable zoning district in which it is located, unless otherwise stated in this chapter;

- b. **Front and rear yard setback.** The addition or expansion shall not further encroach beyond the existing nonconforming front or rear yard setbacks of the existing nonconforming principal or structure, unless otherwise stated in this chapter;



- c. **Other requirements.** The addition or expansion shall conform with all other requirements of the applicable zoning district in which it is located and all other applicable provisions of this chapter, unless otherwise stated in this chapter.

(3) **Accessory building or structure alterations.** Alterations within the existing footprint of a nonconforming accessory building or structure may be allowed provided that the alteration conforms with the requirements of the applicable zoning district in which it is located, and provided the alteration conforms with all other applicable provisions of this chapter.

(4) **Accessory building or structure additions or expansions.** Additions or expansions made to nonconforming accessory buildings or structures may be permissible provided that all of the following requirements of this subsection are met and provided the addition or expansion conforms with all other applicable provisions of this chapter.

- a. The existing accessory building or structure is not located closer than two (2) feet from the side or rear lot line.
- b. The addition or expansion shall be located a minimum of five (5) feet from the principal building or structure.
- c. The addition or expansion shall not result in new construction which exceeds fifty percent (50%) of the original size of the accessory building or structure or two hundred (200) gross square feet, whichever is less.
- d. The addition or expansion shall not further encroach beyond the existing nonconforming front, side or rear yards setback.

**(5) *Restoration or replacement of certain nonconforming principal or accessory buildings or structures.***

- a. A nonconforming principal or accessory building or structure may be restored, replaced or repaired to the size, location and use that it had immediately before damage or destruction occurred, and without regard to the cost of such restoration, replacement, repairs or improvements if both of the following apply:
  1. The nonconforming principal or accessory building or structure was damaged or destroyed on or after March 2, 2006.
  2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- b. The size of such nonconforming principal or accessory building or structure or to which this subsection applies may be enlarged if such enlargement is made necessary for the principal or accessory building or structure to comply with applicable state and federal requirements.

**(6) *Relocation of a principal or accessory building or structure.*** No principal or accessory building or structure shall be moved, or placed in whole or in part, to any other location on the same or any other lot unless every portion of such building or structure which is moved or placed and, the use thereof, conforms to all of the requirements of the applicable zoning district in which it is located, and provided the principal or accessory building or structure conforms with all other applicable provisions of this chapter.

**(7) *Principal or accessory building and structure ordinary maintenance and repairs.*** Ordinary maintenance and repairs within the existing footprint of a nonconforming principal or accessory building or structure may be allowed provided that the ordinary maintenance and repair does not increase the degree of the existing nonconformity(s) of the nonconforming principal or accessory building or structure.

(8) ***Nonconforming parking lots or loading areas.*** A nonconforming off-street parking lot or loading area existing on the effective date of this chapter or subsequent amendments to this chapter may continue to exist. However, said nonconforming off-street parking lot or loading area shall be subject to the following provisions:

- a. The maintenance, overlay, resurfacing, rehabilitation, reconstruction or expansions to a nonconforming off-street parking lot or loading area shall not increase the degree of the existing nonconformity(ies) of the nonconforming off-street parking lot and/or loading area.
- b. Wherever possible, when rehabilitation or reconstruction occurs to a nonconforming off-street parking lot or loading area, all applicable off-street parking lot and/or loading area standards governing design, interior landscaping, perimeter landscaping and required amount of parking and loading spaces identified in this chapter shall be complied with. Sites that are physically constrained from complying with all aforementioned off-street parking lot and/or loading area standards shall comply to the maximum extent practicable, as determined by a site plan review pursuant to §23-570.
- c. An expansion of a nonconforming off-street parking lot or loading area shall require that the expanded portion conform to the all applicable provisions of this chapter.

(c) ***Continuance of nonconforming use of building, structure, or land.*** The nonconforming use of a building structure or land existing on the effective date of this chapter or subsequent amendments to this chapter may be continued. However, said nonconforming use of a building, structure or land shall be subject to the following requirements:

- (1) ***Change in tenancy or ownership.*** A historically allowed nonconforming use of a building, structure or land may be transferred to a new tenant or owner provided; that the historically allowed nonconforming use is not expanded, relocated or discontinued as identified in subsections (2), (3) and (5) of this section.
- (2) ***Expansions.*** The nonconforming use of a building, structure or land shall not be enlarged or expanded, unless otherwise specified in this chapter.
- (3) ***Relocation.*** No nonconforming use of a building, structure or land shall be moved or placed in whole or in part to any other portion of the lot, parcel or site than was occupied by such use at the time of the effective date of this chapter or subsequent amendments to this chapter.
- (4) ***Ordinary maintenance and repairs.***
  - a. Ordinary maintenance and repairs required to keep a building, structure or use in a safe condition, or when necessary to comply with state or local building codes or



property maintenance requirements may be allowed provided that ordinary maintenance and repair conforms with the applicable requirements of this chapter, and there is not an identifiable change in or expansion of the historically allowed nonconforming use.

- b. Off-street parking lot and loading area maintenance, overlay, resurfacing or rehabilitation may be allowed provided that maintenance, overlay, resurfacing or rehabilitation activity conforms with the applicable requirements of this chapter and there is not an identifiable change in or expansion of the historically allowed nonconforming use of land as a parking lot or loading area use.

(5) ***Discontinuance of nonconforming use.*** The nonconforming use of a building, structure or land which has been discontinued for a period of twelve (12) consecutive months, shall be deemed abandoned and the future proposed use of the building, structure or land shall be in conformity with the use requirements of the applicable zoning district in which it is located.

(d) ***Establishing the existence of a nonconforming use.*** The burden of proof that a nonconforming use of structure, building or land existed on the effective date of this chapter or subsequent amendments to this chapter shall be the responsibility of the property owner. Any property owner requesting to have a nonconforming use validated under the terms of this chapter or subsequent amendments to this chapter, shall make a request to the Inspections Supervisor for the issuance of a Certificate of Occupancy in accordance with this subsection.

(1) ***Certificate of Occupancy for a nonconforming use.*** In order to have a nonconforming use of structure, building or land validated under the terms of this chapter or subsequent amendments to this chapter, the property owner may request a certificate of occupancy be issued from the Inspections Supervisor. The property owner shall present historical data to the Inspections Supervisor that demonstrates the nonconforming use occupied the land, building or structure in conformance with the use regulations of the applicable zoning ordinance(s) preceding the effective date of this chapter or any subsequent amendments to this chapter and did not discontinued for a period of twelve (12) consecutive months between the time the use became nonconforming and the date when the request for a certificate of occupancy is submitted to the Inspections Supervisor.

- a. The decision of the Inspections Supervisor as to issue or not issue a certificate of occupancy shall be based upon the information provided by the property owner of the property on which the nonconforming use is located and on any other information available to the Inspections Supervisor as public record. Information may include, but shall not be limited to historical data related to building permits, certificate of occupancy permits, licenses, tax records, sales receipts, business records, photographs, site plans, utility information, assessment information, inspection records, affidavits from the owner or neighboring property owners who have knowledge of the existence of the use.

(e) **Nonconforming due to public acquisition.** When the federal, state, county or city government acquires land for public use including dedication, condemnation or purchase, the affected property or structure shall not be considered nonconforming if the property or structure was conforming prior to the federal, state, county or city government's action. All affected properties or structures shall be documented in the Inspections Division. This will be effective as of June 1, 1996 and not be retroactive.

(f) **Nonconforming lots of record.** Nonconforming lots of record existing on the effective date of this chapter or subsequent amendments to this chapter, may be built upon, under the following conditions and provided all other applicable provisions of this chapter are met.

- (1) The minimum side and rear yard setbacks shall be proportionally applied as based on the proportion that the nonconforming lot is smaller than the minimum lot size required in the zoning district the lot is located. Fractional numbers shall be rounded up to the nearest whole number.
- (2) In no case, however, shall a side yard setback be less than five (5) feet.
- (3) The minimum front yard setback shall be as established by the zoning district in which the lot is located without reduction unless abutting structures are closer to the front lot line. In that case, the adjusted front yard setback shall be the average of the existing front yard setbacks of the abutting structures on each side.
- (4) All other applicable development standards of the zoning district shall be complied with.

**Example:**

Minimum district lot size – 8,000 square feet.

Existing lot size – 6,000 square feet.

Minimum district yard setbacks:

Front – Twenty (20) feet

Side – Eight (8) feet

Rear – Twenty-five (25) feet

Existing lot size is seventy-five percent (75%) the size of the minimum district lot size:  $(6,000/8,000) = 0.75$

Apply the seventy-five percent (75%) to side and rear yard setback requirements of the district:

$$0.75 \times 8' = 6'$$

$$0.75 \times 25 = 18.75'$$

Adjusted minimum side yard setback requirement is six (6) feet and adjusted minimum rear yard setback requirement is nineteen (19) feet.

(g) *Special provisions for manufactured home communities.* A manufactured home community licensed under Section 101.935, Wis. Stats., that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

- (1) Repair or replacement of any manufactured homes.
- (2) Repair or replacement of infrastructure.

(h) *Special provisions for mobile home and manufactured homes not in a mobile home park.* A mobile home or a manufactured home not located in a mobile home park is considered a nonconforming use and must comply with Section 11-4 of the Municipal Code of the City of Appleton.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**28-20**

**AN ORDINANCE AMENDING SECTION 23-44 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FENCES AND WALLS.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-44 of Chapter 23 of the Municipal Code of the City of Appleton, relating to fences and walls, is hereby amended to read as follows:

**Sec. 23-44. Fences and walls.**

(a) ***Fences and walls.*** Fences and walls are subject to the provisions of this section.

(1) ***Height***

The height of fences and walls shall be measured at grade, except as follows. Height may be measured two (2) inches above grade to allow for proper drainage and prevent rot of materials, when deemed appropriate by the Inspections Supervisor or designee. Berms may not be used to increase grade directly under a fence, unless otherwise stated in this chapter. Posts and post caps may project a maximum of four (4) inches above required fence height.

- a. **Boundary fence.** A boundary fence or wall shall not be more than six (6) feet in height in residential districts and not more than twelve (12) feet in commercial and industrial districts, except that hedges may be permitted to grow to their natural height. No boundary fence or wall, including a hedge or row planting, shall be permitted in excess of three (3) feet in height between the front yard setback line and the abutting lot lines, unless otherwise stated in this chapter.
- b. **Sound barrier fence or wall on an arterial/collector roadway.** A sound barrier fence or wall may be erected on a residential property, along the access-restricted lot line abutting an arterial or collector street. It shall not exceed eight (8) feet in height for double frontage lots and not exceed six (6) feet for corner lots, except in the vision corner.
- c. **Sound barrier fence or wall on a freeway.** A sound barrier fence, wall or combination of fence and berm or wall and berm may be erected along the yard

abutting a freeway. It shall not be more than twenty (20) feet in height, as measured from the grade of the adjacent freeway. Plans from a state certified engineer/architect that assure structural integrity may be required for fences higher than eight (8) feet

(2) **Materials.**

- a. Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited except in the AG agricultural, M-1 and M-2 industrial districts.
- b. For all zoning districts other than AG, fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Community and Economic Development Director. Chain link fence slats are subject to provisions of this ordinance.
- c. Fences and walls located in the front yard must be made of materials such as wood, brick, vinyl, wrought iron, or stone. Galvanized chain link material is prohibited in the front yard.
- d. The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.
- e. Fences used for screening purposes for non-residential uses shall be subject to Crime Prevention Through Environmental Design (CPTED) standards. CPTED standards are reviewed and are available through the Appleton Police Department.

(3) **Exceptions.**

Protective security and boundary fences on industrial sites, publicly owned lands or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions of this section, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven (7) feet above the ground level, and except such fences shall be a minimum of two-thirds (2/3) open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.

- (4) **Setback.** No fence shall extend closer than five (5) feet from the right-of-way line of an improved public alley.
- (5) **Vision corner.** Fences and walls shall comply with vision corner requirements of §23-50(g), Vision corner.
- (6) **Maintenance.** Both the fence and the property surrounding both sides of the fence shall be properly maintained at all times.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

29-20

**AN ORDINANCE AMENDING SECTION 23-50(g) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DIMENSIONAL EXCEPTIONS AND MODIFICATIONS; VISION CORNER.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-50(g) of Chapter 23 of the Municipal Code of the City of Appleton, relating to dimensional exceptions and modifications; vision corner, is hereby amended to read as follows:

**Sec. 23-50. Dimensional exceptions and modifications.**

(g) ***Vision corner.*** Vegetation or structures on private property (as per requirements of City Traffic Code, Chapter 19):

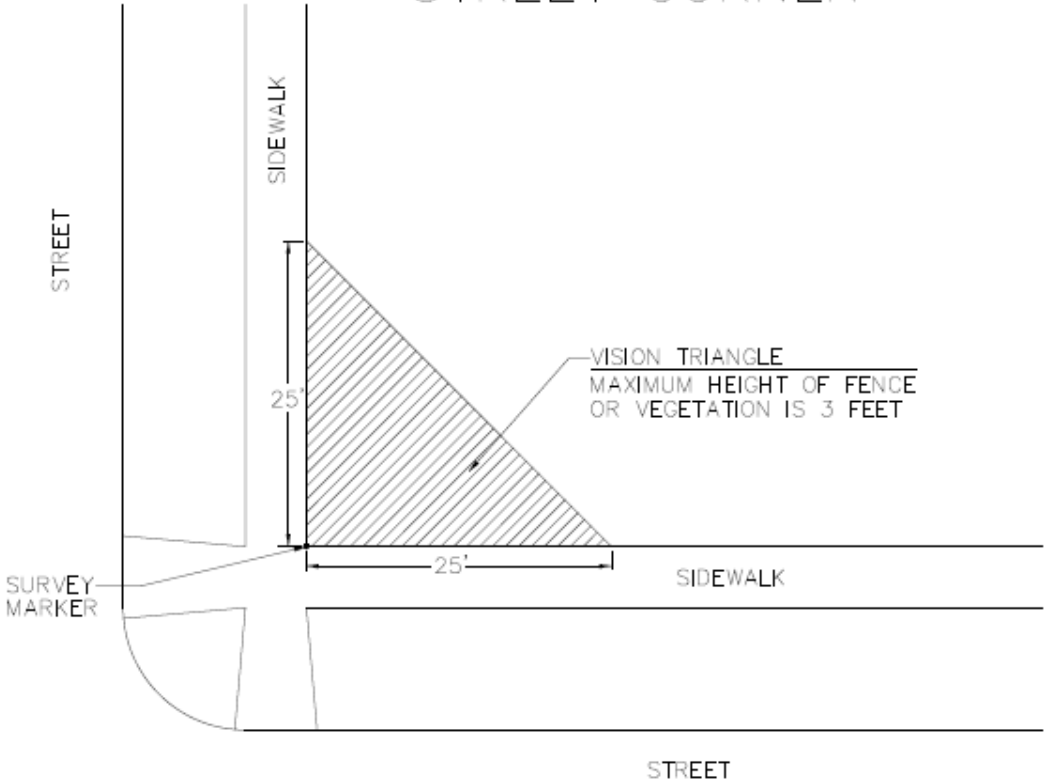
- (1) ***Street corner.*** No owner or occupant of any property abutting a public street shall permit any trees, shrubs, bushes, weeds, signs, structures, walls or fences on his property to be so placed and maintained as to obstruct the vision of a user of the street at its intersection with another street or public thoroughfare. There shall be a vision corner on all corner lots located in zoning districts that require a minimum twenty (20) foot setback from street property lines. The vision corner is described as the triangular area enclosed by a straight line connecting a point on each street right-of-way line, which point is twenty-five (25) feet from the intersection of the right-of-way lines. Fences, walls, signs or structures erected in such vision corners shall not exceed three (3) feet in height. Plantings in such vision corners shall be maintained in such a fashion as to provide unobstructed vision from three (3) feet above the adjacent property line elevation to ten (10) feet above the adjacent property line elevation.
  
- (2) ***Private Driveway.*** No owner or occupant of any property abutting a public street shall permit any trees, shrubs, bushes, weeds, signs, structures, walls or fences on his property to be so placed and maintained as to obstruct the vision of a user of the driveway, street, or public thoroughfare. There shall be vision triangles on all driveways located in zoning districts that require a minimum ten (10) foot setback from street property lines. The vision corner is described as the triangular area enclosed by a straight line connecting the point ten (10) feet from the intersection of

the street-right-of-way and private driveway. Fences, walls, signs or structures erected in such vision corners shall not exceed three (3) feet in height. Plantings in such vision corners shall be maintained in such a fashion as to provide unobstructed vision from three (3) feet above the adjacent property line elevation to ten (10) feet above the adjacent property line elevation.

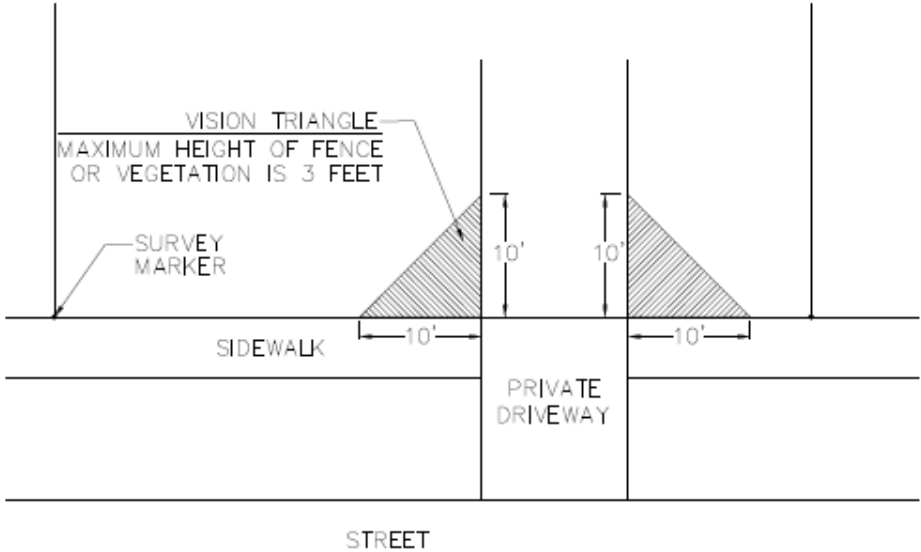
- (3) The provisions above also apply to those corner lots located in zoning districts that require a ten (10) foot setback from street property lines, except in those cases the vision corner is described as the triangular area enclosed by a straight line connecting a point on each street right-of-way line, which point is twenty (20) feet from the intersection of the street right-of-way.



# VISION TRIANGLE AT STREET CORNER



# VISION TRIANGLE AT PRIVATE DRIVEWAY



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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**30-20**

**AN ORDINANCE AMENDING SECTION 23-63(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO BOARD OF APPEALS; POWERS AND DUTIES.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-63(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to board of appeals; powers and duties, is hereby amended to read as follows:

**Sec. 23-63. Board of appeals.**

(b) ***Powers and duties.*** There is created a Board of Appeals with the powers and duties and qualifications as set forth in this chapter and in Wisconsin Statutes §62.23. Such powers and duties include:

- (1) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Community and Economic Development Director or the Inspections Supervisor in the enforcement of this chapter.
- (2) To hear and decide upon applications for variances from the requirements of this chapter.
- (3) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board or commission of the City to aid them in the performance of their respective duties relating to the planning and development of the City.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**31-20**

**AN ORDINANCE AMENDING SECTION 23-65(d)(7) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ZONING AMENDMENTS; MAP AMENDMENTS; ACTION BY COMMON COUNCIL.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-65(d)(7) of Chapter 23 of the Municipal Code of the City of Appleton, relating to zoning amendments; map amendments; action by Common Council, is hereby amended to read as follows:

**Sec. 23-65. Zoning amendments.**

(d) *Map amendments.*

(7) *Action by Common Council.* Within forty-five (45) days of the public hearing, the Common Council shall either approve or deny the petition unless the applicant requests an extension. If Council action is to approve the change, it shall further act to formally amend the Official Zoning Map by adopting an ordinance. In the case where the Plan Commission, excluding the chairman, unanimously denies the change, a three-fourths ( $\frac{3}{4}$ ) vote of the members of the Common Council is required for approval of the amendment to this chapter.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**32-20**

**AN ORDINANCE AMENDING SECTION 23-66 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS.**

(City Plan Commission – 3/18/2020)

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

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

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

(a) ***Authority.*** The Common Council, by an affirmative two-thirds (2/3) vote of the entire Council, may by resolution, approve, approve with conditions, deny, or revoke a special use permit for uses listed as special uses in this Chapter. The resolution functions as the special use permit that authorizes the recipient to establish a specific land use under specific terms and conditions.

(b) ***Purpose.*** The purpose of this section is to provide regulations which govern the procedure and requirements to review and approve, approve with conditions, deny, or revoke a special use permit. Special uses are those uses having some uniqueness or unusual impact which requires a careful review of their location, design, business process, and hours of operation to determine against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the community and neighborhood impact and effect as well as consistency to the comprehensive plan.

(c) ***Procedure.***

(1) ***Application.*** An owner or owner's designated agent wishing to obtain a special use permit for his property shall meet with the Community and Economic Development Director to discuss the proposal. If the owner or owner's designated agent desires to pursue the special use permit, they shall obtain, complete and file a special use permit application form with the Community and Economic Development Department accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Common Council by resolution, to cover costs of public

notice and administrative review. One (1) electronic document and one (1) paper copy of the application materials (completed application form, plan of operation and development plans) shall be submitted with the fee to the Director. After submittal and acceptance of a complete application through initial review by the Director, the complete application and supporting materials are then filed with the City Clerk. The special use permit application and supporting materials shall be referred to the Plan Commission.

- (2) **Public hearing.** The Plan Commission shall hold a public hearing advertised by a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.
- (3) **Authority of the Plan Commission.** The Plan Commission shall within forty-five (45) days of the public hearing make a report and recommendation of approval or denial of the resolution which functions as the special use permit to the Common Council pursuant to Section 23-66(c)(5). In making its decision, the Commission shall keep a written record of findings relative to the standards for considering special use permit applications as listed in Sections 23-66 (c)(5) and (e).
- (4) **Authority of the Common Council.** The Common Council shall within forty-five (45) days of Plan Commission action act to approve, approve with conditions or deny the special use permit by resolution pursuant to Section 23-66(c)(5) and (e). The resolution functions as the special use permit that authorizes the recipient to establish a specific land use under specific terms and conditions.
- (5) **Approval or denial by Plan Commission and Common Council.**
  - a. **Definition of Substantial Evidence.** “*Substantial evidence*” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a special use permit and that reasonable persons would accept in support of a conclusion.
  - b. If a property owner or owner's designated agent for a special use permit meets or agrees to meet all of the requirements and conditions specified in the City of Appleton Municipal Code or those imposed by the Plan Commission and/or Common Council, the City shall grant the special use permit. Any condition imposed must be related to the purpose of the City of Appleton Municipal Code and be based on substantial evidence.
  - c. Any requirements and conditions for approval must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The property owner or owner's designated agent must demonstrate that the application and all requirements and conditions established by the city relating to the special use are or shall be satisfied, both of

which must be supported by substantial evidence. The City's decision to approve or deny the permit must be supported by substantial evidence.

- d. Once granted, a special use permit shall remain in effect as long as the conditions upon which the permit in the form of a resolution was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the Plan Commission and/or Common Council.
- e. If a special use permit application is denied, the property owner or owner's designated agent may appeal the decision to the circuit court under the procedures contained in Wisconsin Statute §62.23(7)(e)(10) or as amended.

(d) ***Application requirements.*** The applicant shall provide the following information on the special use permit application form:

- (1) Applicant and property owner's name, address and telephone number.
- (2) Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use designations.
- (3) Completed Plan of Operation form.
- (4) Written justification for the special use being requested and supporting documentation describing how the applicant believes that the request conforms to the standards for special uses listed in subsection (e), Standards for granting special use permits, below.
- (5) Development plan of property being proposed for a special use permit which shall supply the information as identified below:
  - a. North arrows, date of preparation, and scale on 8½" x 11" size paper.
  - b. Name(s) of all adjacent or surrounding streets and right-of-way width(s).
  - c. Recorded property lines and their dimensions.
  - d. All existing and proposed buildings and structures accessory to the principal use, including the use of each building or structure, dimensions and their locations on the parcel.
  - e. Dimensions of existing and proposed yard setbacks for buildings and structures.
  - f. Dimensions of existing and proposed parking, loading, and unloading areas, sidewalks and interior and perimeter landscaping areas. Identify proposed and existing surface material(s).

- g. The location of existing and proposed trees, shrubs and grass.
- h. The location and details of proposed and existing refuse containers and their enclosures.
- i. The location and type of all proposed and existing exterior lighting fixtures.
- j. The location, height and materials of all proposed and existing fences or retaining walls.
- k. The location and size of existing and proposed driveways.
- l. The location and use of buildings and structures on adjoining land.
- m. Show the general landscaping concept for the site.
- n. Submit preliminary architectural plans for the existing and proposed buildings that show sufficient detail to permit an understanding of the style of the development and the design of the building(s).
- o. Submit floor plan of the building(s), including room dimensions.
- p. Other additional information that may be deemed appropriate by the Community and Economic Development Director.

(e) ***Standards for granting special use permits.*** No special use permit shall be recommended by the Plan Commission, or approved by the Common Council, unless all of the following standards are found in the affirmative:

- (1) ***Proper zoning district.*** The proposed special use is designated by this Chapter as a possible special use in the zoning district in which the property in question is located.
- (2) ***District regulations.*** The proposed special use will comply with all applicable development standards in the zoning district in which the property in question is located.
- (3) ***Special regulations.*** The proposed use will comply with all special regulations established by this chapter for such special use.
- (4) ***Comprehensive Plan or other plans.*** The proposed special use is consistent with the Comprehensive Plan or other plan officially adopted by Common Council.
- (5) ***Traffic.*** Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.



(6) **Landscaping and screening.** Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed special use as established in §23-172(g), Perimeter parking lot and loading space landscaping and §23-601, Landscaping and screening standards.

(7) **Neighborhood compatibility.** The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height of buildings, walls and fences, landscaping, screening, and exterior lighting.

(8) **Impact on services.** The proposed special use will not substantially increase congestion in the public streets; will not place an undue burden on any other public utilities; or will not increase the danger of fire or endanger the public health or safety.

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

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

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

(2) **Time extension of special use permits.** Any party who has been issued a special use permit by the City shall notify the Community and Economic Development Director, in writing, that they are seeking a continuance or extension of any special use permit that has an expiration date as established by Common Council or this section. Such notification shall be submitted to the Community and Economic Development Director thirty (30) days prior to the special use permit expiration. The Community Development Director may grant one extension not to exceed 12 months.

(3) **Effective date and filing of special use permits.** A special use permit shall become effective upon approval of the resolution by the Common Council. A record of the special use permit shall be kept in the City Clerk and Community and Economic Development Department's files.

(4) **Continuation of a special use permit.** Once approved, a special use permit shall be allowed to continue and may be transferred to any entity, unless specified otherwise

as a condition of approval, as long as all conditions placed on the special use are followed.

(5) **Revocation of special use permits.** Upon inspection by the Inspections Supervisor of any complaint against any condition upon which the special use permit was approved, such permit may be subject to revocation if the violation is not corrected with 30 days of written notice to the owner of the use by the Inspections Supervisor. Such written notice shall specify the violation and the means necessary to correct it. If the violation is not corrected within the specified time, the Common Council shall have the authority to revoke the special use permit upon recommendation of the Plan Commission after holding a public hearing by advertising a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.

(g) **Major and minor changes to special uses.** When an applicant requests a change in special use, the City shall review such change or modification to assure compatibility and compliance with the purpose of this section.

(1) **Minor change.** Minor changes shall be submitted to and be reviewed and approved by the Plan Commission amending the previously approved resolution (special use permit) or adopting a new resolution (special use permit) to those special uses that were not approved by a resolution. Minor changes include:

- a. Expansions of special uses of less than ten percent (10%).
- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

(2) **Major change.** All other changes not identified as a “minor change” shall be deemed a major change in a special use and shall be submitted to Common Council for review per §23-66(c), Special use permits, procedure.

(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.

(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 wireless telecommunication towers or facilities that are regulated in Article XIII, Wireless telecommunication facilities, of this zoning ordinance.

- a. Distance of each freestanding 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 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 tower will not cause electrical interference or health hazards to adjoining properties. If electrical interference occurs after the tower begins operation or if interference is anticipated, the applicant shall provide appropriate steps to eliminate said interference.
- d. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
- e. Minimum landscaping features for all tower sites when abutting residential properties shall consist of at least one (1) row of staggered evergreen trees or shrubs, at least four (4) feet high at the time of planting, which are spaced not more than ten (10) feet apart and planted within twenty-five (25) feet of the site boundary.
- 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.

(2) ***Utility substations and other utility structures.*** Utility substations or other utility structures in any zone shall be subject to the following additional standards:

- a. All buildings and structures shall be screened from view from any adjacent property; the screening shall include a minimum five (5) foot high staggered row of evergreen vegetation which provides an effective year-round screening in addition to any fencing which may be deemed appropriate to provide additional screening from any adjacent property.
- b. All such uses shall be enclosed with a minimum six (6) foot high fence where any hazard to the safety of human life is anticipated.
- c. No service or storage yard for such facility shall be permitted, unless screened in accordance with the outdoor storage requirements to this chapter.
- d. All buildings and structures shall comply with the minimum principal building front, side and rear yard standards of the underlying zoning district.
- e. The level of noise emanating from such use shall not exceed sixty (60) decibels measured at any lot line of the subject property.

- f. No special use permit is required if the utility substation is proposed to be located fully inside an existing building and is accessory to the primary use of the building.

**(3) *Sexually-oriented establishment.***

Sexually-oriented establishments shall be as regulated in Article XII, Sexually-oriented establishments, of this zoning ordinance.

**(4) *Body repair and/or paint shop.***

- a. All repair, painting and service of vehicles shall occur within a completely enclosed building.
- b. All vehicles awaiting repair shall be located within the side and rear yard and shall be completely screened from view from any public street, alley and adjacent property.
- c. All outdoor storage areas shall comply with the outdoor storage area requirements identified in this chapter.
- d. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

**(5) *New and used automobile, RV, truck, cycle, boat sales and display lot.***

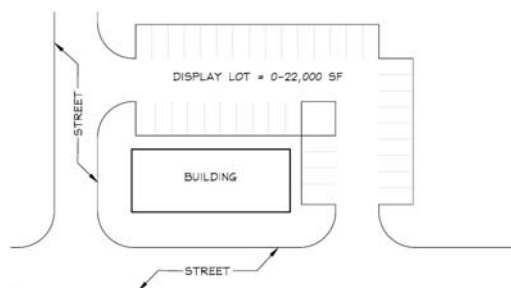
- a. All outdoor lighting shall comply with the standards in §23-53, Outdoor lighting.
- b. The minimum landscaping for display lots shall consist of the following landscaping standards:
  - 1. Perimeter setbacks.
    - i. Side and rear yards shall be a minimum of a five (5) foot wide buffer except when abutting a residential or public-institutional district, then ten (10) feet.
    - ii. Front yards shall be a minimum of a five (5) foot wide buffer.
  - 2. Perimeter landscape material.
    - i. Side and rear yards shall have a minimum six (6) foot high, staggered row of evergreens when abutting a residential or public-institutional zoned district. The property owner may request a waiver from the Community and Economic Development Director to reduce the setback and provide a six (6) foot high alternating board on board fence with landscaping.

- ii. Perimeters adjacent to the right-of-way (front yards) shall have a minimum one (1) foot high, staggered row of evergreen and deciduous shrubs across eighty percent (80%) of the lot frontage, excluding driveway openings. Furthermore, one (1) shade tree shall be provided at approximately every forty (40) feet on center when the site abuts a dedicated public street.

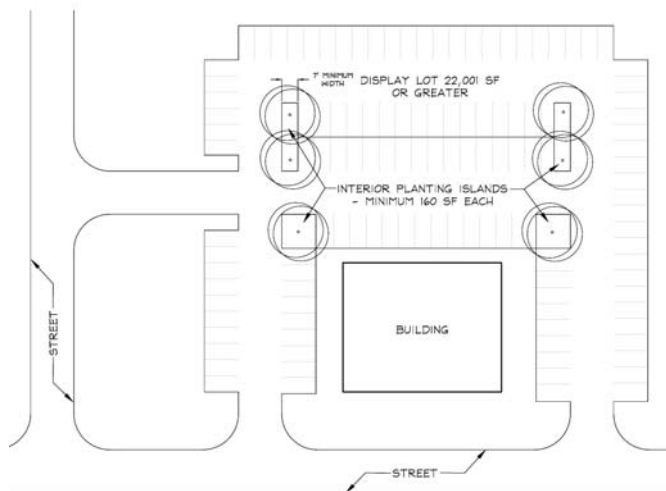
3. Interior landscaping.

- i. Display lots 0-22,000 square feet in area – No interior planting islands required.
- ii. Display lots 22,001 square feet in area or greater – Not less than two percent (2%) of the display lot area shall be devoted to interior planting islands. The planting islands may be centrally located within the display lot and contain a minimum of one hundred sixty (160) square feet and be a minimum of seven (7) feet in width.

NO INTERIOR PLANTING ISLAND REQUIRED  
DISPLAY LOT = 0-22,000 SF



NOT LESS THAN 2 PERCENT OF DISPLAY LOT  
DEVOTED TO INTERIOR PLANTING ISLANDS  
DISPLAY LOT = 22,001 SF OR GREATER



4. Interior landscape material.

The primary plant materials shall be deciduous trees with at least one (1) deciduous tree for every one hundred sixty (160) square feet of interior planting island area.

- c. The outdoor display of merchandise and vehicles for sale shall not be located in areas intended for traffic circulation according to the site plan and development plan.
- d. No outdoor loudspeakers shall be in use between the hours of 8:00 p.m. and 8:00 a.m. when adjacent to a residential district.

**(6) *Bars, taverns, painting/craft studios and restaurants with alcohol sales.***

- a. Such establishments shall conform to the standards established in Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
- b. The site shall be kept free of litter and debris.
- c. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

**(7) *Circus or carnivals.***

- a. In no case shall carnival rides or midways be within three hundred (300) feet of any residential zoning district or residence.
- b. All other approved temporary structures associated with the circus or carnival shall comply with the standards of §23-54.

**(8) *Gasoline sales.***

- a. A minimum lot area of eighteen thousand (18,000) square feet shall be required. Lot frontage shall be a minimum of one hundred twenty (120) feet if located on a designated arterial street.
- b. A canopy constructed over gas pumps islands shall architecturally match the design of the main building and shall not exceed twenty-two (22) feet in height.
- c. All canopy lighting must project downward and shall be of full cutoff design unless indirect lighting is to be used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the canopy and shall comply with the standards in §23-53, Outdoor lighting.

- d. All gas pumps and canopies constructed over gas pumps shall be setback a minimum of forty (40) feet from any adjacent residentially zoned district.
- e. All outdoor storage and outdoor sales display areas shall comply with §23-46, Outdoor storage and display in non-residential districts, of this chapter.
- f. All gas pumps and canopies shall comply with the minimum principal building front, side and rear yard standards of the underlying zoning district.
- g. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

**(9) *Helicopter landing pad.***

- a. Setbacks, landscaping and fencing appropriate to the specific nature of the use proposed shall be established during the special use permit review process.
- b. All areas for active use, including above ground fuel storage tanks shall be fully screened with a fence or evergreen shrubs.
- c. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- d. Unless necessary for medical or emergency purposes, the hours for operation shall be between 7:00 a.m. – 8:00 p.m.

**(10) *Mobile home parks.*** Mobile home parks shall meet the standards and requirements of the City of Appleton's Manufactured and Mobile Homes and Manufactured and Mobile Home Communities Ordinance (Ch. 11).

**(11) *Outdoor commercial entertainment.***

- a. All buildings, structures, viewing areas or seating areas shall be setback at least two hundred (200) feet from any residentially zoned district.
- b. All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets and shall comply with the standards in §23-53, Outdoor lighting.
- c. The hours of operation shall be identified by the applicant and approved by the Common Council as part of the special use permit process.

**(12) *Outdoor kennels.***

Such uses shall conform to the standards established in Chapter 3, Animals, of the Appleton Municipal Code and as established below:

- a. All outdoor areas for dogs shall be fully enclosed with a six (6) foot high opaque fence.
- b. All outdoor areas for dogs shall be located in the rear yard only and be setback from a minimum of twenty (20) feet from the lot lines.
- c. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

**(13) *Recycling and waste recovery center.***

- a. All processing operations shall occur within a completely enclosed structure or building.
- b. Outdoor storage shall be limited to drop-off recycling bins and shall comply with the applicable outdoor storage requirements of this chapter.

**(14) *Recycling collection point.***

- a. Recycling collection points shall not be located in areas intended for pedestrian and motor vehicle traffic and emergency service vehicle circulation on the premises.
- b. No processing of materials shall occur on premises.
- c. Collection points shall not be located on a vacant lot.

**(15) *Towing business.***

- a. No servicing or maintenance of vehicles shall occur within the designated impound area.
- b. All designated impound areas located outside of an enclosed building shall be fully screened by an opaque fence, hedge or similar evergreen planting.
- c. No vehicles shall be located outside of the designated impound area.
- d. All outdoor lighting shall project downward and shall be of full cutoff design in order to minimize glare and reflection onto adjoining properties and public streets and shall comply with the standards in §23-53, Outdoor lighting.

**(16) *Custom manufacturing.***



- a. All custom manufacturing processes shall occur within a completely enclosed building.
- b. No off-site impacts including noise, odor, heat generation, glare or vibration shall occur on adjacent properties.
- c. The products or goods manufactured on premise shall be displayed or sold on premises.
- d. The on-site production area and materials storage area for the products or goods manufactured on premises shall not occupy more than thirty percent (30%) of the gross floor area of the space occupied by the custom manufacturing use.

(17) *Urban farm.*

- a. **Use of produce and sales.** Retail sales of plants and produce grown on-site and other public use of the urban farm may occur between the hours of 8:00 a.m. and 8:00 p.m. every day of the week unless otherwise adjusted and stipulated by the Special Use Permit.
- b. **Mechanical Equipment.** The operating of mechanical equipment or motor vehicle, including but not limited to lawn mowers, roto-tillers, garden tractors, motorized weed trimmers, “farm tractor”, “all terrain vehicle” or any similar device, necessary for the maintenance of property shall only take place between the hours of 7:00 a.m. and 10:00 p.m. standard time or daylight savings time when in effect with the exception of snow removal equipment.
- c. **Signs.** One identification sign is permitted not exceeding eight (8) feet in height or forty-eight (48) square feet per sign face, and shall be subject to other applicable provisions of ARTICLE XIV. SIGNS including, but not limited to, setback and clearance standards.
- d. **Agricultural chemicals and seeds.** All seed and fertilizer shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- e. **Accessibility.** The urban farm must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between its different components and must follow universal design principles whenever possible.
- f. **Planting area and principal building setbacks.** Development Standards. (See applicable zoning district for principal building/structure development standards).
- g. **Size of buildings/structures.** All buildings, including but not limited to, tool sheds, rest-room facilities, composting toilets, and planting preparation houses, hoopouses and greenhouses may have a combined area of all buildings and

structures not to exceed twenty-five percent (25%) percent of the lot area. Roof top gardens on buildings are exempt from this standard.

- h. **Fences.** Fences are permitted as regulated in the underlying district unless otherwise authorized and stipulated by the Special Use Permit.
- i. **Compost and waste management.** Composting and waste management must be managed according to the farm management plan. Compost material is limited only to the materials generated on-site and must be maintained on-site. Compost materials from the garden or gardeners shall be stored in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure). Composting shall be conducted in a manner that controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties. No compost material generated off site shall be composted at an urban farm unless specifically approved by the City.
- j. **Site design.** The site must be designed so that water and fertilizers will not drain onto adjacent property or into the City's waste water system.
- k. **Management plan.** Urban farms must prepare a management plan, to be reviewed as part of the special use process, to address how activities will be managed to avoid impacts on surrounding land uses and natural systems and includes any proposed mitigation measures. The management plan must include:
  - i. A description of the type of equipment and vehicles necessary or intended for use in each season and the frequency and duration of anticipated use.
  - ii. Disclosure of any intent to spray or otherwise apply agricultural chemicals or pesticides, frequency and duration of application, and the plants, diseases, pests or other purposes they are intended for.
  - iii. Disclosure of the spreading of manure or any other waste generated by the agricultural use.
  - iv. Disclosure of parking impacts related to the number of staff on-site during work hours, and the number of potential visitors regularly associated with the site.
  - v. Disclosure of whether the operation of the urban farm would involve two thousand (2,000) square feet or more of land-disturbing activity, or would otherwise require drainage and/or erosion control approval under Chapter 24 of the Municipal Code.
  - vi. A composting and waste management plan.
  - vii. Disclosure of any intent to invite the public to a program of events on the site.

viii. Site Plan contains, but is not limited to, the following:

- Parking facilities;
- Planting area including plant types;
- Location and number of rest room/sanitary facilities;
- Fence type, height and location;
- Sign size and location;
- Area to be utilized for produce cleaning and preparation;
- Area to be utilized for sales;
- Equipment, materials and fuel storage area;
- Composting location.

ix. Identification of water source.

x. Any additional information that may be deemed appropriate by the Director of Community and Economic Development or designee.

xi. Lighting.

xii. Security.

1. **Standard conditions of approval.** In addition to complying with Section 23-66 Special use permits of this ordinance and in determining whether to approve, approve with conditions or deny the application, the City shall consider the potential impacts, including:

- i. **Water quality and soils.** Impacts of irrigation run-off on adjacent properties, water bodies and environmentally critical areas, and proposed sediment and erosion control measures.
- ii. **Traffic and parking.** Impacts related to the number of staff onsite during work hours, and the number of potential visitors regularly associated with the site.
- iii. **Visual impacts and screening.** Visual impacts relating to the proposed nature, location, design, and size of proposed buildings, structures and

activities, including the location of composting activities and planting areas, and any existing or proposed screening.

- iv. **Noise and odor.** Impacts related to the location on the lot of the proposed urban farm, any trash or compost storage areas, any farm stand or additional accessory structure, and any other noise-generating or odor-generating equipment and practices.
  - v. **Agricultural chemicals.** Impacts related to the use of chemicals, including any fertilizer and pesticide.
  - vi. **Mechanical equipment.** Impacts related to the operation of equipment, including noise, odors, and vibration.
- m. **Compliance with laws.** All urban farms and their owners, lessees, employees, volunteers, and visitors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the farm premises. Site users may not use materials such as inappropriate fill that introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.

These Urban Farm standards and requirements are intended to work in concert with other applicable Municipal Codes including, but not limited to, Chapter 3 Animals, Chapter 4 Building, Chapter 7 Health, Chapter 9, Licenses, Permits, and Chapter 21 Vegetation and any other applicable Appleton Municipal Code Chapter. These and any other applicable local, state and federal regulations shall also apply.

**(18)Outdoor storage area for recreational vehicles.**

- a. **Purpose.** The purpose of these regulations is to provide adequate and convenient areas for such outdoor storage of recreational vehicles while minimizing the visual, noise and environmental impacts to adjacent properties and public and private streets.
- b. **Requirements.** Outdoor storage areas for recreational vehicles are accessory uses to personal storage facilities (self-storage/mini-warehouses) and shall be a permitted accessory use in the M-2 District. No outdoor storage areas for recreational vehicles shall be constructed or established on a lot unless a personal storage (self-storage/mini-warehouse) facility has already been constructed on the same lot. In addition, all of the following requirements shall apply to outdoor storage areas for recreational vehicles:
  - i. **Applicable Outdoor Storage.** Outdoor storage shall be limited only to the following recreational vehicles: “camping trailer”, “fifth-wheel trailer”, or “motor home” as those terms are defined by §340.01, Wis. Stats., as well as boat trailers and boats, trailered snowmobiles, trailered jet-ski(s). All other

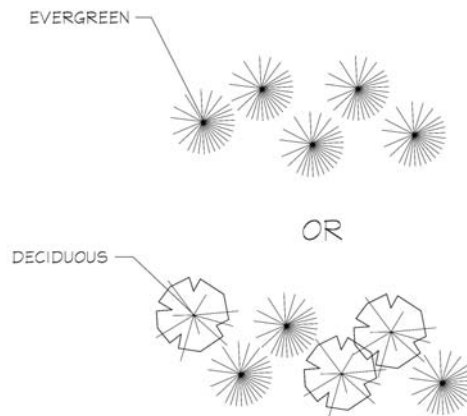
vehicles, equipment and other items are prohibited from being stored within such outdoor storage area and on the lot.

- ii. **Location.** No outdoor storage area shall be located between the principal building(s) and a front lot line.
- iii. **Outdoor lighting.** All outdoor lighting used to illuminate such outdoor storage area shall comply with the outdoor lighting requirements of this chapter.
- iv. **Surface material.** The surface material of the outdoor storage area and driveway leading from the lot line to such outdoor storage area shall be concrete or asphalt.
- v. **Setbacks requirements.** The surface material of the outdoor storage area shall be located a minimum of fifteen (15) feet from a side and/or rear lot line.
- vi. **Security requirements.** The perimeter (outer boundary) of the outdoor storage areas shall be secured with a continuous (with no break points) minimum eight (8) foot high fence or with continuous (with no break points) exterior building walls of existing and/or proposed buildings on the site or parcel or combinations of a continuous (with no break points) minimum eight (8) foot high fence and exterior building walls of existing and/or proposed buildings on the site or parcel in order to minimize unauthorized access to outdoor storage area, unless otherwise specified in this subsection.
- vii. **Screening requirements.**
  - 1. The perimeter (outer boundary) of the outdoor storage areas shall be screened with a continuous (with no break points) minimum eight (8) foot high opaque fence or continuous (with no break points) exterior building walls of existing and/or proposed buildings on the site or parcel or combinations of a continuous (with no break points) minimum eight (8) foot high opaque fence and exterior building walls of existing and/or proposed buildings on the site or parcel in order to minimize unauthorized access to the outdoor storage area and minimize visual impact of recreational vehicles stored in such area, unless otherwise specified in this subsection.
  - 2. Where outdoor storage areas for recreational vehicles are proposed on parcels which abut a residential zoning district, a continuous staggered row of evergreens plantings shall be installed between the entire length of the opaque fencing and the lot line which abuts a residential zoning district but not including a gate, to soften the visual effect of the fencing. Evergreens shall be a minimum of six (6) feet high at the time of planting.

The number of evergreens shall be determined and installed in accordance with the requirements with the species spacing and care requirements.

3. The following shall apply to opaque fences abutting a street:
  - a. **Front lot line setback:** Eight (8) feet minimum.
  - b. **Fence height:** Eight (8) feet minimum.
  - c. **Vision corner:** Fences shall comply with vision corner requirements of this chapter.
  - d. **Design:** Chain-link or cyclone fences constructed of woven wire are not allowed.
  - e. **Landscaping:** A continuous staggered row of evergreens and deciduous plantings shall be installed between the entire length of the opaque fence and the front lot line but not including a gate, to soften the visual effect of the fencing and use. Evergreens and deciduous plantings shall be a minimum of four (4) to five (5) feet high at the time of planting. The number of evergreens and deciduous plantings shall be determined and installed in accordance with the requirements with the species spacing and care requirements.

#### STAGGERED PLANTINGS



4. **Exceptions to perimeter fence and landscaping location.** Any request or necessity for locating a fence, opaque fence and/or evergreens and deciduous plantings other than along perimeter of the outdoor storage area, shall require review and approval of an alternate location as part of the site plan review and approval process for outdoor storage areas located in the M-2 Zoning District. Any approval action of alternate fence, opaque

fence and/or evergreen and deciduous planting locations, shall be based upon the following criteria:

- a. The ability of the fence or opaque fence to maintain a continuous flow (with no break points) beyond the perimeter of the outdoor storage area.
- b. Effectiveness of the opaque fence and/or landscape plantings to effectively screen the outdoor storage area in an alternate location; and
- c. Effectiveness of the fence and/or opaque fence to effectively secure the outdoor storage area in an alternate location;
- d. Impact an alternative location may have on overall site appearance, vehicular traffic circulation and the functional well-being of the development proposed for the parcel.

5. **Modifications or waivers to screening and landscaping requirements.**

Any request for a modification or waiver of the requirements of Section 23-66(h)18.b.vii.1., 2., and 3.e., but not including the minimum fence height dimension requirement identified in Section 23-66(h)18.b.vii.1., shall require review and approval of such modification or waiver as part of the site plan review and approval process for outdoor storage areas located in the M-2 Zoning District. Any approval action for a modification or waiver of the requirements of Section 23-66(h)18.b.vii.1., 2., and 3.e., but not including the minimum fence height dimension requirement identified in Section 23-66(h)18.b.vii.1., shall be based upon one (1) or more of the following conditions exist:

- a. The required opaque fence and/or landscaping would be ineffective at the prescribed fence height dimension and/or at the tree's maturity height due to topography or the location of the outdoor storage area on the lot.
- b. The required opaque fence and/or landscaping would be ineffective at the prescribed fence height dimension and/or at the tree's maturity height due to the presence of required screening, opaque fencing and/or landscaping on the lot.
- c. The required opaque fence and/or landscaping would be ineffective at the prescribed fence height dimension and/or at the tree's maturity height due to the presence of required screening, opaque fencing and/or landscaping on adjacent developed property and/or the presence of existing street trees located within the adjacent street right-of-way.

- c. **General Conditions.** The following general conditions shall apply to outdoor

storage areas for recreational vehicles:

- i. Recreational vehicles shall not be parked outside of the designated outdoor storage area.
- ii. Recreational vehicles shall not be used for business, living, sleeping or human habitation purposes.
- iii. Recreational vehicles shall not be permanently connected to sewer lines, water lines, or electricity.
- iv. No recreational vehicles are allowed to be stored within the designated outdoor storage area which is not currently licensed or operable.
- v. The area between the property line and the opaque security fence shall be landscaped and suitable ground cover, such as grass, bark, ornamental gravel or combination thereof.
- vi. The total combined square foot area of the outdoor storage area but not including the drive aisles within the perimeter of the outdoor storage area shall not exceed the total combined gross floor area of all personal storage (self-storage/mini-warehouse) buildings on the site or parcel.

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

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- d. Tasting rooms require a Special Use Permit in the C-1, C-2 and CBD Zoning District.
- e. Tasting rooms are accessory uses to a Microbrewery/Brewpubs and Craft-Distilleries located in the M-1 and M-2 Zoning District and requires a Special Use Permit.
- f. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.



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

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Brewery and Distilleries located in the M-1 and M-2 Zoning District and requires a Special Use Permit.
- c. Retail sales of business merchandise on the brewery and distillery premises shall be an accessory use to the brewery and distillery manufacturing operations or an accessory use to an use approved off-premises by Special Use Permit pursuant to Section 23-66(h)(20)b.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

**(21) *Winery.***

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Winery located in the Ag, M-2 and M-1 Zoning District and requires a Special Use Permit.
- c. Retail sales of business merchandise on the winery premises shall be an accessory use to the winery manufacturing operations or an accessory use to an use approved off-premises by Special Use Permit pursuant to Section 23-66(h)(21)b.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**33-20**

**AN ORDINANCE AMENDING SECTION 23-67 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO VARIANCES.**  
(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-67 of Chapter 23 of the Municipal Code of the City of Appleton, relating to variances, is hereby amended to read as follows:

**Sec. 23-67. Variances.**

(a) ***Purpose.*** The purpose of a variance is to allow relief from the strict application of this zoning ordinance as will not be contrary to the public interest and, where owing to special characteristics of the property or use, the literal enforcement of this ordinance would result in unnecessary hardship or in a practical difficulty for the property owner.

(b) ***Definitions of variance type.***

(1) Area variance – In this section, an “area variance” means a modification to a development standard, dimensional, physical, or locational requirement including be not limited to setbacks, lot coverage, area, building height, or density restriction for a use, building and/or structure that is granted by the Board of Appeals under this paragraph.

(2) Use variance – In this section, a “use variance” means an authorization by the Board of Appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

(c) ***Initiation of request for approval of a variance.*** A variance request may be taken to the Board of Appeals by any person, firm, corporation, by any officer, department, board, bureau or commission with a legal or equitable interest in the property for which the variance is requested.

(d) ***Standards for granting a variance.***

(1) Area variance – A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this section, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the

property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome.

- (2) Use variance – A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this section, for a use variance by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance.
- (3) In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

(e) ***Procedure.***

- (1) ***Application.*** Application for a variance shall be filed with the Inspections Supervisor accompanied by a nonrefundable application fee that may be amended from time to time, as established by the Common Council by resolution, to cover costs of public notice and administrative review.
- (2) ***Public hearing.*** After receiving an application, the Board of Appeals shall hold a public hearing on the application for variance which:
  - a. The Board of Appeals shall advertise the request by a Class 2 notice for public hearing;
  - b. The Board of Appeals shall notify all property owners located within one hundred (100) feet of the subject site a minimum of ten (10) days prior to the public hearing.

(f) ***Review by the Board of Appeals.*** The requested variance shall be reviewed by the Board of Appeals with the standards below:

- (1) ***(Area variances) unique physical property limitations standard:*** What exceptional or extraordinary circumstances or special factors or unique property limitations including but not limited to an irregular shape of the lot, topography, soil conditions, wetlands, flood plain, environmental contamination or other conditions that are present which apply only to the subject property? In what manner do the factors listed prohibit the development of the subject property?
- (2) ***(Area variances) no harm to public interests standard:*** Would granting of the proposed variance result in a substantial or undue adverse impact on the public or character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property, or other matters affecting the public health, safety, or general welfare?

- (3) **(Area variances) self-created hardships standard:** Have factors which present the reason for the proposed variance been created by the act of the applicant or previous property owner or their agent?
- (4) **(Area variances) unnecessary hardships standard:** Would compliance with this Chapter unreasonably prevent the owner from using the property for a permitted purpose or would conformity with this Chapter create an unnecessary burden on the property owner?
- (5) **(Area variances) undue off-street parking and loading hardships standard:** Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unnecessary hardship upon the use of a lot, as contrasted with merely granting an advantage or a convenience and there is an acceptable parking alternative available.
- (6) **(Use variances) no reasonable use standard:** Has the applicant or owner demonstrated that they have “no reasonable use of the property” in absence of a variance?

**(g) Review and determination by board of appeals.**

- (1) The Board of Appeals must determine whether a variance request is seeking an area variance or seeking a use variance.
- (2) The Board of Appeals must determine the standard that applies for the grant of the variance.
- (3) The Board of Appeals must require the property owner bear the burden of proof.
- (4) Any variance granted must be due to conditions unique to the property rather than considerations personal to the property owner.
- (5) The variance cannot be granted if the hardship was created by the property owner.
- (6) The concurring vote of four (4) members of the Board shall be necessary to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. A variance granted under this section runs with the land.

(h) **Relief.** Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the City, shall have recourse to such relief as is provided by Wisconsin Statutes §62.23(7)(e)(10) or as amended.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**34-20**

**AN ORDINANCE AMENDING SECTION 23-91 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AG AGRICULTURAL DISTRICT.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-91 of Chapter 23 of the Municipal Code of the City of Appleton, relating to Ag Agricultural district, is hereby amended to read as follows:

**Sec. 23-91. AG Agricultural district.**

(a) **Purpose.** The AG district is intended for areas of active agricultural use that are subject to future urban or suburban development. Permitted land uses include relatively low density uses such as agriculture and uses which require large sites and relatively limited investment in fixed structures. This zoning district serves as a holding district for land that may be subject to rezoning for purposes other than agricultural uses.

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"><li>• Dwelling, single family, detached.</li></ul>	<ul style="list-style-type: none"><li>• Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52.</li><li>• Governmental facilities.</li><li>• Public parks or playgrounds.</li></ul>	<ul style="list-style-type: none"><li>• Agriculture.</li><li>• Community garden.</li><li>• Greenhouse or greenhouse nursery.</li><li>• Nursery, orchards or tree farm.</li><li>• Urban farm pursuant to §23-66(h)(17)</li><li>• Winery pursuant to §23-66(h)(21)</li></ul>

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

(1) The accessory uses, buildings and structures specified 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.

(d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the AG District.

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"><li>• None.</li></ul>	<ul style="list-style-type: none"><li>• Essential services.</li></ul>	<ul style="list-style-type: none"><li>• Electronic towers pursuant to §23-66(h)(1)</li><li>• Outdoor commercial entertainment pursuant to §23-66(h)(11).</li><li>• Indoor kennel or outdoor kennel; pursuant to §23-66(h)(12).</li></ul>

(f) **Site plan.** Site plan requirements are set forth in §23-570, Site plan review and approval.

(g) **Development standards.** The space limits applicable in the AG district are as follows:

(1) **Minimum lot area.** Ten (10) acres.

(2) **Minimum lot width.** One hundred fifty (150) feet.

(3) **Minimum front yard.** Thirty (30) feet.

(4) **Minimum rear yard.** Forty (40) feet.

(5) **Minimum side yard.** Forty (40) feet

(6) **Maximum building height.** One hundred (100) feet for non-residential uses. Thirty-five (35) feet for residential uses.

(7) **Maximum lot coverage.** Twenty percent (20%).

(h) **Parking and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening standards.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk



**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**35-20**

**AN ORDINANCE AMENDING SECTION 23-92(f) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1A SINGLE-FAMILY DISTRICT; SITE PLAN.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-92(f) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1A single-family district; site plan, is hereby amended to read as follows:

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

(f) *Site plan.* Site Plan requirements are set forth in §23-570, Site plan review and approval.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**36-20**

**AN ORDINANCE AMENDING SECTION 23-93(f) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1B SINGLE FAMILY DISTRICT; SITE PLAN.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-93(f) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1B single-family; site plan, is hereby amended to read as follows:

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

(f) *Site plan.* Site Plan requirements are set forth in §23-570, Site plan review and approval.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**37-20**

**AN ORDINANCE AMENDING SECTION 23-94(f) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1C CENTRAL CITY RESIDENTIAL DISTRICT; SITE PLAN.**

(City Plan Commission – 3/18/2020)

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

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

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

(f) *Site plan.* Site Plan requirements are set forth in §23-570, Site plan review and approval.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**38-20**

**AN ORDINANCE AMENDING SECTION 23-95 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-2 TWO-FAMILY DISTRICT.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-95 of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-2 two-family district, is hereby amended to read as follows:

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

(a) ***Purpose.*** The R-2 district is intended to provide for and maintain residential areas characterized by single-family detached and two- (2-) family dwelling units. Increased densities and the introduction of two- (2-) family housing types are intended to provide for greater housing options for owners and renters while maintaining the basic qualities of a moderately dense residential neighborhood.

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

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

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

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the R-2 district, except for boats or boat trailers greater than twenty-six (26) feet in length.
- (2) Bed and breakfast establishments pursuant to §23-48.
- (3) Home occupation pursuant to §23-45.
- (4) Fences and walls pursuant to §23-44.

(d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the R-2 District.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery, including a mausoleum, provided that a mausoleum shall have a forty-(40-) foot setback from any lot line of the cemetery.</li> <li>• Community living arrangements serving nine (9) to fifteen (15) persons, pursuant to §23-22 and §23-52.</li> <li>• Day care, group, when located and operated in an educational institution, place of worship or semi-public building.</li> <li>• Educational institution; business, technical or vocational school.</li> <li>• Educational institution; college or university.</li> <li>• Educational institution; elementary school, junior high school, or high school.</li> <li>• Essential services.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Recycling collection point pursuant to §23-66(h)(14).</li> <li>• Urban farms pursuant to §23-66(h)(17).</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
	<ul style="list-style-type: none"> <li>• Marina and/or boat landing.</li> <li>• Place of worship.</li> <li>• Public parks or playgrounds.</li> <li>• Recreation facility, non-profit.</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li> </ul>	

(f) **Site plan.** Site Plan requirements are set forth in §23-570, Site plan review and approval.

(g) **Development standards.**

(1) **Two-family dwellings (duplex) and other uses.**

- a. **Minimum lot area, Single-family dwelling (detached):** Six thousand (6,000) square feet.
- b. **Minimum lot area, Two-family dwellings (two-story duplex):** Seven thousand (7,000) square feet.
- c. **Minimum lot area, Two-family dwellings (single story duplex):** Nine thousand (9,000) square feet.
- d. **Minimum lot area, All other uses:** Seven thousand (7,000) square feet.
- e. **Minimum lot width, Single-family dwelling:** Fifty (50) feet.
- f. **Minimum lot width, All other uses:** (70 feet).
- g. **Minimum front lot line setback:** Twenty (20) feet (twenty-five (25) feet minimum on arterial street).
- h. **Minimum rear lot line setback:** Twenty-five (25) feet.
- i. **Minimum side lot line setback:** Six (6) feet.
- j. **Maximum lot coverage:** Sixty percent (60%).
- k. **Maximum building height:** Thirty-five (35) feet.

(2) **Zero lot line Two-family dwellings.**

- a. **Minimum lot area:** Three thousand (3,000) square feet per dwelling.
- b. **Minimum lot width:** Thirty (30) feet per dwelling.
- c. **Minimum front lot line setback:** Twenty (20) feet (twenty-five (25) feet minimum on arterial street).
- d. **Minimum rear lot line setback:** Twenty-five (25) feet.
- e. **Minimum side lot line setback:** Zero (0) feet on one (1) side with a common wall provided that:
  - i. The opposite side yard being a minimum of six (6) feet.
  - ii. Patios and decks may have a zero setback from the zero lot line side yard setback.
  - iii. Driveways may be separate or shared.
  - iv. All state and local building code requirements shall be met for a zero-lot line two-family dwelling.
  - v. Every zero lot line two-family dwelling constructed after March 24, 2020 shall be constructed with identical materials.
  - vi. For the purpose of this subsection the term “identical materials” means exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc.
  - vii. For the purpose of this subsection the term “similar materials” means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, color, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly

corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.

- viii. Restrictive covenants shall be recorded at the county register or deeds, providing declarations and or bylaws similar to those typically recorded on a declaration of condominium.
  1. If the driveway is shared, the maintenance and use standards for the shared driveway shall be part of said covenants.
  2. Include a note that reads, *“The parties hereto agree that the aesthetics of the units are important to the value of the building. Therefore, any subsequent repairs or maintenance performed by a unit owner to the exterior of their portion of the zero lot line two-family dwelling shall use at a minimum materials similar with those materials already incorporated into the building if identical materials are not incorporated into the repair or maintenance project. Each party may agree in writing to change the original color of the building so long as the color change applies to each unit. No party may change the color of the building so that it is different than the other unit.”*
  3. Said covenants shall provide for mediation of any and all disputes between owners of each dwelling unit and third party with regard to construction, use and maintenance of the real property.
  4. Said covenants shall specifically state the City of Appleton and all approving authorities shall not be held responsible for same, and that said covenants shall insure to all heirs and assigns.
  5. Proof of said recorded covenants or subsequently amended shall be submitted to the Community and Economic Development Department.
- ix. Each dwelling unit shall have separate sewer and water lines and other separate utility lines entering each dwelling unit and also separate sump pump.
- x. Easements shall be provided upon each lot as may be



necessary for ingress and egress, water, sewer and all other utility services.

- xi. The zero lot line parcel shall be divided by certified survey map or subdivision plat pursuant to Chapter 17 Subdivisions of the Municipal Code.
  1. A restrictive endorsement shall be placed on the face of the CSM or plat that reads, “*When zero lot line two-family dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, use, repair and maintenance shall be guarded against by private/restrictive covenants and deed restrictions, and no approving authority shall be held responsible for the enforcement of same.*”
  2. A copy of said Restrictive covenants shall be submitted with the initial application for certified survey map or subdivision plat approval.

f. ***Maximum building height:*** Thirty-five (35) feet.

(h) ***Parking and landscape standards.*** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening requirements.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**39-20**

**AN ORDINANCE AMENDING SECTION 23-96 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-3 MULTIFAMILY DISTRICT.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-96 of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-3 multifamily district, is hereby amended to read as follows:

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

(a) ***Purpose.*** The R-3 district is intended to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses.

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

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

(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.

(d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the R-3 District.

(e) **Special uses.** Special uses in the R-3 district may include:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Manufactured and mobile home communities; pursuant to §23-66(h)(10) and Chapter 11 of the Municipal Code.</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery, including a mausoleum, provided that a mausoleum shall have a forty- (40) foot setback from any lot line of the cemetery.</li> <li>• Community living arrangements serving sixteen (16) or more persons, pursuant to §23-22 and §23-52.</li> <li>• Day care, group, when located and operated in an educational institution, place of worship or semi-public building.</li> <li>• Educational institution; business, technical or vocational school.</li> <li>• Educational institution; college or university.</li> <li>• Educational institution; elementary school, junior high school or high school.</li> <li>• Essential services.</li> <li>• Golf course. However, the</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Recycling collection point pursuant to §23-66(h)(14).</li> <li>• Shelter facility.</li> <li>• Urban farms pursuant to §23-66(h)(17).</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
	<p>clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure.</p> <ul style="list-style-type: none"> <li>• Group home, adult.</li> <li>• Group housing.</li> <li>• Marina and/or boat landing.</li> <li>• Place of worship.</li> <li>• Public parks or playgrounds.</li> <li>• Recreation facility, non-profit.</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li> </ul>	

(f) **Site plan.** Prior to obtaining a building permit for any use except for one- (1-) and two- (2-) family dwellings on land in the R-3 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.

(g) **Development standards.**

(1) **Single-Family Dwelling, Detached:**

- a. **Minimum lot area:** Six thousand (6,000) square feet.
- b. **Minimum lot width:** Fifty (50) feet.
- c. **Minimum front lot line setback:** Twenty (20) feet (twenty-five (25) feet minimum on arterial street).
- d. **Minimum rear lot line setback:** Twenty-five (25) feet.
- e. **Minimum side lot line setback:** Six (6) feet.
- f. **Maximum lot coverage:** Seventy percent (70%).
- g. **Maximum building height:** Thirty-five (35) feet.

(2) ***Two-family Dwellings (duplex):***

- a. ***Minimum lot area, Two-family dwellings (two-story duplex):*** Seven thousand (7,000) square feet.
- b. ***Minimum lot area, Two-family dwellings (single story duplex):*** Nine thousand (9,000) square feet.
- c. ***Minimum lot width:*** Seventy (70) feet.
- d. ***Minimum front lot line setback:*** Twenty (20) feet (twenty-five (25) feet minimum on arterial street).
- e. ***Minimum rear lot line setback:*** Twenty-five (25) feet.
- f. ***Minimum side lot line setback:*** Six (6) feet.
- g. ***Maximum lot coverage:*** Seventy percent (70%).
- h. ***Maximum building height:*** Thirty-five (35) feet.

(3) ***Multi-family Dwellings and Other Uses:***

- a. ***Minimum lot area, Multi-family dwellings:*** One thousand five-hundred (1,500) square feet per dwelling unit.
- b. ***Minimum lot area, All other uses:*** Seven thousand (7,000) square feet.
- c. ***Minimum lot width:*** Eighty (80) feet.
- d. ***Minimum front lot line setback:*** Twenty (20) feet (twenty-five (25) feet minimum on arterial street).
- e. ***Minimum rear lot line setback:*** Thirty-five (35) feet.
- f. ***Minimum side lot line setback:*** Twenty (20) feet.
- g. ***Minimum distance between multi-family buildings:*** Twelve (12) feet.
- h. ***Maximum lot coverage:*** Seventy percent (70%).
- i. ***Maximum height:*** Forty-five (45) feet.

(4) ***Zero Lot Line Two-family Dwelling:***

- a. **Minimum lot area:** Three thousand (3,000) square feet per dwelling.
- b. **Minimum lot width:** Thirty (30) feet per dwelling.
- c. **Minimum front lot line setback:** Twenty (20) feet (twenty-five (25) feet minimum on arterial street).
- d. **Minimum rear lot line setback:** Twenty-five (25) feet.
- e. **Minimum side lot line setback:** Zero (0) feet on one (1) side with a common wall provided that:
  - i. The opposite side yard being a minimum of six (6) feet.
  - ii. Patios and decks may have a zero setback from the zero lot line side yard setback.
  - iii. Driveways may be separate or shared.
  - iv. All state and local building code requirements shall be met for a zero-lot line two-family dwelling.
  - v. Every zero lot line two-family dwelling constructed after March 24, 2020 shall be constructed with identical materials.
  - vi. For the purpose of this subsection the term “identical materials” means exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc.
  - vii. For the purpose of this subsection the term “similar materials” means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, color, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly

corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.

- viii. Restrictive covenants shall be recorded at the county register or deeds, providing declarations and or bylaws similar to those typically recorded on a declaration of condominium.
  1. If the driveway is shared, the maintenance and use standards for the shared driveway shall be part of said covenants.
  2. Include a note that reads, *“The parties hereto agree that the aesthetics of the units are important to the value of the building. Therefore, any subsequent repairs or maintenance performed by a unit owner to the exterior of their portion of the zero lot line two-family dwelling shall use at a minimum materials similar with those materials already incorporated into the building if identical materials are not incorporated into the repair or maintenance project. Each party may agree in writing to change the original color of the building so long as the color change applies to each unit. No party may change the color of the building so that it is different than the other unit.”*
  3. Said covenants shall provide for mediation of any and all disputes between owners of each dwelling unit and third party with regard to construction, use and maintenance of the real property.
  4. Said covenants shall specifically state the City of Appleton and all approving authorities shall not be held responsible for same, and that said covenants shall insure to all heirs and assigns.
  5. Proof of said recorded covenants or subsequently amended shall be submitted to the Community and Economic Development Department.
- ix. Each dwelling unit shall have separate sewer and water lines and other separate utility lines entering each dwelling unit and also separate sump pump.
- x. Easements shall be provided upon each lot as may be

necessary for ingress and egress, water, sewer and all other utility services.

- xi. The zero lot line parcel shall be divided by certified survey map or subdivision plat pursuant to Chapter 17 Subdivisions of the Municipal Code.
  - 1. A restrictive endorsement shall be placed on the face of the CSM or plat that reads, “*When zero lot line two-family dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, use, repair and maintenance shall be guarded against by private/restrictive covenants and deed restrictions, and no approving authority shall be held responsible for the enforcement of same.*”
  - 2. A copy of said Restrictive covenants shall be submitted with the initial application for certified survey map or subdivision plat approval.

f. ***Maximum building height:*** Thirty-five (35) feet.

(h) ***Parking and landscape standards.*** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening standards.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk



**40-20**

**AN ORDINANCE AMENDING SECTION 23-112 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-1 NEIGHBORHOOD MIXED USE DISTRICT.**

(City Plan Commission – 3/18/2020)

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

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

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

(a) ***Purpose.*** The C-1 district is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse.</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs.</li> <li>• Day care, group.</li> <li>• Governmental facilities.</li> <li>• Museums.</li> <li>• Places of worship.</li> <li>• Public parks or playgrounds.</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial entertainment; excluding sexually-oriented establishments.</li> <li>• Hotel or motels.</li> <li>• Multi-tenant building.</li> <li>• Offices.</li> <li>• Painting/Craft Studio without alcohol sales.</li> <li>• Personal services.</li> <li>• Printing.</li> <li>• Professional services.</li> <li>• Restaurants (without alcohol).</li> <li>• Restaurant, fast foods.</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Retail businesses</li> <li>• Shopping centers.</li> <li>• Urban farms pursuant to §23-66(h)(17).</li> <li>• Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight.</li> </ul>

(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.

(d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the C-1 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"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school.</li> <li>• Essential services.</li> <li>• Recreation facilities, non-profit.</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcade.</li> <li>• Bar or Tavern pursuant to §23-66(h)(6).</li> <li>• Craft-Distillery pursuant to §23-66(h)(19).</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16).</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19).</li> <li>• Outdoor commercial entertainment pursuant to</li> </ul>

		<p>§23-66(h)(11).</p> <ul style="list-style-type: none"> <li>• Painting/Craft Studio with alcohol pursuant to §23-66(h)(6).</li> <li>• Parking garages.</li> <li>• Recycling collection points pursuant to §23-66(h)(14).</li> <li>• Research laboratories or testing facilities.</li> <li>• Restaurants with alcohol pursuant to §23-66(h)(6).</li> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</li> <li>• Tower or antenna for telecommunication services pursuant to Article XIII.</li> <li>• Winery pursuant to §23-66(h)(21).</li> </ul>
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(f) **Site plan.** Prior to obtaining a building permit on any land in the C-1 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.

(g) **Parking and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards; however, the number of off-street parking and loading spaces required are reduced by fifty percent (50%) for uses in the C-1 district. Landscaping requirements are set forth in §23-601, Landscaping and screening requirements.

(h) **Development standards.** The space limits applicable in the C-1 district are as follows:

(1) **Minimum lot area.** Six thousand (6,000) square feet.

(2) **Maximum lot coverage.** Ninety percent (90%).

(3) **Minimum lot width.** Forty (40) feet.

(4) **Minimum front yard.** None.

(5) **Minimum rear yard:**

a. Twenty (20) feet.

(6) **Minimum side yard:**

a. None.

b. Ten (10) feet if abutting a residentially zoned district.

(7) **Maximum building height.** Sixty (60) feet.

(i) **District location.** The C-1 district shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**41-20**

**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 – 3/18/2020)

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:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Assisted living or retirement homes.</li> <li>• Nursing or convalescent homes.</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs.</li> <li>• Day care, group.</li> <li>• Educational institutions; business, technical or vocational school.</li> <li>• Educational institutions; college or university.</li> <li>• Governmental facilities.</li> <li>• Hospitals.</li> <li>• Marina or boat landings.</li> <li>• Museums.</li> <li>• Places of worship.</li> <li>• Public parks or playground.</li> <li>• Recreation facilities; non-profit.</li> <li>• Registered historic places open to the public and</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops.</li> <li>• Commercial entertainment; excluding sexually-oriented establishments.</li> <li>• Drive through facilities pursuant to §23-49.</li> <li>• Greenhouses or greenhouse nurseries.</li> <li>• Hotel or motels.</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16).</li> <li>• Multi-tenant building.</li> <li>• Offices.</li> <li>• Painting/Craft Studio without alcohol sales.</li> </ul>

	<p>having retail space occupying not more than 10% of the gross floor area of the building.</p>	<ul style="list-style-type: none"> <li>• Parking lots.</li> <li>• Personal services.</li> <li>• Printing.</li> <li>• Professional services.</li> <li>• Restaurants (without alcohol).</li> <li>• Restaurants, fast food.</li> <li>• Retail businesses.</li> <li>• Shopping centers.</li> <li>• Towing businesses pursuant to §23-66(h)(15).</li> <li>• Urban farms pursuant to 23-66(h)(17).</li> <li>• Veterinarian clinics.</li> </ul>
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**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

Dated: March 18, 2020

\_\_\_\_\_  
 Timothy M. Hanna, Mayor

\_\_\_\_\_  
 Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**42-20**

**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 – 3/18/2020)

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:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school.</li> <li>• Essential services.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcades.</li> <li>• Any principal building that exceeds thirty-five (35) feet in height.</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5).</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5).</li> <li>• Bar or taverns pursuant to §23-66(h)(6).</li> <li>• Body repair and/or paint shops pursuant to §23-66(h)(4).</li> <li>• Bus terminals.</li> <li>• Car washes.</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• 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).</li> <li>• Craft-Distillery pursuant to §23-66(h)(19).</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Freight distribution and/or moving centers.</li> <li>• Gasoline sales pursuant to §23-66(h)(8).</li> <li>• Helicopter landing pads pursuant to §23-66(h)(9).</li> <li>• Indoor kennels.</li> <li>• Landscape business.</li> <li>• Manufacturing, light.</li> <li>• Microbrewery/ Brewpub pursuant to §23-66(h)(19).</li> <li>• Mobile home sales lots.</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11).</li> <li>• Painting/Craft Studio with alcohol sales pursuant to §23-66(h)(6).</li> <li>• Parking garages.</li> <li>• Recycling collection points pursuant to §23-66(h)(14).</li> <li>• Recycling and waste recovery centers pursuant to §23-66(h)(13).</li> <li>• Research laboratories or testing facilities.</li> <li>• Restaurants with alcohol pursuant to §23-66(h)(6).</li> <li>• Sexually-oriented establishments pursuant to Article XII.</li> <li>• Shelter facility.</li> </ul>



Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</li> <li>• Towers or antennas for wireless telecommunication services, pursuant to Article XIII.</li> <li>• Wholesale facilities.</li> <li>• Winery pursuant to §23-66(h)(21).</li> </ul>

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

Dated: March 18, 2020

\_\_\_\_\_  
Timothy M. Hanna, Mayor

\_\_\_\_\_  
Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
 Office of the City Clerk

**43-20**

**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 – 3/18/2020)

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:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Assisted living or retirement homes.</li> <li>• Nursing or convalescent homes.</li> <li>• Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse; however, residential uses are prohibited on the ground floor for any lot with frontage on College Avenue or within 120 feet of College Avenue frontage.</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs.</li> <li>• Day care, group.</li> <li>• Educational institutions; college or university.</li> <li>• Governmental facilities.</li> <li>• Museums.</li> <li>• Places of worship.</li> <li>• Public park or playgrounds.</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops.</li> <li>• Commercial entertainment; excluding sexually-oriented establishments.</li> <li>• Drive through facilities pursuant to §23-49.</li> <li>• Hotel or motels.</li> <li>• Multi-tenant building.</li> <li>• Offices.</li> <li>• Painting/Craft Studio without alcohol sales.</li> <li>• Personal services.</li> <li>• Printing.</li> <li>• Professional services.</li> <li>• Restaurants (without alcohol).</li> </ul>

		<ul style="list-style-type: none"><li>• Restaurant, fast foods.</li><li>• Retail businesses.</li><li>• Shopping centers.</li><li>• Urban farms pursuant to §23-66(h)(17)</li><li>• Veterinarian clinics.</li></ul>
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**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

Dated: March 18, 2020

\_\_\_\_\_  
Timothy M. Hanna, Mayor

\_\_\_\_\_  
Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
 Office of the City Clerk

**44-20**

**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 – 3/18/2020)

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:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institution; elementary school, junior high school or high school.</li> <li>• Essential services.</li> <li>• Hospital.</li> <li>• Marina and/or boat landing.</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcade.</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot, new pursuant to §23-66(h)(5).</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot when including used vehicles pursuant to §23-66(h)(5).</li> <li>• Bar or Tavern pursuant to §23-66(h)(6).</li> <li>• Body repair and/or paint shop pursuant to §23-66(h)(4).</li> <li>• Bus terminal.</li> <li>• Craft-Distillery pursuant to §23-66(h)(19).</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Gasoline sales pursuant to §23-66(h)(8).</li> <li>• Indoor kennel.</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16).</li> <li>• Microbrewery/ Brewpub pursuant to §23-66(h)(19).</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11).</li> <li>• Painting/Craft Studio with alcohol sales pursuant to §23-66(h)(6).</li> <li>• Parking garage.</li> <li>• Parking lot; however, surface lots are prohibited on lots fronting on College Avenue.</li> <li>• Recycling collection point pursuant to §23-66(h)(14).</li> <li>• Research laboratories or testing facilities.</li> <li>• Restaurant with alcohol pursuant to §23-66(h)(6).</li> <li>• Shelter facility.</li> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</li> <li>• Towers or antennas for wireless telecommunication services pursuant to Article XIII.</li> <li>• Wholesale facility.</li> <li>• Winery pursuant to §23-66(h)(21).</li> </ul>

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**45-20**

**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 – 3/18/2020)

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.

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Governmental facilities.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture.</li> <li>• Brewery pursuant to §23-66(h)(20).</li> <li>• Commercial entertainment.</li> <li>• Community garden.</li> <li>• Craft-Distillery pursuant to §23-66(h)(19).</li> <li>• Distillery pursuant to §23-66(h)(20).</li> <li>• Freight distribution or moving centers.</li> <li>• Manufacturing, light.</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19).</li> <li>• Offices.</li> <li>• Multi-tenant buildings.</li> <li>• Printing.</li> </ul>

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

Dated: March 18, 2020

\_\_\_\_\_  
Timothy M. Hanna, Mayor

\_\_\_\_\_  
Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**46-20**

**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 – 3/18/2020)

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:

- (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.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk



**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
 Office of the City Clerk

**47-20**

**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 – 3/18/2020)

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:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None.</li> </ul>	<ul style="list-style-type: none"> <li>• Governmental facilities.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops.</li> <li>• Body repair and/or paint shops pursuant to §23-66(h)(4).</li> <li>• Brewery pursuant to §23-66(h)(20).</li> <li>• Bus terminals.</li> <li>• Craft-Distillery pursuant to §23-66(h)(19).</li> <li>• Commercial entertainment.</li> <li>• Commercial truck body repair or paint shops.</li> <li>• Commercial truck maintenance shops.</li> <li>• Community garden.</li> <li>• Distillery pursuant to §23-66(h)(20).</li> <li>• Freight distribution or</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		moving centers. <ul style="list-style-type: none"> <li>• Landscape businesses.</li> <li>• Manufacturing, light.</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19).</li> <li>• Multi-tenant buildings.</li> <li>• Offices.</li> <li>• Personal storage facility (self storage/mini-warehouse), including outdoor storage areas for recreational vehicles pursuant to §23-66(h)(18).</li> <li>• Printing.</li> <li>• Research laboratories or testing facilities.</li> <li>• Towing businesses pursuant to §23-66(h)(15).</li> <li>• Truck or heavy equipment sales or rental.</li> <li>• Urban farms pursuant to §23-66(h)(17).</li> <li>• Warehouses.</li> <li>• Wholesale facilities.</li> <li>• Winery pursuant to §23-66(h)(21).</li> </ul>

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**48-20**

**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 – 3/18/2020)

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:

- (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.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**49-20**

**AN ORDINANCE AMENDING SECTION 23-172(d)(1) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFF-STREET PARKING AND LOADING STANDARDS; EXCEPTIONS TO DESIGN STANDARDS.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-172(d)(1) of Chapter 23 of the Municipal Code of the City of Appleton, relating to off-street parking and loading standards; exceptions to design standards, is hereby amended to read as follows:

**Sec. 23-172. Off-street parking and loading standards.**

(d) ***Exceptions to design standards.*** The following are exempt from the design standards of this chapter.

- (1) Due to the primarily pedestrian orientation of the Central Business District (CBD), provision for off-street parking and loading spaces are not required for uses in the CBD. However, new or expanded parking lots and loading areas in the CBD shall comply with the off-street parking and loading requirements of this section, including standards governing design, interior landscaping, and perimeter landscaping.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**50-20**

**AN ORDINANCE AMENDING SECTION 23-172(e)(3) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFF-STREET PARKING AND LOADING STANDARDS; DESIGN STANDARDS; MANEUVERING**  
(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-172(e)(3) of Chapter 23 of the Municipal Code of the City of Appleton, relating to off-street parking and loading standards; design standards; maneuvering, is hereby amended to read as follows:

**Sec. 23-172. Off-street parking and loading standards.**

(e) ***Design standards.*** All off-street parking spaces and off-street parking lots or areas shall conform to the following design requirements, unless otherwise stated in this chapter:

- (3) ***Maneuvering.*** All off-street parking spaces shall be designed to provide all maneuvering to occur within the property line(s). Vehicles shall not back into the public right-of-way from an off-street parking lot or parking space. Alleys are an exception to this provision, as maneuvering may occur within alley right-of-way when authorized by the Director of the Department of Public Works or designee.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**51-20**

**AN ORDINANCE AMENDING SECTION 23-172(f) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFF-STREET PARKING AND LOADING STANDARDS; INTERIOR PARKING LOT LANDSCAPING.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-172(f) of Chapter 23 of the Municipal Code of the City of Appleton, relating to off-street parking and loading standards; interior parking lot landscaping, is hereby amended to read as follows:

**Sec. 23-172. Off-street parking and loading standards.**

(f) ***Interior parking lot landscaping.***

- (1) All parking lots designed for twenty (20) or more parking spaces shall be landscaped in accordance with the following interior parking lot standards.
  - a. Five percent (5%) of the minimum square footage of the paved area of the off-street parking lot shall be devoted to interior landscape islands.
  - b. The primary plant materials shall be shade or ornamental trees with at least one (1) shade tree for every two hundred (200) square feet of interior landscape island area, except in cases where drainage, stormwater, or utility features preclude the planting of trees.
  - c. The interior landscape islands shall be dispersed throughout the off-street parking lot to the satisfaction of the Community and Economic Development Director.
- (2) All off-street parking lots designed for nineteen (19) off-street parking spaces or less shall provide landscaping as deemed appropriate by the Community and Economic Development Director.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**52-20**

**AN ORDINANCE AMENDING SECTION 23-172(j) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFF-STREET PARKING AND LOADING STANDARDS; DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES.**

(City Plan Commission – 3/18/2020)

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

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

**Sec. 23-172. Off-street parking and loading standards.**

(j) ***Determination of required off-street parking spaces.*** In computing the number of off-street parking spaces required by this chapter, the following shall apply:

- (1) Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross square footage of all floors that may be occupied of a building.
- (2) Where maximum capacity is designated as the standard for determining off-street parking space requirements, the maximum capacity shall mean the maximum number of persons permitted to occupy the building under the International Building Code (IBC) and the International Fire Code (IFC), whichever is more restrictive, currently used by the City.
- (3) Where the number of employees is designated as the standard for determining off-street parking space requirements, the number of employees on the largest shift shall be used for calculation purposes.
- (4) Fractional numbers shall be increased to the next highest whole number.
- (5) An applicant may request an administrative adjustment for a reduction in the number of parking spaces required by §23-172(m). The request shall be submitted in writing and provide justification for the reduction,



including estimates of parking demand or other acceptable data as approved by the Community and Economic Development Director. Sources of data may include, but are not limited to, the Institute of Transportation Engineers or Urban Land Institute. Community and Economic Development staff may approve up to a twenty percent (20%) reduction. Any reductions greater than 20% shall require a variance from the Board of Appeals.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**53-20**

**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.**  
(City Plan Commission – 3/18/2020)

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, is hereby amended to read as follows:

**Sec. 23-172. Off-street parking and loading standards.**

(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.

<b>Use Type</b>	<b>Minimum Off-Street Parking Spaces Required</b>
<b>Residential</b>	
Dwelling, single-family detached and zero lot line two-family dwellings	Up to three (3) bedrooms - Two (2) spaces for each dwelling unit
	Four (4) or more bedrooms – Three (3) spaces for each dwelling unit

<b>Use Type</b>	<b>Minimum Off-Street Parking Spaces Required</b>
<b>Commercial</b>	
Craft-Distillery	One (1) space for each three (3) persons based on maximum capacity.
Microbrewery/Brewpub	One (1) space for each three (3) persons based on maximum capacity
Painting/Craft Studios	One (1) space for each three (3) persons allowed based on maximum capacity.
Tasting Room	One (1) space for each three (3) persons allowed based on maximum capacity.

Use Type	Minimum Off-Street Parking Spaces Required
<b>Commercial</b>	
Winery	One (1) space for each three (3) persons based on maximum capacity.

Use Type	Minimum Off-Street Parking Spaces Required
<b>Industrial</b>	
Brewery	One (1) space for each one (1) employee on the largest shift, plus three (3) visitors spaces, plus space to accommodate all company vehicles in connection therewith.
Distillery	One (1) space for each one (1) employee on the largest shift, plus three (3) visitors spaces, plus space to accommodate all company vehicles in connection therewith.

*\*Please Note: Only those uses with changes are included in this ordinance. All others remain the same.*

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**54-20**

**AN ORDINANCE AMENDING SECTION 23-422(a) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMIT REQUIREMENTS.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-422(a) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permit requirements, is hereby amended to read as follows:

**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.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**55-20**

**AN ORDINANCE AMENDING SECTION 23-570 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SITE PLAN REVIEW AND APPROVAL.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-570 of Chapter 23 of the Municipal Code of the City of Appleton, relating to site plan review and approval, is hereby amended to read as follows:

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

(a) ***Purpose and intent.*** A site plan review of certain new construction, rehabilitation of buildings, additions to structures, related site work and landscape development is required in order to further promote the safe and efficient use of land and to further enhance the value of property in the City. The site plan review process is intended to help ensure that newly developed properties, expanded structures or redeveloped properties are compatible with adjacent development and safety, traffic, overcrowding and environmental problems are minimized to the extent possible.

The site plan review requirements of this section are designed to ensure the orderly and harmonious development of property in the City in a manner that shall:

- (1) Promote the most beneficial relationship between adjacent land uses.
- (2) Facilitate efficient and safe circulation of traffic both on the site and as it interfaces with the public right-of-way and adjacent properties.
- (3) Permit development to a level commensurate with the availability and capacity of public facilities and services.
- (4) Encourage adequate provision for surface and subsurface drainage.
- (5) Provide appropriate screening of parking, truck loading, refuse containers, mechanical equipment and outdoor storage areas from adjacent residential districts and public rights-of-way.

(b) ***No minor site plan or site plan review is required.***

(1) ***Change in existing building or structure:***

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	Less than 1,000 square feet
10,001-25,000 square feet	Less than 2,500 square feet
25,001-50,000 square feet	Less than 5,000 square feet
50,001 square feet and over	Less than 7,500 square feet

- a. While no minor site plan or site plan review is required for the above addition or expansions, the addition or expansion is still subject to all applicable provisions of this chapter including but not limited to: lot coverage, setbacks, building height, parking, loading, signage and lighting.
- b. Prior to the issuance of a permit, persons not required to submit a minor site plan or site plan for the above referenced addition or expansions pursuant to this section shall submit all proposed plans and specifications to the Inspection Division along with the completed building permit application. The Inspections Division shall coordinate the review of such plans and specifications, if applicable, with other City staff. After the submittal and acceptance of a complete building permit application, and after notification to other City staff, the proposed plans and specifications shall be reviewed for compliance with all applicable provisions of this chapter and other Municipal Code provisions. Thereafter, the permit shall be approved, approved with conditions or denied with rationale within the review timeframe identified in the Building Code.

(2) ***Maintenance, overlay, resurfacing of an existing off-street parking lot and loading area.***

- a. While no minor site plan or site plan review is required for maintenance, overlay and resurfacing of an existing off-street parking lot and loading area, the maintenance, overlay or resurfacing activity is still subject to all applicable provisions of this chapter.
- b. Off-street parking lot and loading area maintenance (patching). Fifteen percent (15%) or less than the total square foot area of an existing off-street parking lot and/or loading area is allowed to be

patched per calendar year without submittal of a minor site plan or site plan.

- c. Prior to the issuance of a permit, persons not required to submit a minor site plan or site plan for maintenance, overlay or resurfacing of an off-street parking lot and loading area pursuant to this section shall submit all proposed plans and specifications to the Inspection Division along with the completed permit application. The Inspections Division shall coordinate the review of such plans and specifications, if applicable, with other City staff. After the submittal and acceptance of a complete building permit application, and after notification to other City staff, the proposed plans and specifications shall be reviewed for compliance with all applicable provisions of this chapter and other Municipal Code provisions. Thereafter, the permit shall be approved, approved with conditions or denied with rationale within the review timeframe identified in the Building Code.

(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.

(1) ***Development subject to minor site plan review.***

- a. Accessory buildings and/or structures, not including off-street parking lots or loading areas, that are 2,500 square feet or greater in size; except when associated with one-(1) or two-(2) family dwellings, unless when required per Certified Survey Map, Subdivision Plat, or the like.
- b. Personal wireless facilities as identified in §23-422(b)(1)-(3).
- c. Construction, reconstruction, rehabilitation and expansion of off-street parking lots and loading areas that consist of less than twenty (20) parking spaces or loading spaces.

(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.

(d) **Authority.** The Community and Economic Development Director is hereby charged with the duty of performing site plan review and granting site plan approval for minor site plans and site plans.

(e) **Procedure.** Whenever any property owner or individual having a contractual interest proposes to develop/redevelop any tract or parcel of land where site plan review is required, that person shall submit to the Community and Economic Development Director a request for minor site plans or site plan approval.

- (1) **Presubmittal meeting.** To ensure the correct submission of a minor site plan or site plan and to identify the requirements for a complete



application, applicants shall attend a presubmittal meeting with the City Community and Economic Development staff prior to submitting an application for site plan review. The applicant will discuss with staff the submission requirements for minor site plan and site plan review. The Community and Economic Development Director shall have the authority to waive the presubmittal meeting, if necessary.

- (2) ***Submission of application.*** All required information shall be submitted to the Community and Economic Development Director for review and processing. Within fifteen (15) business days after the submittal and acceptance of a complete application, and after notification to the Alderperson of the appropriate district and in consultation with other City officials, the Community and Economic Development Director shall, in a written decision, state the findings of the Site Plan Review Committee. Upon approval, approval with modifications or conditional approval, a building permit may be issued.
- (3) ***Request of additional information.*** If in the judgment of the reviewing authority, the site plan application does not contain sufficient information to enable it to properly discharge its responsibilities, the reviewing authority may request additional information from the applicant. In that event, the fifteen (15) business day period referred to above shall be suspended pending the receipt of all information requested.
- (4) ***Issuance of Building Permit.*** No building permit shall be issued by the City until site plan approval has been granted as provided in this section, unless otherwise authorized by the Director of the Department of Public Works.

(f) ***Fees and structure.*** Fees for site plan review shall be established by the City to cover the cost of this review. This fee may include passing along review costs of consultants or agencies that may be requested for review of site plans under unique circumstances such as traffic impact studies or stormwater management plans.

(g) ***Minor site plan required information.*** Minor Site Plans which are submitted for review shall be drawn to an appropriate scale on sheets of uniform size, recommended at 11"x17" or a previously approved site plan may be used and submitted. A total of five (5) complete sets shall be submitted to the Community and Economic Development Director.

- (1) All Minor Site Plans shall include as a minimum all of the information as required on a form provided by the Department of Community and Economic Development.
- (2) The Community and Economic Development Director may require additional information or may waive submission requirements as deemed necessary for thorough and efficient review.

(h) **Site plan required information.** Plans which are submitted for review shall be drawn to an appropriate scale on sheets of uniform size, recommended at 24" x 36". A total of five (5) complete folded sets shall be submitted to the Community and Economic Development Director.

- (1) All Site Plans shall include, as a minimum, all of the information as required on a form provided by the Department of Community and Economic Development.
- (2) The Community and Economic Development Director may require additional information or may waive submission requirements as deemed necessary for thorough and efficient review.

(i) **Scope of review.** The Department of Community and Economic Development, when evaluating minor site plans or site plans, will review:

- (1) The relationship of the site plan to adopted land use plans and policies.
- (2) Parking layout so as to:
  - a. Minimize dangerous traffic movements.
  - b. Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers Transportation and Traffic Engineering Handbook.
  - c. Provide for the optimum number of parking spaces, while maintaining City design standards.
  - d. Provide for pedestrian safety.
- (3) Provisions for surface and subsurface drainage and for connections to water and sewer lines, so not to overload existing public utility lines nor increase the danger of erosion, flooding, landslide or other endangerment of adjacent or surrounding properties.
- (4) Landscaping, so as to:
  - a. Maintain existing mature trees and shrubs to the maximum extent practicable. Where practical, the property owner shall make every effort to preserve and retain existing trees and vegetation on the site when designing for the development or redevelopment of the site during design, construction and after construction.
  - b. Buffer adjacent incompatible uses.

- c. Screen unsightly activities from public view.
  - d. Break up large expanses of asphalt and buildings with plant material.
  - e. Provide an aesthetically pleasing landscaping design.
  - f. Provide plant materials and landscaping designs that can withstand the City's climate and the microclimate on the property.
- (5) Location of principal structures, accessory structures, lighting, freestanding signs, refuse containers, mechanical equipment, etc. so that their location and proportion does not impede safe and efficient traffic flow or adversely impact the development of adjacent property or the character of the surrounding neighborhood.
  - (6) All electrical, telephone and cable lines shall be placed underground whenever practical.
  - (7) Compliance with this chapter, the subdivision regulations, the stormwater management ordinance, erosion control ordinance and stormwater utility of the City of Appleton.

(j) ***Validity of approval, expiration and revisions to site plan.*** A site plan shall become effective upon obtaining certification of approval by the Community and Economic Development Director on the minor site plan or site plan application and the signature of the Director on the approved plans (revised if necessary).

The approval of any site plan required by this section shall remain valid for one (1) year after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this article, "actual construction" shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property or stockpiling of materials on the site shall not constitute actual construction.

An approved site plan shall remain in effect until it is supplanted by a new site plan or is deemed null and void as identified above. A revision to a site plan may be requested by submitting the changes in writing or on a copy of the approved site plan to the Community and Economic Development Director. The Community and Economic Development Director may approve, approve with conditions, deny the requested revision(s) or determine that a new site plan is needed.

Cases that require an extension of time by the applicant can be submitted to the Community and Economic Development Director, in writing, for consideration. In no case, however, shall an extension of time exceed one (1) year.

(k) **Appeal.** If the Community and Economic Development Director denies the application for a site plan or approves the site plan with conditions, the applicant may appeal the decision to the Plan Commission. A notice of appeal must be filed with the Community and Economic Development Director no later than fifteen (15) days after receipt by the applicant of the decision of the Community and Economic Development Director. Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a site plan.

The Plan Commission shall act as promptly as practical on any appeal taken in connection with the proposed site plan. The Plan Commission shall approve, approve with conditions or disapprove the site plan by action taken by a majority of the Plan Commission present at any meeting at which a quorum is present. If the Plan Commission approves the site plan, a building permit may then be issued, provided that all other requirements of all other applicable City codes and ordinances are satisfied.

(l) **Violation.** Construction or other activities contrary to the approved site plan, or in the absence of an approved plan, shall be a violation of this section.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**56-20**

**AN ORDINANCE AMENDING SECTION 23-601(f)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LANDSCAPING AND SCREENING STANDARDS; DESIGN CRITERIA.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-601(f)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to landscaping and screening standards; design criteria, is hereby amended to read as follows:

**Sec. 23-601 Landscaping and Screening Standards.**

(f) ***Design Criteria.*** Landscape plans shall be prepared, evaluated and approved based on design criteria as identified below.

- (2) Any landscaping located within the front setback, in a required vision corner or within ten (10) feet of a private driveway (§23-50 (g), Vision corner), shall have the following restrictions:
  - a. Shrubs shall be maintained at a height of no greater than three (3) feet.
  - b. Trees must have a clearance from the ground to the bottom of the first branch of a minimum of six (6) feet.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**57-20**

**AN ORDINANCE AMENDING SECTION 23-601(f)(3) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LANDSCAPING AND SCREENING STANDARDS; DESIGN CRITERIA.**

(City Plan Commission – 3/18/2020)

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

**Section 1:** That Section 23-601(f)(3) of Chapter 23 of the Municipal Code of the City of Appleton, relating to landscaping and screening standards; design criteria, is hereby amended to read as follows:

**Sec. 23-601 Landscaping and Screening Standards.**

(f) ***Design Criteria.*** Landscape plans shall be prepared, evaluated and approved based on design criteria as identified below.

- (3) Side yard screening located within ten (10) feet of the street right-of-way or private driveway must not exceed three (3) feet in height. For other side and rear yard screening requirements, see §23-50(g), Vision corner.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**58-20**

**AN ORDINANCE AMENDING SECTION 2-29(a) OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ALDERPERSON ABSENCE; PARTICIPATION ELECTRONICALLY.**

(Finance Committee – 3/18/2020)

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

**Section 1:** That Section 2-29(a) of Chapter 2 of the Municipal Code of the City of Appleton, relating to alderperson absence; participation electronically, is hereby amended to read as follows:

**Sec. 2-29. Alderperson absence; participation electronically.**

(a) An alderperson, who is a qualified individual with a disability as defined in s. 35.104, Code of Federal Regulations, Title 28, Chapter 1, Section 3, unable to appear in person at a meeting of the Common Council may request in writing or by email at least twenty-four (24) hours in advance of the meeting the written or emailed permission from the President of the Common Council to participate in the meeting electronically. The participation by said alderperson electronically shall be permitted in cases where extreme temperatures would negatively impact adaptive equipment used by the person either on their person or as a mode of transportation; or, during times when a national or state public health emergency is in effect and attending a public meeting would place the alderperson's health at risk. An alderperson's appearance electronically must be noted in the meeting minutes. Electronic participation must occur in the meeting room so that the physically absent member can hear and can be heard by all those who are present. An alderperson appearing electronically shall be entitled to participate and vote to the fullest extent possible.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk

**ADOPTED: March 18, 2020**  
**PUBLISHED: March 23, 2020**  
Office of the City Clerk

**59-20**

**AN ORDINANCE REPEALING SECTION 2-561 OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AUTHORITY OF CITY CLERK REGARDING ELECTIONS.**

(Finance Committee – 3/18/2002)

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

**Section 1:** That Section 2-561 of Chapter 2 of the Municipal Code of the City of Appleton, relating to authority of City Clerk regarding elections, is hereby repealed.

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

Dated: March 18, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk