

NOTICE OF PUBLIC HEARING

RE: Proposed Text Amendment Chapter 23

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on July 24, 2013, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following:

The portion of the text proposed for deletion will be identified by a ~~striketrough~~. Proposed text to be added within the ordinance will be underlined.

Zoning Ordinance amendments are proposed as follows (see attached):

The City of Appleton is proposing text amendments to the following Chapter 23 Zoning Ordinance sections: Section 23-22 Words and terms defined, Section 23-62. Plan Commission, Section 23-64. Administration, Section 23-66. Special Use Permits related to Outdoor Storage of Recreational Vehicles when accessory to Personal Storage facilities (Self storage/mini-warehouse), Section 23-113. C-2 General Commercial District and Section 23- 132. M-2 General Industrial District.

Section 23-22 Words and terms defined:

Developed property means all parcels or a portion there of that is improved with buildings, paved off-street parking spaces, or that is actively used as recreational facilities.

Human habitation means the use of a vehicle for dwelling. Evidence of human habitation shall include activities such as sleeping, setting up housekeeping or cooking and/or any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is using the vehicle as a living accommodation. The use of a vehicle for six or more consecutive hours for eating, resting, recreating and/or sleeping shall per se constitute "human habitation" for purposes of this chapter.

Opaque fence means a solid (non-spaced) fence, alternating board on board fence, wall or exterior building wall with a gate that provides a solid or opaque barrier that blocks the transmission of light and visibility through ninety (90) percent or more of its surface area. Chain link fences and gates with slats are not considered to be opaque fences. A fence used in combination with evergreens that provide the equivalent screening as a required opaque fence may also be used to satisfy this definition.

Perimeter means the outer boundaries or borders of a lot, building, structure, use, or area.

Personal storage facility (self storage/mini-warehouse) means the primary use of a building containing individual, compartmentalized and controlled access spaces, rooms or lockers that are leased, rented or owned by different individuals for the storage of individual possessions or personal property, but may include outdoor storage areas for recreational vehicles as an accessory use.

Recreational vehicle means a structure or vehicle designed to be towed, hauled or driven and used for temporary living or sleeping purposes and equipped with wheels to facilitate movement from place to place including, but not limited to: campers, boats, motorized homes and travel trailers.

Screening means a method of visually shielding or obscuring an adjacent building, structure, use from another by fencing, walls, berms or densely planted vegetation.

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

Section 23-62. Plan Commission.

(b) **Powers and duties.** There is created a Plan Commission with the powers and duties and qualifications as set forth in this section and in Wisconsin Statutes §62.23. Such powers and duties generally include:

(9) To review and offer its recommendation to the Common Council on requests for modifications or waivers to screening and landscaping requirements as set forth in Section 23-66(h)18.b.vii.5.a thru c.

Section 23-64. Administration.

(b) The Community and Economic Development Director is responsible for performing the following duties:

(6) Review and approve or deny requests for modifications or waivers to screening and landscaping requirements as set forth in Section 23-66(h)18.b.vii.5.a thru c.

Section 23-66. Special Use Permits.

Section 23-66 (h) *Minimum standards.*

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.

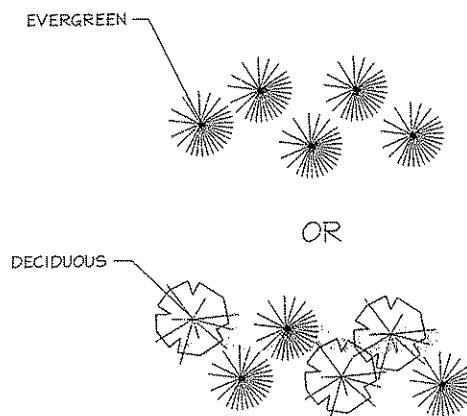
vi. **Security Requirements.** The perimeter (outer boundary) of the outdoor storage areas shall be secured with a continuous (with no break points) minimum eight (8) foot high fence or with continuous (with no break points) exterior building walls of existing and/or proposed buildings on the site or 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. Font 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 or 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.

Section 23-113. C-2 General Commercial District.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school. • Essential services. • Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure. 	<ul style="list-style-type: none"> • Amusement arcades. • Any principal building that exceeds thirty-five (35) feet in height. • Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5). • Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5). • Bar or taverns pursuant to §23-66(h)(6). • Body repair and/or paint shops pursuant to §23-66(h)(4). • Bus terminals. • Car washes. • Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7). • Electronic towers pursuant to §23-66(h)(1) • Freight distribution and/or moving centers. • Gasoline sales pursuant to §23-66(h)(8). • Helicopter landing pads pursuant to §23-66(h)(9). • Indoor kennels. • Landscape business. • Manufacturing, light. • Microbreweries.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • Mobile home sales lots. • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Parking garages. • Personal storage <u>facility (self-storage/mini-warehouse), including outdoor storage areas for recreational vehicles pursuant to §23-66(h)(18).</u> • Recycling collection points pursuant to §23-66(h)(14). • Recycling and waste recovery centers pursuant to §23-66(h)(13). • Research laboratories or testing facilities. • Restaurants with alcohol pursuant to §23-66(h)(6). • Sexually-oriented establishments pursuant to Article XII. • Shelter facility. • Towers or antennas for wireless telecommunication services, pursuant to Article XIII. • Wholesale facilities.

Section 23-132. M-2 General Industrial District

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Governmental facilities. • Registered historic places open to the public and having retail space occupying not more than ten percent (10%) of the gross floor area of the building. 	<ul style="list-style-type: none"> • Automobile maintenance shops. • Body repair and/or paint shops pursuant to §23-66(h)(4). • Bus terminals. • Commercial entertainment. • Commercial truck body repair or paint shops. • Commercial truck maintenance shops. • Community garden. • Freight distribution or moving centers. • Landscape businesses. • Manufacturing, light. • Multi-tenant buildings.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • Offices. • Personal storage <u>facility (self-storage/mini-warehouse), including outdoor storage areas for recreational vehicles pursuant to §23-66(h)(18).</u> • Printing. • Research laboratories or testing facilities. • Towing businesses pursuant to §23-66(h)(15). • Truck or heavy equipment sales or rental. • Urban farms pursuant to §23-66(h)(17). • Warehouses. • Wholesale facilities.

All interested persons who attend this meeting will be given an opportunity to be heard.

July 11, 2013

CHARLENE M. PETERSON, CMC/WCMC
City Clerk

RUN: July 13, 2013
July 16, 2013

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WILL BE MADE UPON REQUEST AND IF FEASIBLE.

