

**AN ORDINANCE ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**

(North Meadow Investment/Evergreen Drive Annexation)

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2011 – 2012 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on May 14, 2013, the following described territory in the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

Part of Lot 1 of Certified Survey Map No. 1284 recorded in Volume 7 of Certified Survey Maps on Page 1282 as Document No. 1040543 and a part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) and a part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 7, T.21N., R.18E., Town of Grand Chute, Outagamie County, Wisconsin, containing 9.45 Acres of land M/L and being described as follows:

Commencing at the South ¼ corner of said Section 7;

Thence N.00°15'21"E. 33.02 feet, along the East line of the SW ¼ of said Section 7, to the point of beginning;

Thence N.87°31'44"W. 193.17 feet, parallel to the South line of the SW ¼ of said Section 7 to a West line of Lot 1 of said Certified Survey Map No.1282;

Thence N.00°05'51"E. 166.97 feet, along the West line of said Lot 1;

Thence N.87°31'44"W. 90.01 feet, along a South line of said Lot 1 to the most West line thereof;

Thence N.00°05'16"E. 1327.72 feet m/l, along the West of said Lot 1 and continuing along the West line of lands described in a Warranty Deed recorded as Document No.1769953 and then the West line of lands described in a Warranty Deed recorded as Document No.1769938 to the Northwest corner thereof;

Thence S.88°30'12"E. 287.39 feet, along the North line of lands described in said Warranty Deed recorded as Document No.1769938 to the East line of the SW ¼ of said Section 7;

Thence S.00°15'21"W. 1499.41 feet, along the East line of the SW ¼ of said Section 7, to the point of beginning.

All of tax parcel 10-1-1612-00, 10-1-1624-00, 10-1-1626-00, 10-1-1624-02 and part of the Applecreek Corridor.

The current population of such territory is 0 people.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

Section 3. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Thirty-eighth (38th) Ward, attached to the Thirteenth (13th) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

Section 4. Zoning Classification. The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

**City of Appleton Zoning Classification
NC (Nature Conservancy District)**

Part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 7, T.21N., R.18E., Town of Grand Chute, Outagamie County, Wisconsin, containing 0.456 Acres of land M/L and being described as follows:

*Commencing at the South ¼ corner of said Section 7;
Thence N.00°15'21"W. 1510.08 feet, along the East line of the SW ¼ of said Section 7, to the point of beginning;
Thence N.26°19'20"W. 25.27 feet;
Thence N.88°30'12"W. 135.05 feet;
Thence S.25°52'09"W. 228.61 feet;
Thence S.50°43'59"W. 53.74 feet;
Thence N.00°05'16"E. 243.40 feet;
Thence S.88°30'12"E. 287.39 feet, to the East line of the SW ¼ of said Section 7;
Thence S.00°15'21"W. 22.35 feet, along the East line of the SW ¼ of said Section 7, to the point of beginning.
The afore described lands being part of the City of Appleton Applecreek Corridor.*

**City of Appleton Zoning and North Meadows Investment Ltd. Classification
Temporary AG (Agricultural District)**

Part of Lot 1 of Certified Survey Map No.1284 recorded in Volume 7 of Certified Survey Maps on Page 1282 as Document No.1040543 and a part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) and a part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 7, T.21N., R.18E., Town of Grand Chute, Outagamie County, Wisconsin, containing 8.998 Acres of land M/L and being described as follows:

*Commencing at the South ¼ corner of said Section 7;
Thence N.00°15'21"E. 33.02 feet, along the East line of the SW ¼ of said Section 7, to the point of beginning;
Thence N.87°31'44"W. 193.17 feet, parallel to the South line of the SW ¼ of said Section 7 to a West line of Lot 1 of said Certified Survey Map No.1282;
Thence N.00°05'51"E. 166.97 feet, along the West line of said Lot 1;
Thence N.87°31'44"W. 90.01 feet, along a South line of said Lot 1 to the most West line thereof;
Thence N.00°05'16"E. 1327.72 feet m/l, along the West of said Lot 1 and continuing along the West line of lands described in a Warranty Deed recorded as Document No.1769953 and then the West line of lands described in a Warranty Deed recorded as Document No.1769938 to the Northwest corner thereof;
Thence S.88°30'12"E. 287.39 feet, along the North line of lands described in said Warranty Deed recorded as Document No.1769938 to the East line of the SW ¼ of said Section 7;
Thence S.00°15'21"W. 1499.41 feet, along the East line of the SW ¼ of said Section 7, to the point of beginning, LESS a Part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 7, T.21N., R.18E., Town of Grand Chute, Outagamie County, Wisconsin, containing 0.456 Acres of land M/L and being described as follows:
Commencing at the South ¼ corner of said Section 7;
Thence N.00°15'21"E. 1510.08 feet, along the East line of the SW ¼ of said Section 7, to the point of beginning;
Thence N.26°19'20"W. 25.27 feet;
Thence N.88°30'12"W. 135.05 feet;
Thence S.25°52'09"W. 228.61 feet;
Thence S.50°43'59"W. 53.74 feet;
Thence N.00°05'16"E. 243.40 feet;
Thence S.88°30'12"E. 287.39 feet, to the East line of the SW ¼ of said Section 7;
Thence S.00°15'21"W. 22.35 feet, along the East line of the SW ¼ of said Section 7, to the point of beginning.
All of tax parcel 10-1-1612-00, 10-1-1624-00, 10-1-1626-00, 10-1-1624-02 and a part of Evergreen Drive r/w.*

Section 5. Severability. If any provision of this ordinance is invalid or unconstitutional,

or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication.

55-13

AN ORDINANCE AMENDING SECTION 16-37 CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE OFFICIAL MAP AS NOW PROVIDED.

(City Plan Commission – 7-24-13)

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

Section 1: That Section 16-37 of Chapter 16 of the Municipal Code of the City of Appleton and the Official Map, which is a part thereof, is amended by making the following changes:

To correct the alignment of Sommers Drive.

LEGAL DESCRIPTION:

A strip of land being part of the W ½ of Section 2, T.21N., R.17E., Town of Grand Chute, Outagamie County, Wisconsin. Said strip being 66' wide and centered about the following described centerline:

Commencing at the South ¼ corner of said Section 2;

Thence N.89°01'08"W. 823.17 feet along the South line of the SW ¼ of said Section 2;

Thence N.00°15'16"E. 100.01 feet;

Thence Northwesterly 117.81 feet along the arc of a curve to the left having a radius

of 450.00 feet and the chord of which bears N.07°14'44"W. 117.47 feet;

Thence N.14°44'44"W. 101.90 feet;

Thence Northwesterly 139.20 feet along the arc of a curve to the right having a radius of 531.70 feet and the chord of which bears N.07°14'44"W. 138.80 feet;

Thence N.00°15'16"E. 800.00 feet;

Thence Northwesterly 191.99 feet along the arc of a curve to the left having a radius of 550.00 feet and the chord of which bears N.09°44'44"W. 191.01 feet;

Thence N.19°44'44"W. 149.83 feet;

Thence Northwesterly 203.85 feet along the arc of a curve to the right having a radius of 550.00 feet and the chord of which bears N.09°07'41"W. 202.68 feet;

Thence N.00°30'29"E. 420.76 feet;

Thence Northwesterly 319.60 feet along the arc of a curve to the left having a radius of 631.05 feet and the chord of which bears N.14°00'04"W. 316.20 feet **to the point of beginning**;

Thence N.28°30'37"W. 412.86 feet;

Thence Northwesterly 980.04 feet along the arc of a curve to the right having a radius of 2006.55 feet and the chord of which bears N.14°31'05"W. 970.33 feet;

Thence N.00°31'33"W. 489.73 feet m/l to its terminus at the existing South line of Sommers Drive.

COMMON DESCRIPTION:

Northern portion of Sommers Drive

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Planning is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this

Ordinance.

56-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee – 7-24-13)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited from 7 a.m. to 5 p.m. Monday through Friday, except Holidays, June 1st to September 1st, on South Court from South Street to cul-de-sac.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

57-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee – 7-24-13)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Stopping, standing or parking be prohibited from 7:30 a.m. to 4:30 p.m. on school days, except for police-authorized vehicles, on the west side of Berry Drive from Taft Avenue to a point 55 feet north of Taft Avenue.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

58-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee – 7-24-13)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on Pershing Street from Ballard Road to a point 215 feet west of Ballard Road.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

59-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee – 7-24-13)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on Glendale Avenue from Ballard Road to a point 215 feet west of Ballard Road.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

60-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee – 7-24-13)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on the south side of Glendale Avenue from Ballard Road to a point 390 feet east of Ballard Road.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

61-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee – 7-24-13)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

One-Hour parking zone from 9 a.m. to 5 p.m., except Sundays and Holidays, on the south side of Johnston Street from a point 20 feet west of Walnut Street to a point 60 feet west of Walnut Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

62-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee – 7-24-13)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on the south side of Johnston Street from Walnut Street to a point 20 feet west of Walnut Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

63-13

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee – 7-24-13)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ord. 05-103: “No Parking/Loading Zone from 9 a.m. to 9 p.m. on the south side of Johnston Street from Walnut Street to a point 60 feet west of Walnut Street.”

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

64-13

AN ORDINANCE AMENDING SECTION 19-110 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO METERED ON-STREET PARKING.

(Municipal Services Committee – 7-10-13)

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

Section 1: That Section 19-110 of Chapter 19 of the Municipal Code of the City of

Appleton, relating to metered on-street parking, is hereby amended to read as follows. This ordinance supersedes and repeals any conflicting ordinance regarding metered on-street parking.

Sec. 19-110. Metered on-street parking.

The time limits for operation of parking meters are as authorized by the Common Council and as specified on individual meters.

(a) **Red head meters - Fee.** A rate of fifty cents (\$.50) for thirty (30) minutes shall apply to all spaces marked with red head meters in the Central Business District.

(b) **Non-red head meters - Fee.** A rate of seventy-five cents (\$.75) for each hour shall apply to all spaces marked with non-red head meters.

Section 2: This ordinance shall be in full force and effect as of January 1, 2014.

65-13

AN ORDINANCE AMENDING SECTION 19-111 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO METERED OFF-STREET PARKING.

(Municipal Services Committee – 7-10-13)

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

Section 1: That Section 19-111 of Chapter 19 of the Municipal Code of the City of Appleton, relating to metered off-street parking, is hereby amended to read as follows. This ordinance supersedes and repeals any conflicting ordinance regarding metered off-street parking.

Sec. 19-111. Metered off-street parking.

The time limits for operation of parking meters are as authorized by the Common Council and as specified on individual meters.

(a) **Library lot fees.** A rate of seventy-five cents (\$.75) per hour shall apply to all non-red head meters in the Library lot. A rate of fifty cents (\$.50) for thirty (30) minutes shall apply to all spaces marked with red head meters in the Library lot.

(b) **Lot #9 fees.** A rate of seventy-five cents (\$.75) per hour shall apply to all metered spaces in Lot #9.

(c) **Blue Ramp fees.** A rate of seventy-five cents (\$.75) per hour shall apply to all metered spaces in the Blue Ramp.

Section 2: This ordinance shall be in full force and effect as of January 1, 2014.

66-13

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

(City Plan Commission – 7-24-13)

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

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

To rezone approximately 1.5 acres of property located at 1709 E. Wisconsin Avenue (31-1-1219-00) from C-2 Commercial District to P-I Public/Institutional District. Also rezoning approximately 35 acres of property known as St. Joseph's Cemetery along the southwest corner of E. Wisconsin Avenue and Ballard Road (31-1-1220-00, 31-1-1221-00, 31-1-1221-01, 31-1-1223-00, 31-1-1224-00, 31-1-1370-00, 31-1-1371-00 and 31-1-6900-00) from R-1B Single-Family Residential District to P-I Public/Institutional District. (Rezoning #6-13 – St. Joseph Cemetery)

LEGAL DESCRIPTIONS:

Parcels 1 and 2:

Lots 1 and 3, Block 86, First Ward Plat, in the City of Appleton, Outagamie County, Wisconsin, according to the Assessor's Map and including to the centerline of the adjacent streets.

Tax Parcel Nos. 31-1-1221-00 and 31-1-1221-01

Parcel 3:

The South One and One Quarter (S 1 ¼) acre of Lot 2, Block 86 First Ward Plat in the City of Appleton, Outagamie County, Wisconsin, according to the Assessor's Plat published 1907.

Tax Parcel No. 31-1-1223-00

Parcel 4:

The South 459.5 feet of Block 85, First Ward Plat, in the City of Appleton, Outagamie County, Wisconsin, according to the Assessor's Map.

Tax Parcel No. 31-1-1220-00

Parcel 5:

The South 60 feet of the West 120 feet measured from the line fence East, and South to the low water line or mark in Lot 1, Plat of Waubun Place, in the City of Appleton, Outagamie County, Wisconsin and East ½ of vacated Ballard Road lying West and adjacent, vacated in Resolution as Document Number 1626550 and including to the centerline of the adjacent street and the Fox River.

Tax Parcel No. 31-1-1370-00

Parcel 6:

Lot 1, except the south 60 feet of the West 120 feet measured from the line fence East, and South to the low water line or mark and all of Lots 2 and 3, Plat of Waubun Place, in the City of Appleton, Outagamie County, Wisconsin, and ½ East of vacated Ballard Road lying West and adjacent vacated in Resolution as Document Number 1626550 and the South 30 feet of vacated Hammond Avenue lying North and adjacent thereto and including to the centerline of the Fox River.

Tax Parcel No. 31-1-1371-00

Parcel 7:

First Ward Plat 1 WD bounded on North by Blocks 85, 86 East by City limits, South by Fox River and Riverside Cemetery, West by Fox River and Riverside Cemetery and including to the centerline of the adjacent street and the Fox River.

Tax Parcel No. 31-1-1224-00

Parcel 8:

A parcel of land lying partially in each of Sections 19 and 30 on the west line of said Sections; thence North 66°15' East along the center line of the Appleton-Kaukauna Road (now known as Wisconsin Avenue) a distance of 203.4 feet; thence South and parallel to the west section line a distance of 275.08 feet; thence West 186.0 feet to the section line; thence North along the section line 193.24 feet to the place of beginning, excepting therefrom any portion thereof being used

and/or previously conveyed road purposes and including to the centerline of the adjacent streets.

Tax Parcel No. 31-1-6900-00

Parcel 9:

First Ward Plat 1 WD BLK 85 less S459.5 feet and Less E198 feet thereof 68, 295 Square feet M/L and including to the centerline of the adjacent street.

Tax Parcel No. 31-1-1219-00

COMMON DESCRIPTION:

1709 E. Wisconsin Avenue (31-1-1219-00) and the area known as St. Joseph's Cemetery (31-1-1220-00, 31-1-1221-00, 31-1-1221-01, 31-1-1223-00, 31-1-1224-00, 31-1-1370-00, 31-1-1371-00, and 31-1-6900-00)

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

67-13

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

(City Plan Commission – 7-24-13)

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

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

To rezone lands located at North Meade Street (31-6-6100-50) from AG Agricultural District to R-1A Single-family Residential District. (Rezoning #5-13 – N. Meade)

LEGAL DESCRIPTION:

Part of the Northeast ¼ of the Southeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 859,969 Square Feet (19.7422 Acres) described as follows:

Beginning at the East ¼ corner of said Section 2; thence S02°15'18"W 660.00 feet, along the East line of said Southeast ¼; thence N86°55'18"W 1305.22 feet; thence N02°38'00"E 660.00 feet, along the West line of the East ½ of said Southeast ¼; thence S86°55'10"E 1300.87 feet along the North line of said Southeast ¼, to the point of beginning and including the adjacent North Meade Street right-of-way.

COMMON DESCRIPTION:

5715 North Meade Street (Tax Key No. 31-6-6100-50)

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

68-13

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 – 7-24-13)

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

Section 1: That Section 23-22 of Chapter 23 of the Municipal Code of the City of Appleton, relating to words and terms defined, is hereby amended by changing the following to include:

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.

Developed property means all parcels or a portion thereof 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 2: This ordinance shall be in full force and effect from and after its passage and publication.

69-13

AN ORDINANCE AMENDING SECTION 23-62(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PLAN COMMISSION, POWERS AND DUTIES.

(City Plan Commission – 7-24-13)

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

Section 1: That Section 23-62(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to Plan Commission, powers and duties, is hereby amended to read as follows:

Sec. 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:

- (1) To initiate, hear, review and offer its recommendations to the Common Council on applications for amendments to this chapter, including applications for amendment to the Official Zoning Map.
- (2) To hear, review and offer its recommendations to the Common Council on applications for special use permits, subdivisions, annexations, PD, TND, official map actions, street vacations and name changes and other matters.
 - (3) *To prepare and recommend to the Common Council for adoption a comprehensive plan for the City, and from time to time to recommend to the Council such amendments as it may deem appropriate.*
- (4) To aid and assist the Common Council and the departments of the City in implementing the City's adopted land use policies and in planning, developing and completing specific projects.
- (5) To review and report on any matters referred to it by the Common Council.
- (6) Review of any site plan upon disapproval by the Community and Economic Development Director.
- (7) 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.
- (8) To review any similar use not specifically permitted, as denied by the Community and Economic Development Director, under §23-37(c). In no case shall this interpretation be construed as a process for a use variance.
- (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 2: This ordinance shall be in full force and effect from and after its passage and publication.

70-13

AN ORDINANCE AMENDING SECTION 23-64(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ADMINISTRATION.

(City Plan Commission – 7-24-13)

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

Section 1: That Section 23-64(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to administration, is hereby amended to read as follows:

Sec. 23-64. Administration.

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

- (1) Review and administer all site plans required by this chapter;*
- (2) Review and approve or deny all applications for permitted use status under all zoning districts;*
- (3) Conduct preapplication conferences with petitioners for zoning map amendments;*
- (4) Receive, certify for completeness and forward to the Plan Commission all applications as prescribed by this chapter;*
- (5) Have possession of permanent and current records of this chapter, including the City's Official Zoning Map and amendments to the Official Zoning Map, special use permits and ordinance amendments.*

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

71-13

AN ORDINANCE AMENDING SECTION 23-66(h)(18) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS; MINIMUM STANDARDS; OUTDOOR STORAGE OF AREA FOR RECREATIONAL VEHICLES.

(City Plan Commission – 7-24-13)

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

Section 1: That Section 23-66(h)(18) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits; minimum standards; outdoor storage area for recreational vehicles, is hereby amended to read as follows:

Sec. 23-66. Special use permits.

(h) ***Minimum standards.*** The following minimum standards shall apply to uses listed below. In such cases where the Common Council attaches more restrictive conditions, the more restrictive conditions shall 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

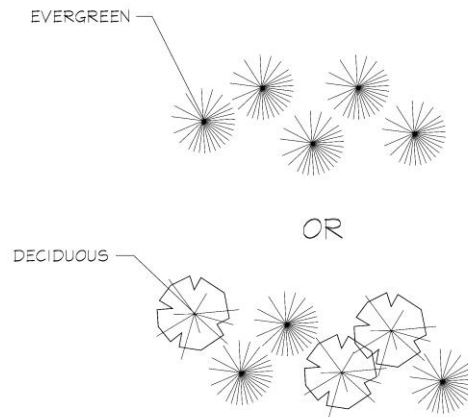
stored within such outdoor storage area and on the lot.

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

72-13

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 – 7-24-13)

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

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

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

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
• 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.	• 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. • Mobile home sales lots. • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Parking garages. • <u>Personal storage facility (self-storage/mini-warehouse), including outdoor storage areas for recreational vehicles pursuant to §23-66(h)(18).</u> • Personal storage. • Recycling collection points pursuant to §23-66(h)(14). • Recycling and waste recovery

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		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.

*New language is underlined.

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

73-13

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 – 7-24-13)

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

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

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

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
• 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.	• 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.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		• Commercial truck maintenance shops. • Community garden. • Freight distribution or moving centers. • Landscape businesses. • Manufacturing, light. • Multi-tenant buildings. • Offices. • <u>Personal storage facility (self-storage/mini-warehouse), including outdoor storage areas for recreational vehicles pursuant to §23-66(h)(18).</u> • Personal storage. • 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.

*New language is underlined

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