



City of Appleton

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

Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to
the Community and Economic Development Department,
920-832-6468.*

Wednesday, June 9, 2021

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[21-0762](#) City Plan Minutes from 5-26-21

Attachments: [City Plan Minutes 5-26-21.pdf](#)

4. Public Hearings/Apearances

- [21-0763](#) Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-21 for the subject parcel generally located along North Alvin Street, south of West Evergreen Drive and north of Interstate 41 (Tax Id #31-6-4500-01), from future Public/Institutional land use designation to Commercial land use designation as shown on the attached map and approve the attached Resolution (Associated with Action Item #21-0764)

Attachments: [ClassIIPublicHearingNoticeNewspaper CommercialHorizonsNALvinSt CompPl](#)
[InformalPublicHearingNotice CommercialHorizonsNALvinSt CompPlan+Rezoni](#)

- [21-0765](#) Rezoning #5-21 for the subject parcel generally located along North Alvin Street, south of West Evergreen Drive and north of Interstate 41 (Tax Id #31-6-4500-01), including the adjacent one-half (1/2) right-of-way of North Alvin Street and Interstate 41, as shown on the attached maps, from P-I Public Institutional District and AG Agricultural District to C-2 General Commercial District (Associated with Action Item #21-0766)

Attachments: [InformalPublicHearingNotice CommercialHorizonsNALvinSt CompPlan+Rezoni](#)

[21-0767](#) Proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code to create Article III., Sec. 23-55 Accessory Dwelling Units (Attached and Detached) and Sec. 23-56 Junior Accessory Dwelling Units (JADU) and amend Sec. 23-43 Accessory uses, building and structures, 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, and Sec. 23-96 R-3 Multifamily District, as identified in the attached documents (Associated with Action Item #21-0768)

Attachments: [InformalPublicHearingNotice_ZOTextAmendmentsADU.pdf](#)

5. Action Items

[21-0764](#) Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-21 for the subject parcel generally located along North Alvin Street, south of West Evergreen Drive and north of Interstate 41 (Tax Id #31-6-4500-01), from future Public/Institutional land use designation to Commercial land use designation as shown on the attached map and approve the attached Resolution

Attachments: [StaffReport_CommercialHorizonsNAlvinSt_CompPlan+Rezoning_For06-09-21.](#)

[21-0766](#) Request to approve Rezoning #5-21 for the subject parcel generally located along North Alvin Street, south of West Evergreen Drive and north of Interstate 41 (Tax Id #31-6-4500-01), including the adjacent one-half (1/2) right-of-way of North Alvin Street and Interstate 41, as shown on the attached maps, from P-I Public Institutional District and AG Agricultural District to C-2 General Commercial District

Attachments: [StaffReport_CommercialHorizonsNAlvinSt_CompPlan+Rezoning_For06-09-21.](#)

[21-0059](#) Resolution #1-R-21 Accessory Dwelling Units (Associated with Action Item #21-0768)

Attachments: [#1-R-21 Accessory Dwelling Units.pdf](#)

Legislative History

1/20/21	Common Council	referred to the Community & Economic Development Committee
1/26/21	City Plan Commission	referred <i>Referred to Community & Econ Dev Department for review and then report back to commission in approximately 6-8 weeks.</i>
1/27/21	Community & Economic Development Committee	presented <i>City Plan Commission referred to Community & Economic Development Department staff for review and then report back to Commission in approximately 6-8 weeks.</i>

[21-0768](#) Request to approve proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code to create Article III., Sec. 23-55 Accessory Dwelling Units (Attached and Detached) and Sec. 23-56 Junior Accessory Dwelling Units (JADU) and amend Sec. 23-43 Accessory uses, building and structures, 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, and Sec. 23-96 R-3 Multifamily District, as identified in the attached documents (Associated with Action Item #21-0059)

Attachments: [StaffReport_TextAmendments_ADU_JADU_Ordinance_For06-09-21.pdf](#)
[Accessory Dwelling Unit Matrix_June2021.pdf](#)
[Section 23-55 & 56 Draft ADU and JADU Zoning Regs_Commentary.pdf](#)
[Section 23-55 & 56 Draft ADU and JADU Zoning Regs_Cleanversion.pdf](#)

[21-0769](#) Request to approve the dedication of land for public right-of-way for a portion of Lawrence Street, generally located east of the intersection of Oneida Street and Lawrence Street (part of Tax Id #31-2-0052-00), as shown on the attached maps

Attachments: [StaffReport_LawrenceEastOfOneida_StreetDedication_For06-09-21.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



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Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed
to the Community and Economic Development Department,
920-832-6468.*

Wednesday, May 26, 2021

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Vice Chair Alderperson Fenton called the meeting to order at 3:31 p.m.

2. Roll call of membership

City Attorney Chris Behrens acted in place of Commissioner Mayor Woodford.

Present: 4 - Mayor Woodford, Fenton, Buetow and Dane

Excused: 1 - Uitenbroek

Absent: 2 - Palm and Robins

3. Approval of minutes from previous meeting

[21-0694](#)

City Plan Minutes from 5-12-21

Attachments: [City Plan Minutes 5-12-21.pdf](#)

Dane moved, seconded by Buetow, that the Minutes be approved. Roll Call.
Motion carried by the following vote:

Aye: 4 - Mayor Woodford, Fenton, Buetow and Dane

Excused: 1 - Uitenbroek

Absent: 2 - Palm and Robins

4. Public Hearings/Appearances

5. Action Items

[21-0695](#)

Request to approve the First Addition to Broadway Hills Estates Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_FinalPlat_1stAddBroadwayHillsEstates_For5-26-21.pdf](#)

Buetow moved, seconded by Woodford (Behrens), that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Woodford, Fenton, Buetow and Dane

Excused: 1 - Uitenbroek

Absent: 2 - Palm and Robins

6. Information Items

7. Adjournment

Buetow moved, seconded by Woodford (Behrens), that the meeting be adjourned at 3:35 p.m. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Woodford, Fenton, Buetow and Dane

Excused: 1 - Uitenbroek

Absent: 2 - Palm and Robins

CITY OF APPLETON

NOTICE OF PUBLIC HEARING

PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, June 9, 2021, at 3:30 P.M. in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Comprehensive Plan Future Land Use Map Amendment request.

Pursuant to Chapter 12: Implementation of the City of Appleton Comprehensive Plan 2010-2030, to consider a request by the owner, Pathways Church Inc., and applicant, Commercial Horizons Inc., for a parcel located along North Alvin Street (Tax Id #31-6-4500-01) to amend the Comprehensive Plan Future Land Use Map from future Public/Institutional land use to Commercial land use.

A copy of the proposed amendment to the Comprehensive Plan Future Land Use Map 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 express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to share any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Please contact David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428 or by email at david.kress@appleton.org.

Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Plan Commission. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

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

RUN: May 25, 2021
June 1, 2021

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, June 9, 2021, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the following proposed Comprehensive Plan Future Land Use Map Amendment and Rezoning requests.

COMMON DESCRIPTION:

Generally located along North Alvin Street, south of West Evergreen Drive and north of Interstate 41 (Tax Id #31-6-4500-01).

ALDERMANIC DISTRICT: 7 – Alderperson Maiyoua Thao

Comprehensive Plan Future Land Use Map Amendment Request:

A Comprehensive Plan Future Land Use Map amendment request has been initiated by the owner, Pathways Church Inc., and applicant, Commercial Horizons Inc., pursuant to Wisconsin State Statute 66.1001 and the City of Appleton Comprehensive Plan 2010-2030. The owner requests to amend the Comprehensive Plan Future Land Use Map for:

- Parcel #31-6-4500-01 located on North Alvin Street from future Public/Institutional land use to Commercial land use.

Rezoning Request:

A rezoning request has been initiated by the owner, Pathways Church Inc., and applicant, Commercial Horizons Inc., in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate. The owner requests to rezone:

- Parcel #31-6-4500-01 located on North Alvin Street, as generally described above, including the adjacent one-half (1/2) right-of-way of North Alvin Street and Interstate 41, from P-I Public Institutional District and AG Agricultural District to C-2 General Commercial District.

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to consider sharing any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Please contact David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428 or by email at david.kress@appleton.org.

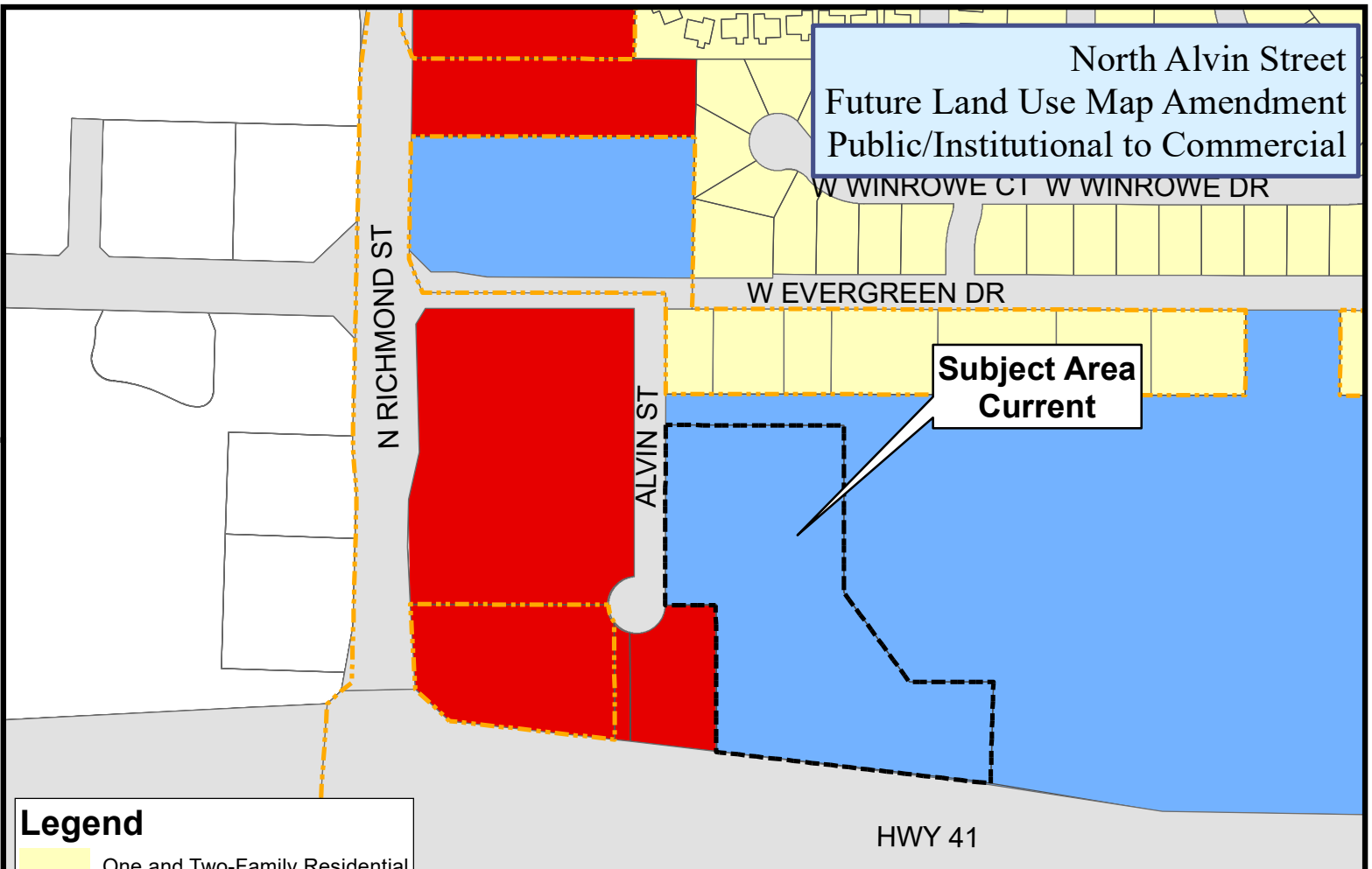
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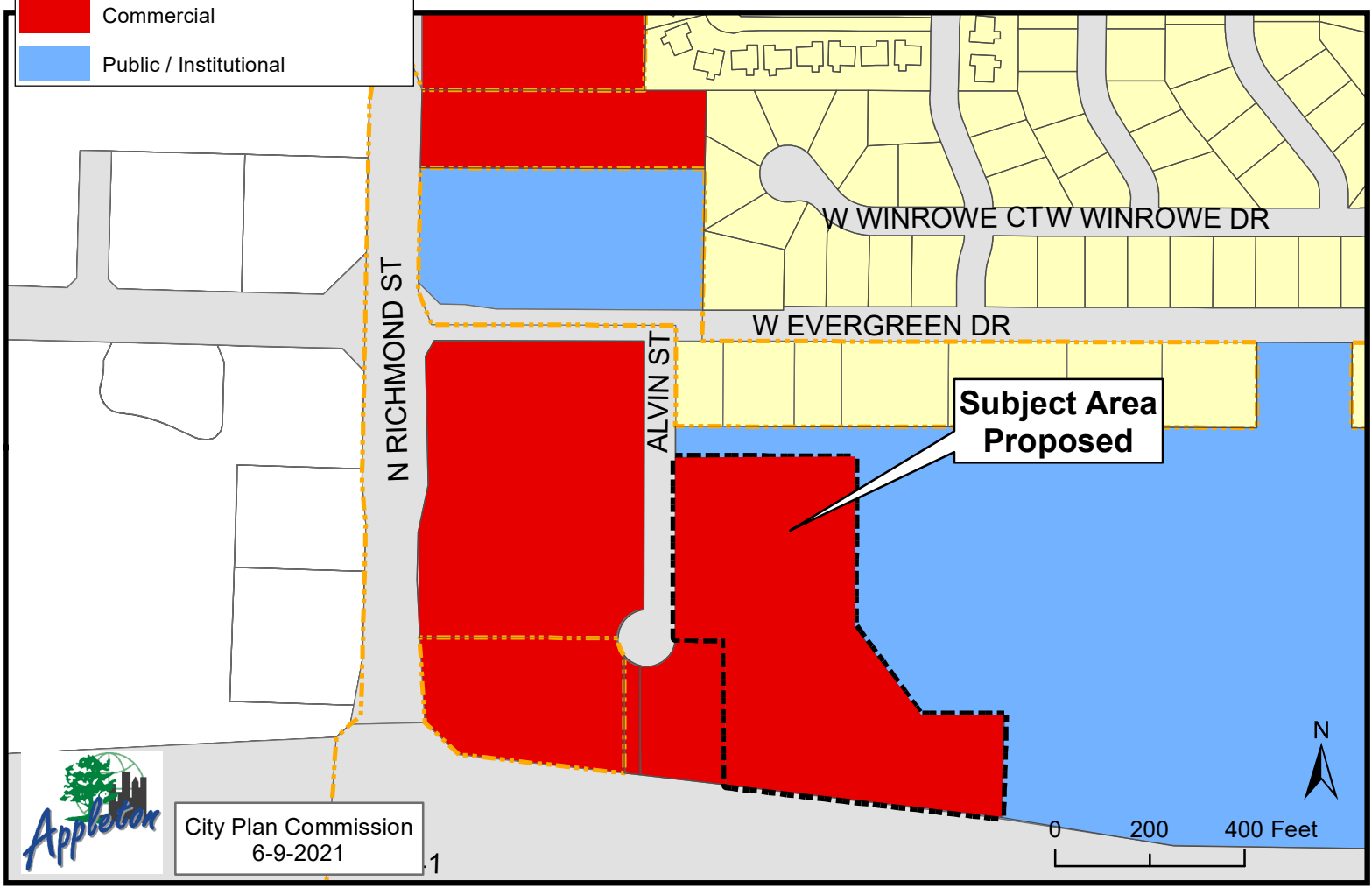
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North Alvin Street
Future Land Use Map Amendment
Public/Institutional to Commercial

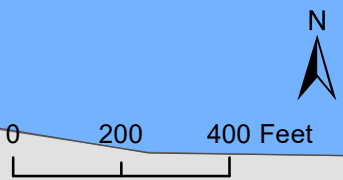


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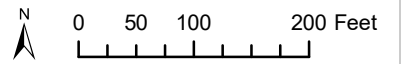
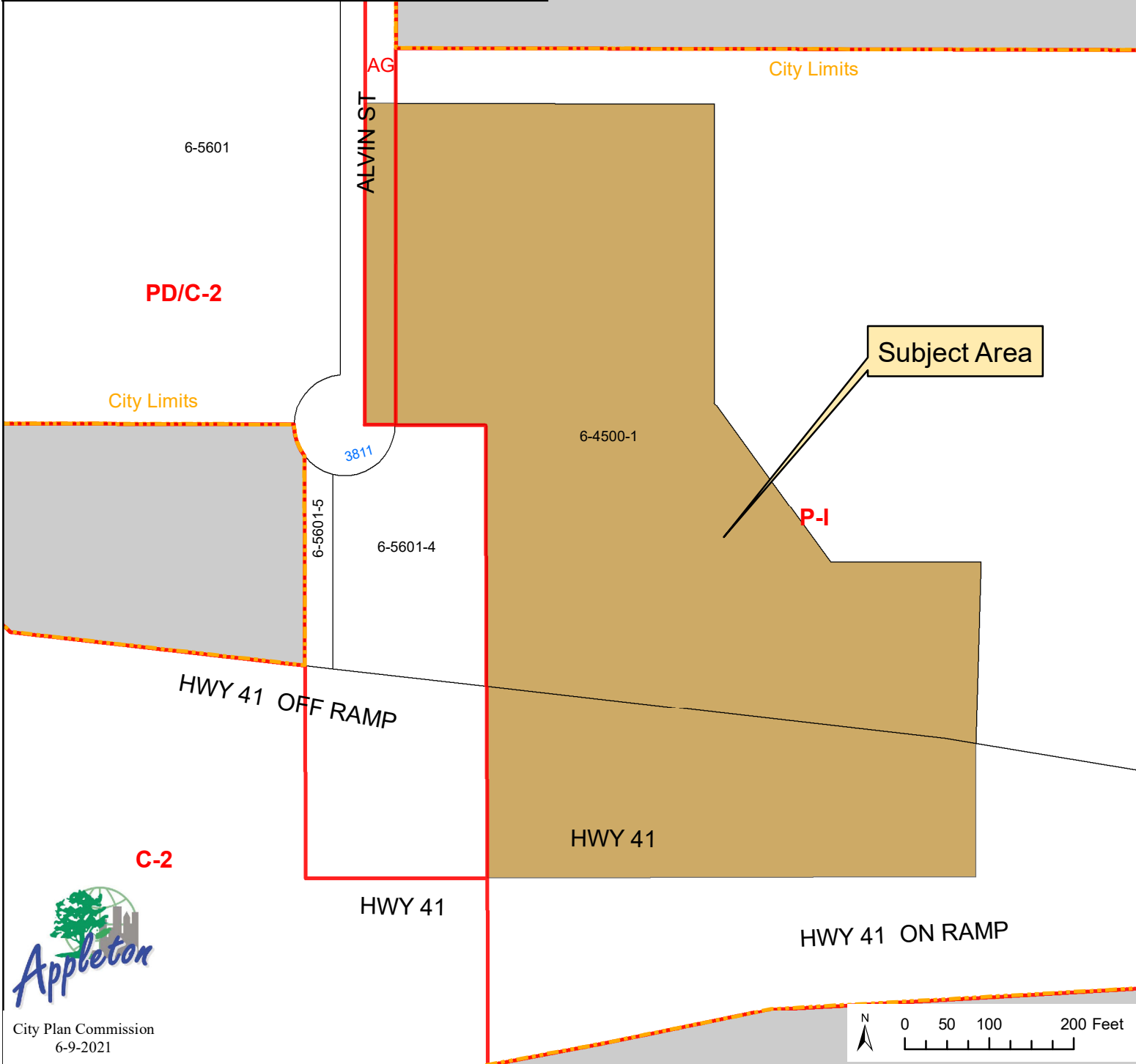
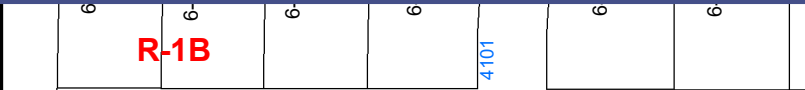
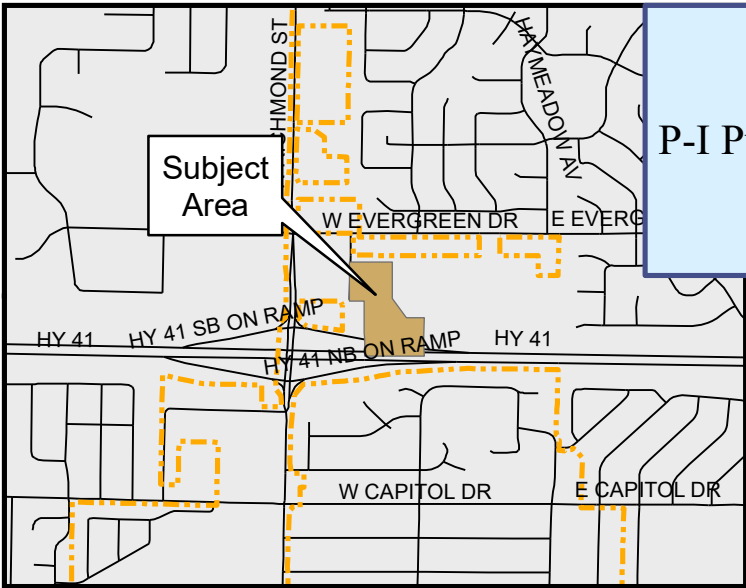
- One and Two-Family Residential
- Commercial
- Public / Institutional



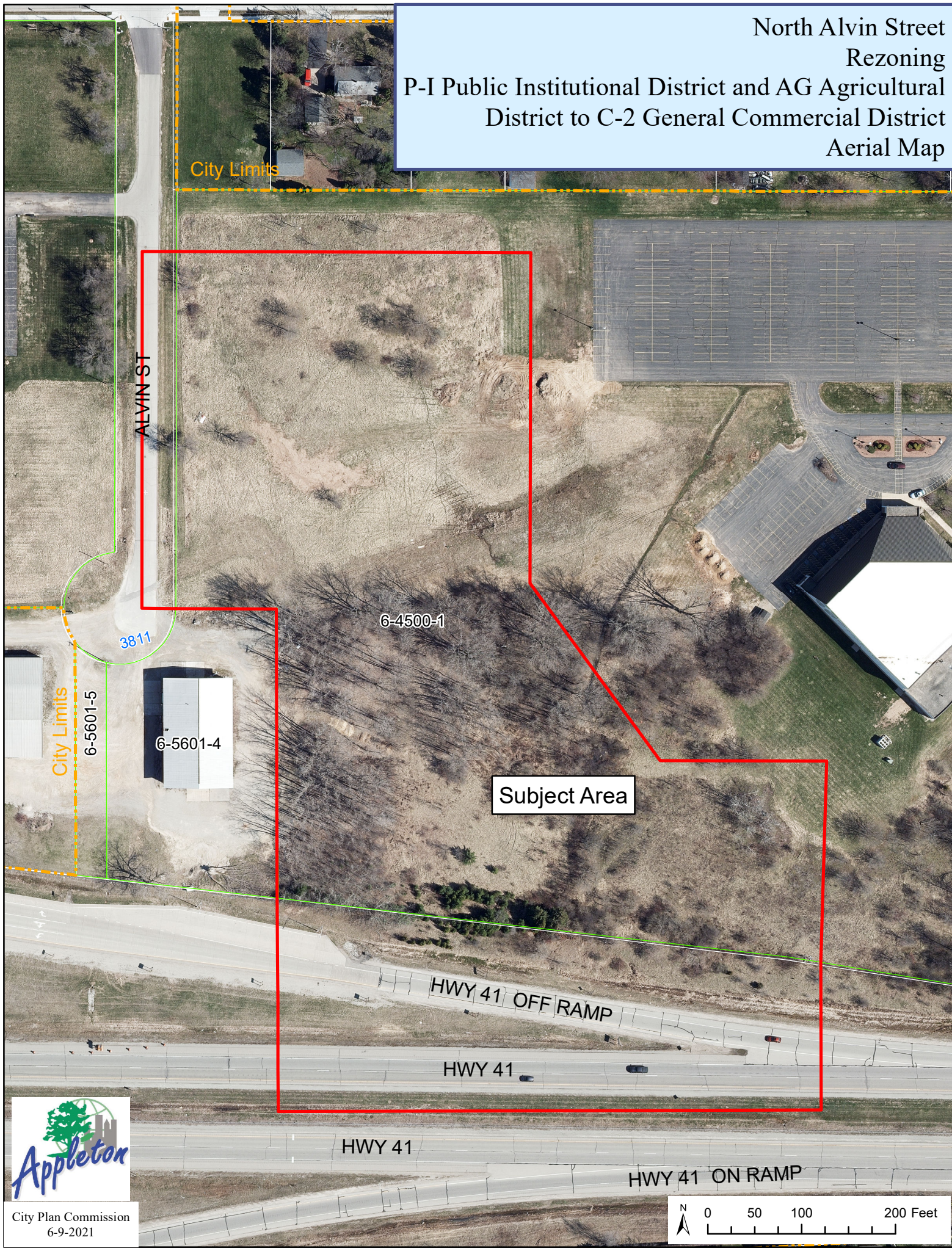
City Plan Commission
6-9-2021



North Alvin Street
 Rezoning
 P-I Public Institutional District and AG Agricultural
 District to C-2 General Commercial District
 Zoning Map



North Alvin Street
Rezoning
P-I Public Institutional District and AG Agricultural
District to C-2 General Commercial District
Aerial Map



City Limits

ALVIN ST

3811

6-4500-1

6-5601-4

City Limits
6-5601-5

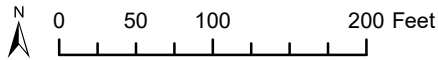
Subject Area

HWY 41 OFF RAMP

HWY 41

HWY 41

HWY 41 ON RAMP



NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

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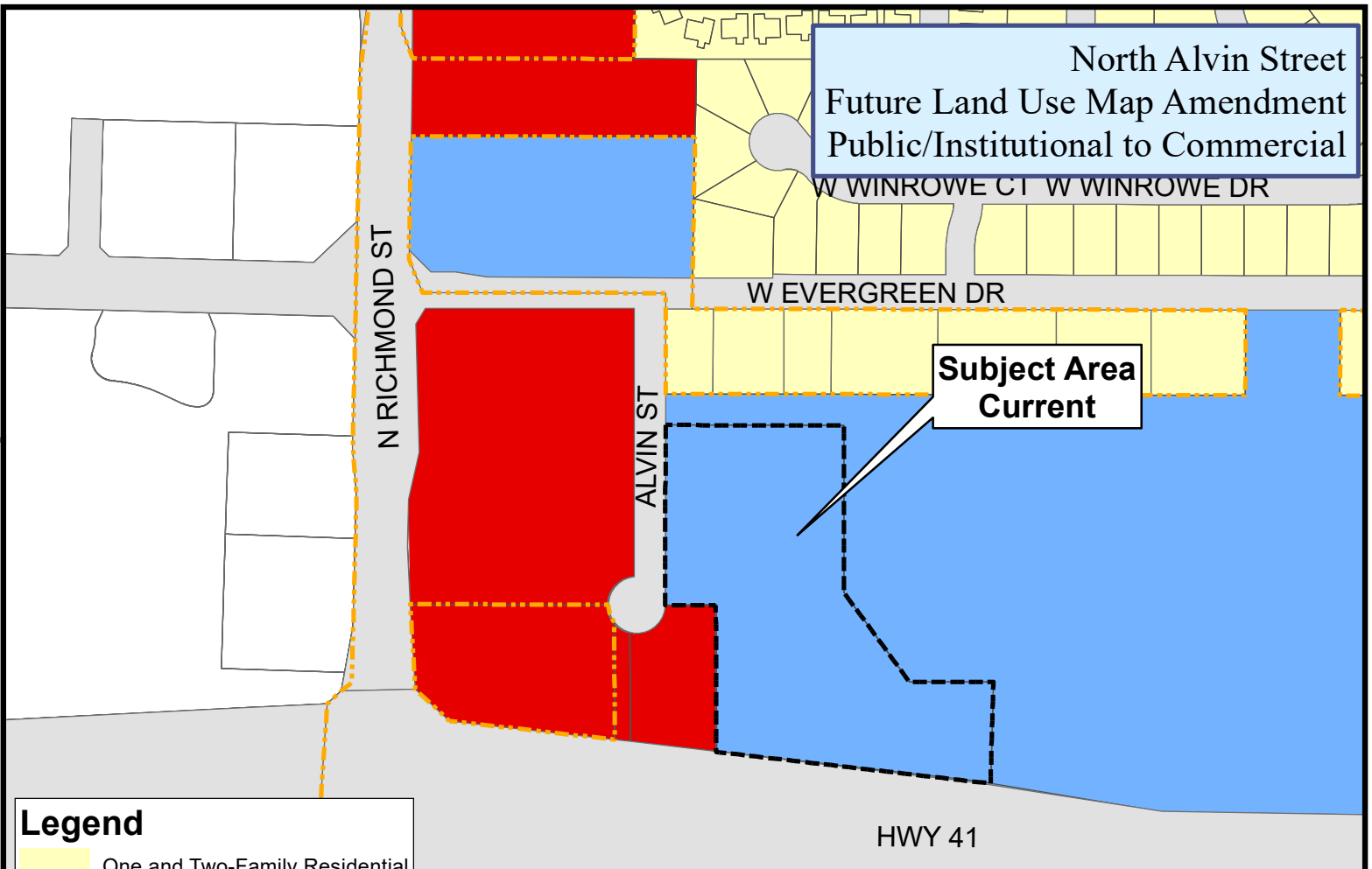
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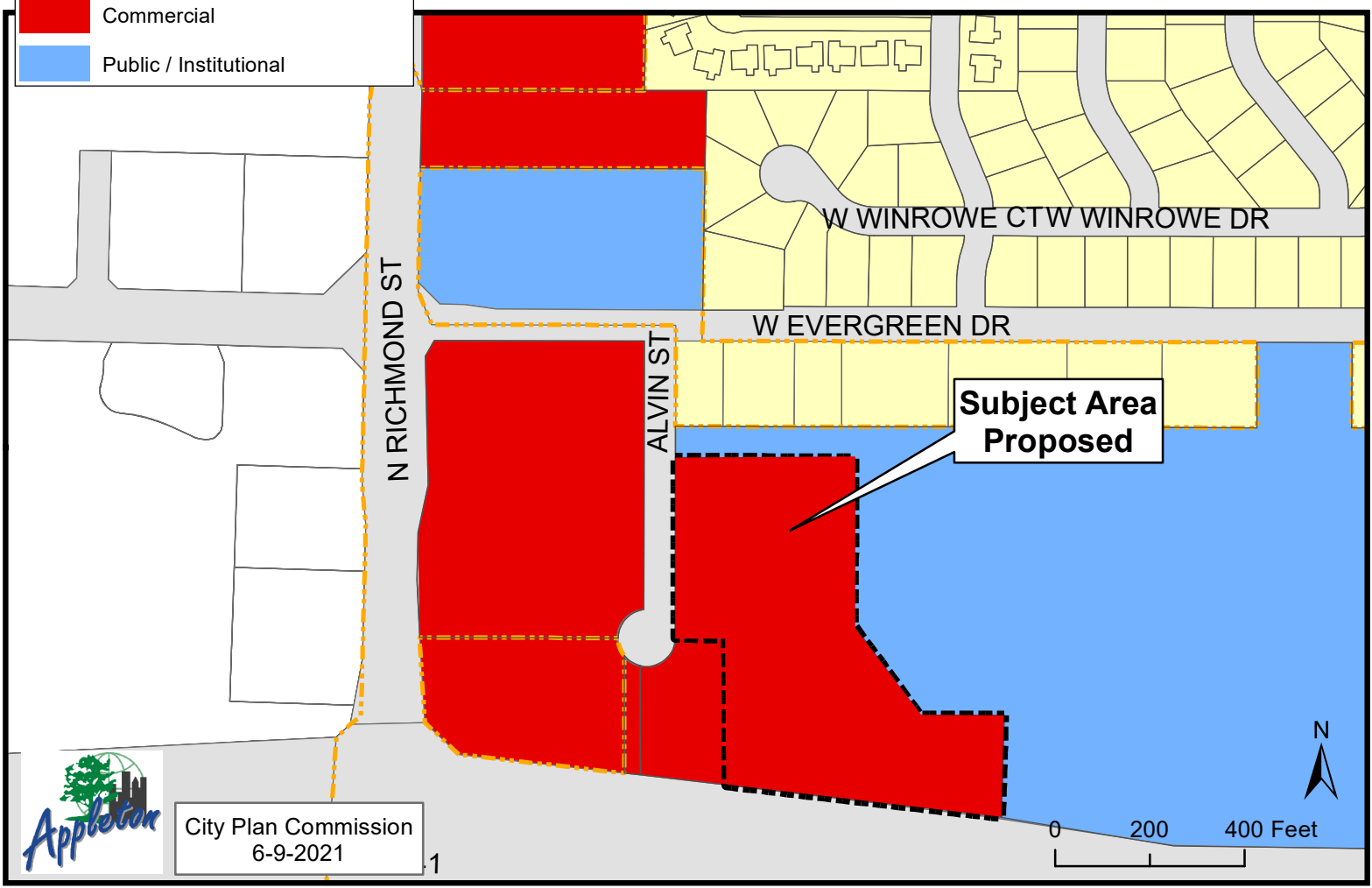
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North Alvin Street
Future Land Use Map Amendment
Public/Institutional to Commercial



Legend

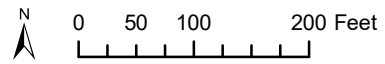
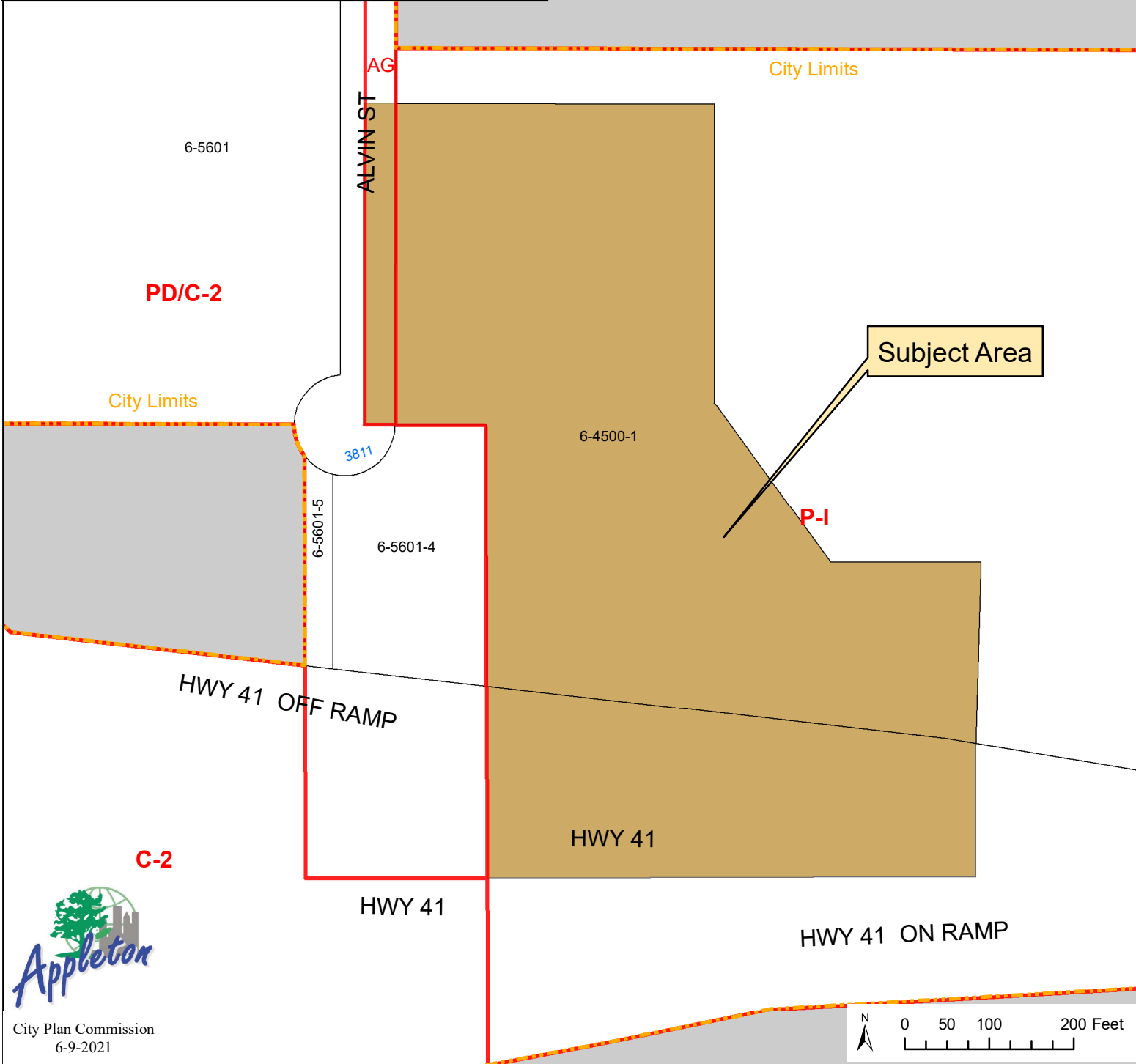
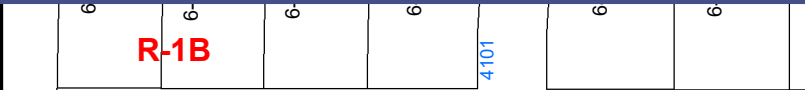
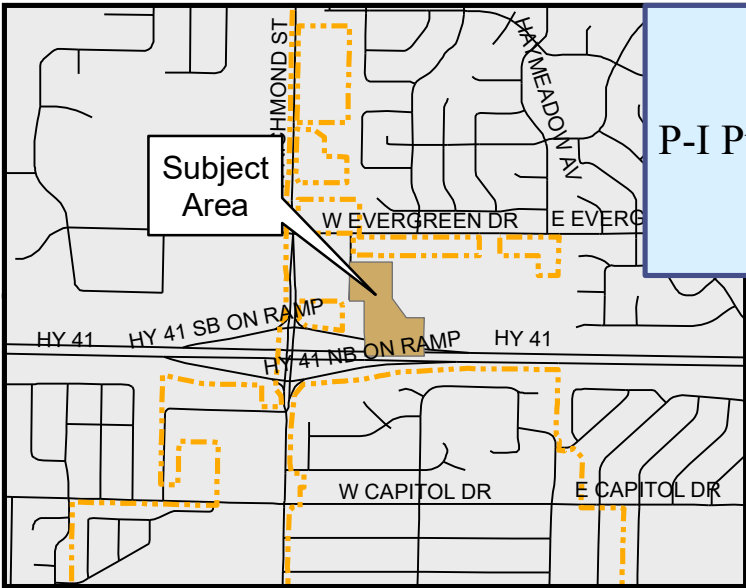
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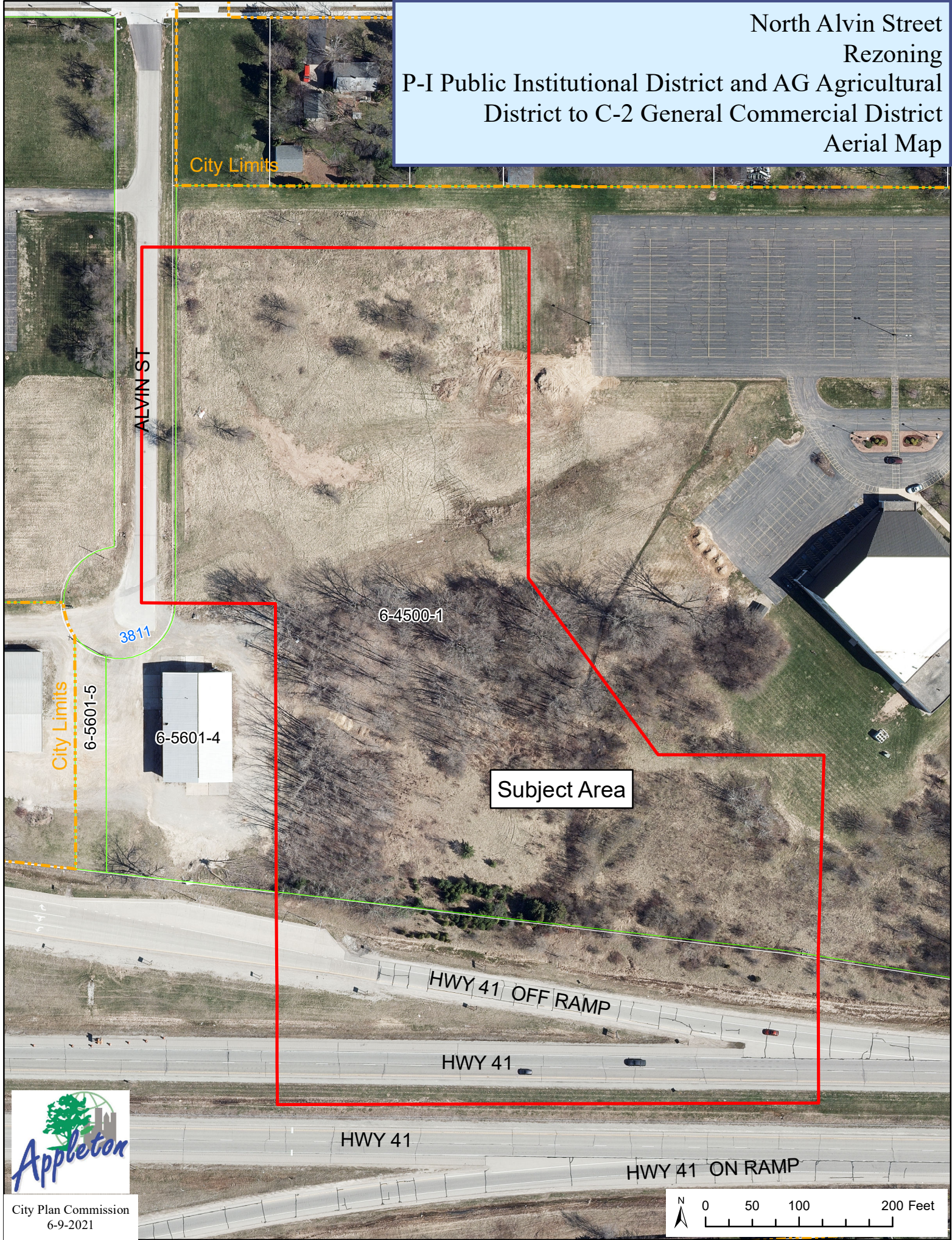
City Plan Commission
6-9-2021

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North Alvin Street
 Rezoning
 P-I Public Institutional District and AG Agricultural
 District to C-2 General Commercial District
 Zoning Map



North Alvin Street
Rezoning
P-I Public Institutional District and AG Agricultural
District to C-2 General Commercial District
Aerial Map



NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

NOTICE IS HEREBY GIVEN of an Informal Public Hearing to be held before the City Plan Commission in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, June 9, 2021, at 3:30 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:

1. Create Article III., Sec. 23-55. Accessory Dwelling Units (Attached and Detached) and Sec. 23-56. Junior Accessory Dwelling Units (JADU).
2. Amend Sec. 23-43 Accessory uses, building and structures, 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 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.

This notification invites you to express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to consider sharing any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Plan Commission. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

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.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
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REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 9, 2021

Common Council Public Hearing Meeting Date: July 21, 2021
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-21 and Rezoning #5-21

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner: Pathways Church, Inc. c/o Adam Demetrician

Applicant: Commercial Horizons, Inc. c/o Paul Klister

Address/Parcel: Generally located along North Alvin Street, south of West Evergreen Drive and north of Interstate 41 (Tax Id #31-6-4500-01)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Public/Institutional designation to the Commercial designation for the subject parcel. In conjunction with this request, the applicant is proposing to rezone the subject parcel from P-I Public Institutional District to C-2 General Commercial District. A portion of Alvin Street right-of-way, currently zoned AG Agricultural District, is also included in the rezoning request. The requests are being made to accommodate the proposed construction of an office building.

BACKGROUND

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The *Comprehensive Plan* document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

In January 2021, a Certified Survey Map (CSM) was submitted to divide the property owned by Pathways Church, Inc. and create the subject parcel. The CSM was administratively reviewed and approved by City staff on February 18, 2021. As a result, the subject parcel consists of vacant, undeveloped land, and the adjacent parcel (#31-6-4500-00) contains the existing church building and parking lot.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-21 & Rezoning #5-21

June 9, 2021

Page 2

Existing Site Conditions: Currently, the subject property consists of vacant, undeveloped land. The subject land area totals approximately 7.00 acres. The property has frontage along North Alvin Street and Interstate 41. North Alvin Street is classified as a local street on the City's Arterial/Collector Plan, and Interstate 41 is classified as a freeway. The ANR natural gas pipeline crosses the subject site and a related easement exists on the property. Other easements for watermain and storm sewer are also present.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – P-I Public Institutional District and Town of Grand Chute.

Future Land Use Designation – Public/Institutional and One and Two-Family Residential.

Current Land Use – Vacant, undeveloped land and single-family residential.

South: Zoning – P-I Public Institutional District.

Future Land Use Designation – Not applicable (Interstate 41).

Current Land Use – Interstate 41 highway.

East: Zoning – P-I Public Institutional District.

Future Land Use Designation – Public/Institutional.

Current Land Use – Place of worship (Pathways Church building and parking lot).

West: Zoning – PD/C-2 Planned Development General Commercial District #11-19.

Future Land Use Designation – Commercial.

Current Land Use – Various commercial uses, including a multi-tenant building under construction.

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject land area is necessitating the change to Commercial designation. An area to the west is already shown as Commercial designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Commercial designation east of Alvin Street.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 7.1 Utilities and Community Facilities:

Provide a pattern of development that minimizes impacts to municipal services and utilities.

Policy 7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

OBJECTIVE 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

Policy 9.5.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

OBJECTIVE 10.1 Land Use:

Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Proposed Zoning Classification: The purpose of the C-2 General Commercial District is to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public. The development standards for the C-2 District are listed below:

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 75%.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 35 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to accommodate the proposed development of an office building, which is a permitted use in the C-2 General Commercial District. If the rezoning request is approved, any future development would need to conform to the C-2 District

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-21 & Rezoning #5-21

June 9, 2021

Page 4

zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *If Future Land Use Map Amendment #1-21 is approved, to identify this area for future commercial uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *Commercial uses are already located to the west of the subject site. The adjacent property to the north and east is owned by Pathways Church, Inc. and is used as a place of worship. Interstate 41 is immediately south of the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #1-21 is approved.

Technical Review Group (TRG) Report: These items appeared on the May 18, 2021 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-21* for specified property (Tax Id #31-6-4500-01) from Public/Institutional designation to Commercial designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #5-21 to rezone the subject parcel located east of North Alvin Street (Tax Id #31-6-4500-01) from P-I Public Institutional District and AG Agricultural District to C-2 General Commercial District, including to the centerline of the adjacent North Alvin Street and Interstate 41 right-of-way, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #5-21 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-21 to accurately reflect the change in future land use from Public/Institutional designation to Commercial designation.

**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on June 9, 2021, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-21) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on June 9, 2021; and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution:

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property (Tax Id #31-6-4500-01) on the Future Land Use Map from Public/Institutional Use to Commercial Use.

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

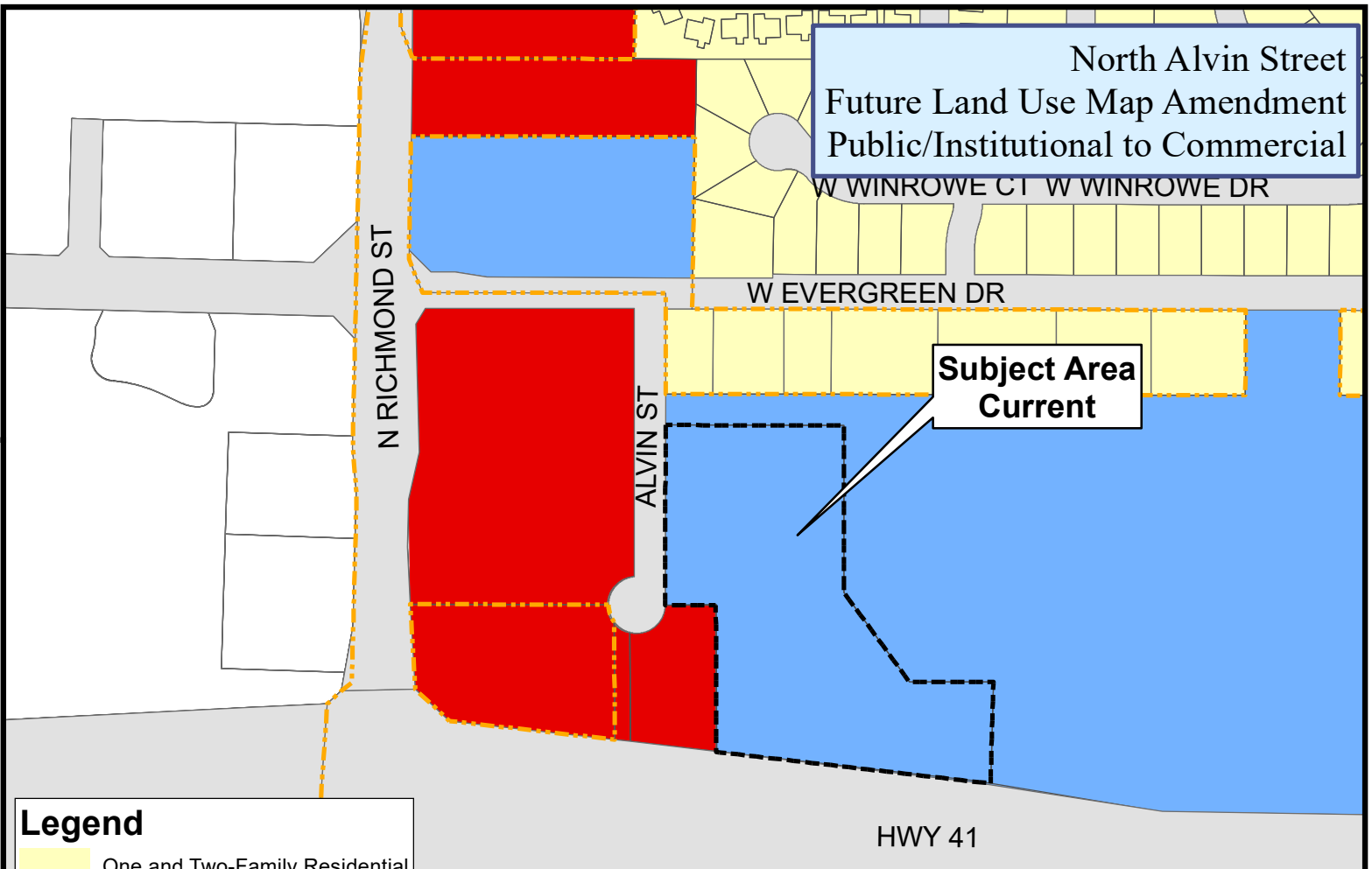
Adopted this _____ day of _____, 2021.

Jacob A. Woodford, Mayor

ATTEST:

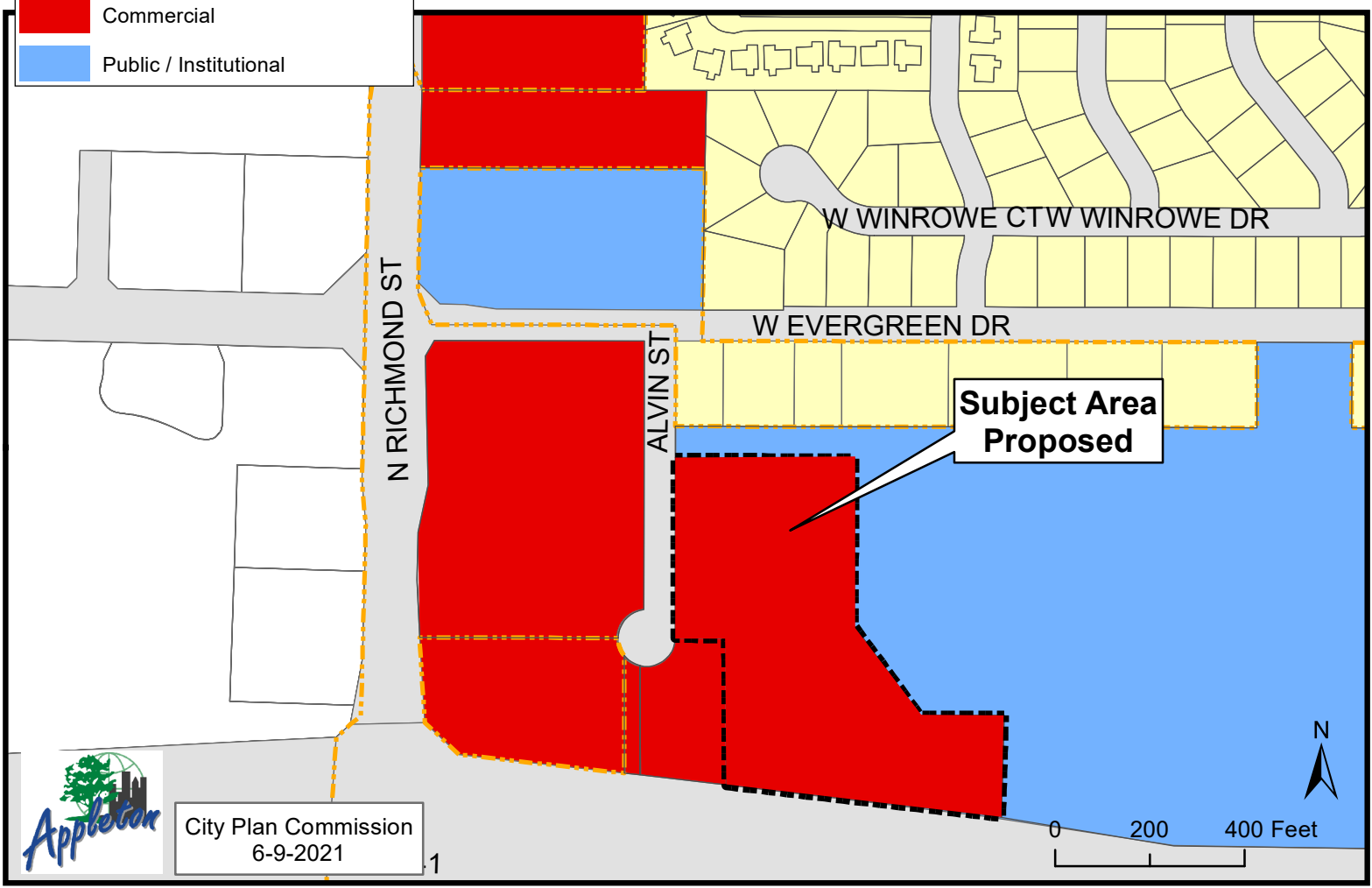
Kami Lynch, City Clerk

North Alvin Street
Future Land Use Map Amendment
Public/Institutional to Commercial

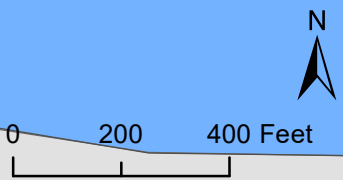


Legend

- One and Two-Family Residential
- Commercial
- Public / Institutional



City Plan Commission
6-9-2021



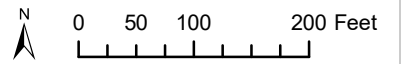
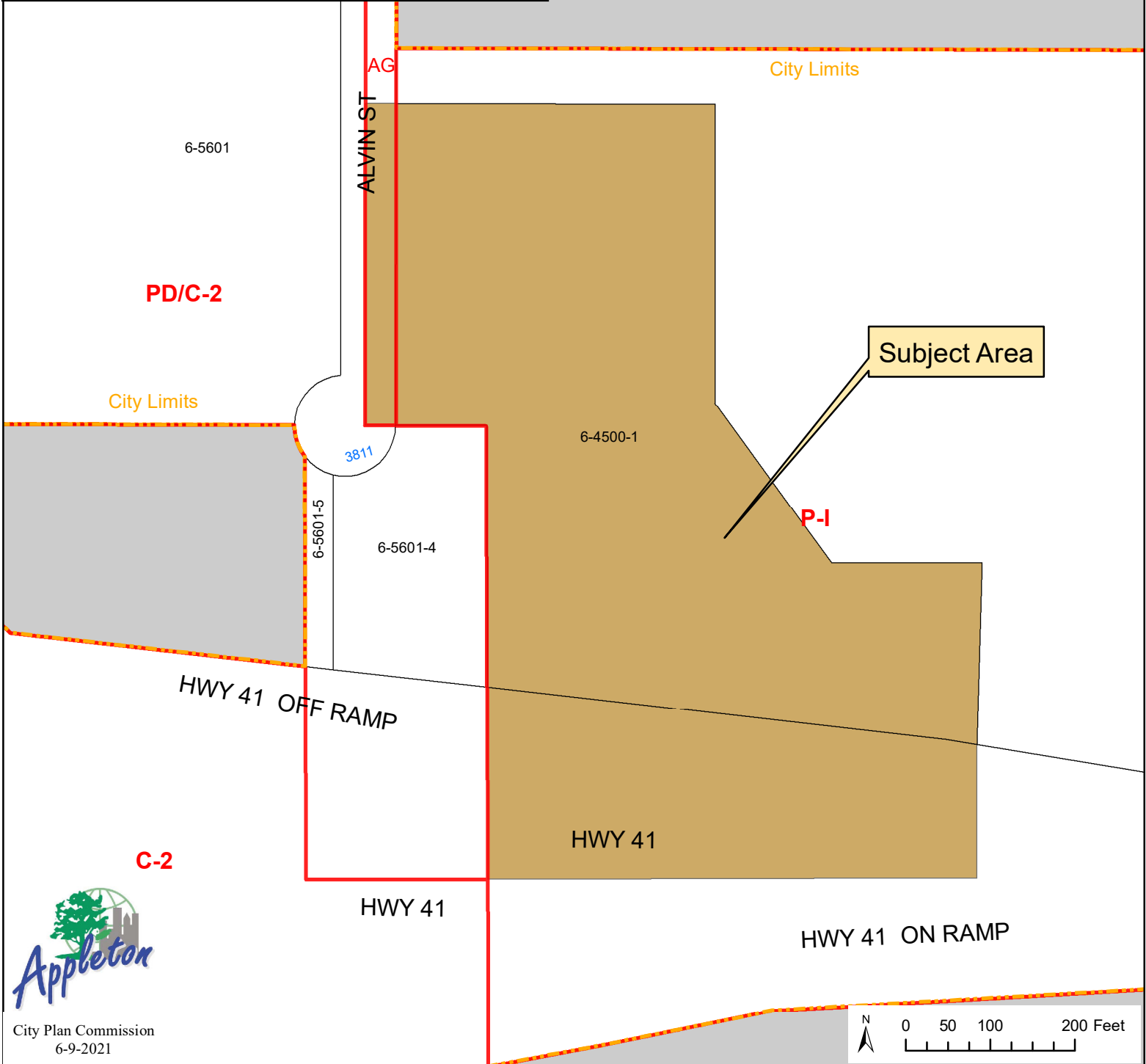
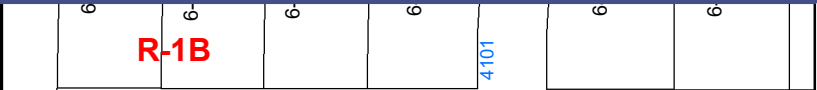
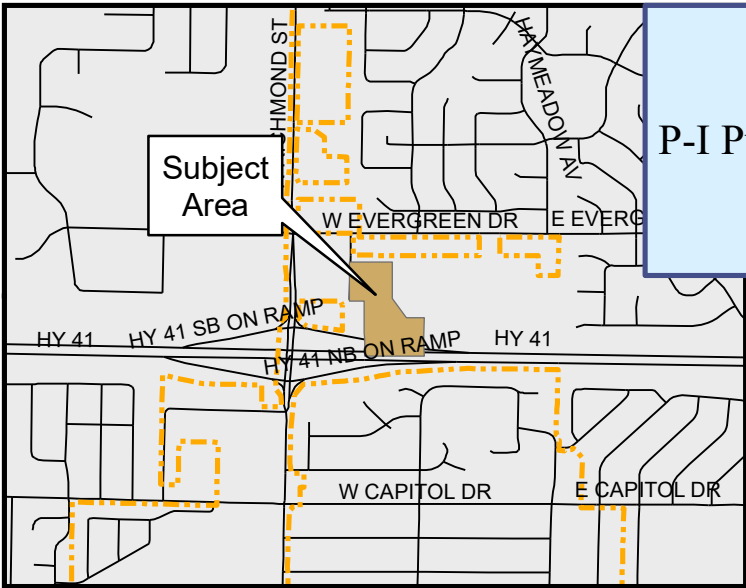
Comprehensive Plan Future Land Use Map Amendment from Public / Institutional designation to Commercial designation.

Legal Description – N. Alvin Street

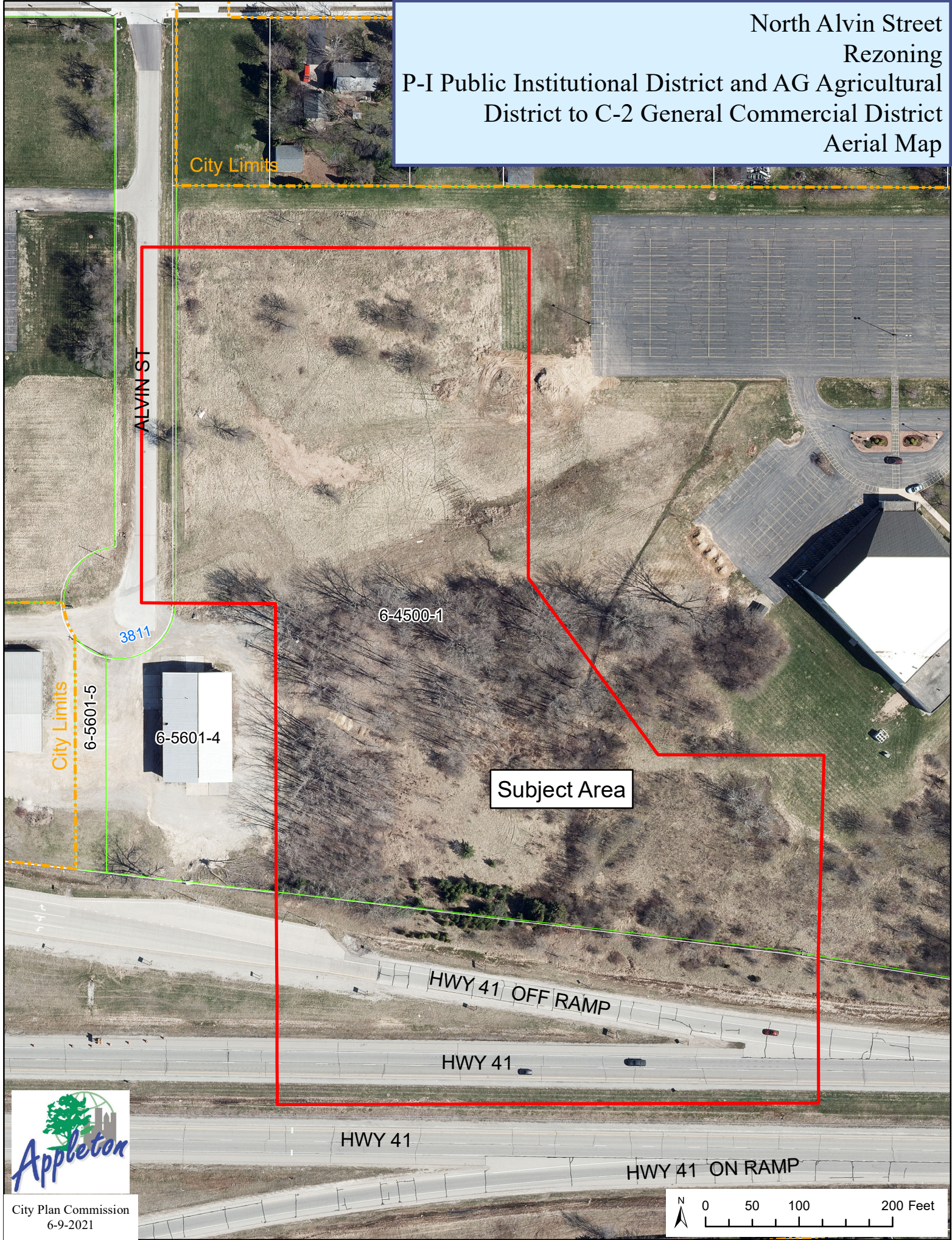
Tax Id: 31-6-4500-01

Lot 2, Certified Survey Map 8072, City of Appleton, Outagamie County, Wisconsin. Including the adjacent one-half (1/2) right-of-way of North Alvin Street and Interstate 41.

North Alvin Street
 Rezoning
 P-I Public Institutional District and AG Agricultural
 District to C-2 General Commercial District
 Zoning Map



North Alvin Street
Rezoning
P-I Public Institutional District and AG Agricultural
District to C-2 General Commercial District
Aerial Map



City Limits

ALVIN ST

6-4500-1

3811

City Limits

6-5601-5

6-5601-4

Subject Area

HWY 41 OFF RAMP

HWY 41

HWY 41

HWY 41 ON RAMP



LEGAL DESCRIPTION

PARCEL: 31-6-4500-01

Description of lands to be rezoned from P-I Public Institutional District and AG Agricultural District to C-2 General Commercial District:

Lot 2, Certified Survey Map 8072, City of Appleton, Outagamie County, Wisconsin. Including the adjacent one-half (1/2) right-of-way of North Alvin Street and Interstate 41.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 9, 2021

Common Council Public Hearing Meeting Date: July 21, 2021
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-21 and Rezoning #5-21

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner: Pathways Church, Inc. c/o Adam Demetrician

Applicant: Commercial Horizons, Inc. c/o Paul Klister

Address/Parcel: Generally located along North Alvin Street, south of West Evergreen Drive and north of Interstate 41 (Tax Id #31-6-4500-01)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Public/Institutional designation to the Commercial designation for the subject parcel. In conjunction with this request, the applicant is proposing to rezone the subject parcel from P-I Public Institutional District to C-2 General Commercial District. A portion of Alvin Street right-of-way, currently zoned AG Agricultural District, is also included in the rezoning request. The requests are being made to accommodate the proposed construction of an office building.

BACKGROUND

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The *Comprehensive Plan* document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

In January 2021, a Certified Survey Map (CSM) was submitted to divide the property owned by Pathways Church, Inc. and create the subject parcel. The CSM was administratively reviewed and approved by City staff on February 18, 2021. As a result, the subject parcel consists of vacant, undeveloped land, and the adjacent parcel (#31-6-4500-00) contains the existing church building and parking lot.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-21 & Rezoning #5-21

June 9, 2021

Page 2

Existing Site Conditions: Currently, the subject property consists of vacant, undeveloped land. The subject land area totals approximately 7.00 acres. The property has frontage along North Alvin Street and Interstate 41. North Alvin Street is classified as a local street on the City's Arterial/Collector Plan, and Interstate 41 is classified as a freeway. The ANR natural gas pipeline crosses the subject site and a related easement exists on the property. Other easements for watermain and storm sewer are also present.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – P-I Public Institutional District and Town of Grand Chute.

Future Land Use Designation – Public/Institutional and One and Two-Family Residential.

Current Land Use – Vacant, undeveloped land and single-family residential.

South: Zoning – P-I Public Institutional District.

Future Land Use Designation – Not applicable (Interstate 41).

Current Land Use – Interstate 41 highway.

East: Zoning – P-I Public Institutional District.

Future Land Use Designation – Public/Institutional.

Current Land Use – Place of worship (Pathways Church building and parking lot).

West: Zoning – PD/C-2 Planned Development General Commercial District #11-19.

Future Land Use Designation – Commercial.

Current Land Use – Various commercial uses, including a multi-tenant building under construction.

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject land area is necessitating the change to Commercial designation. An area to the west is already shown as Commercial designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Commercial designation east of Alvin Street.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 7.1 Utilities and Community Facilities:

Provide a pattern of development that minimizes impacts to municipal services and utilities.

Policy 7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

OBJECTIVE 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

Policy 9.5.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

OBJECTIVE 10.1 Land Use:

Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Proposed Zoning Classification: The purpose of the C-2 General Commercial District is to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public. The development standards for the C-2 District are listed below:

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 75%.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 35 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to accommodate the proposed development of an office building, which is a permitted use in the C-2 General Commercial District. If the rezoning request is approved, any future development would need to conform to the C-2 District

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-21 & Rezoning #5-21

June 9, 2021

Page 4

zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

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 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
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Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #1-21 is approved.

Technical Review Group (TRG) Report: These items appeared on the May 18, 2021 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-21* for specified property (Tax Id #31-6-4500-01) from Public/Institutional designation to Commercial designation and resolution, **BE APPROVED**; and

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**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

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WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

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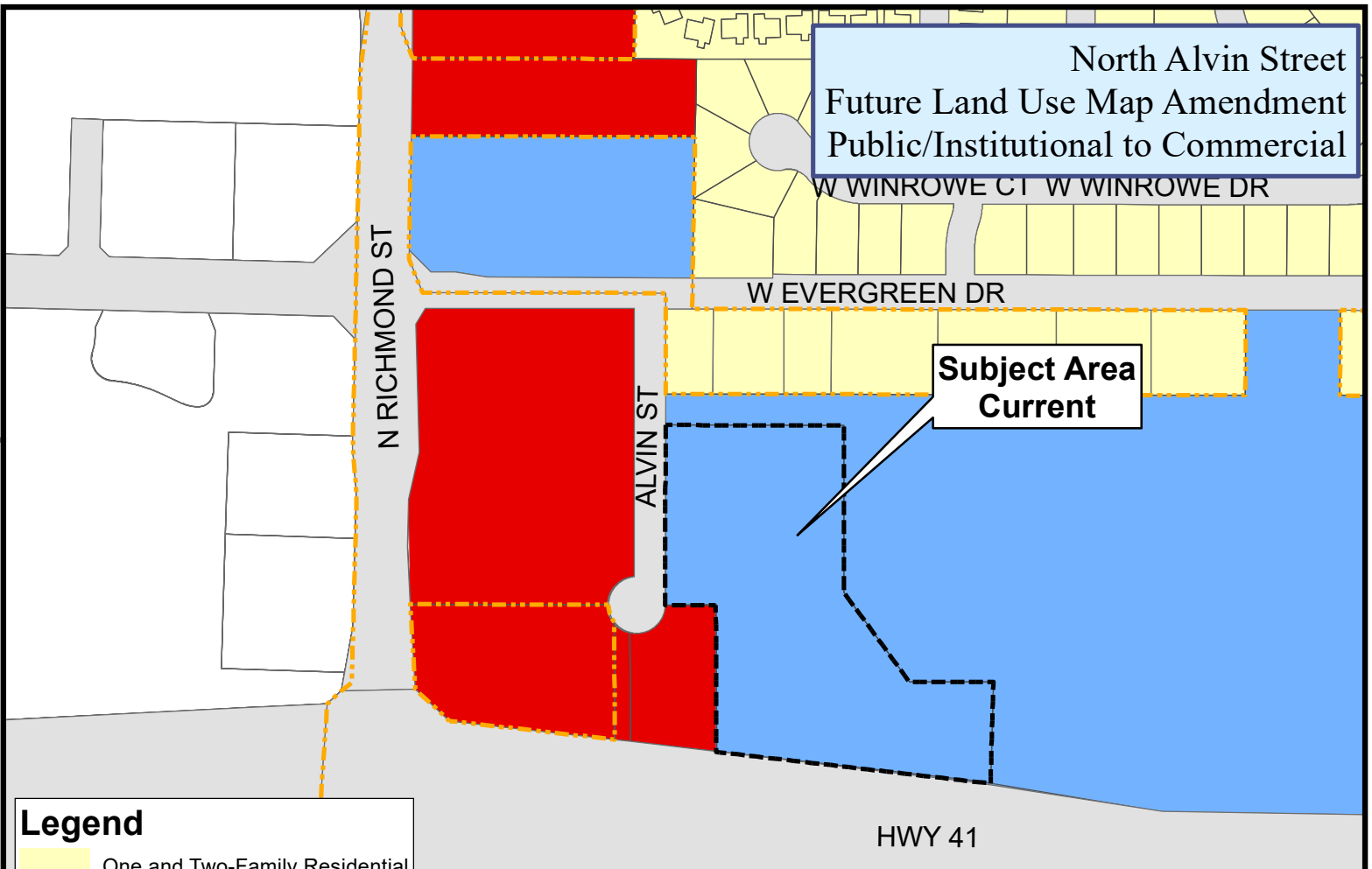
Adopted this _____ day of _____, 2021.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

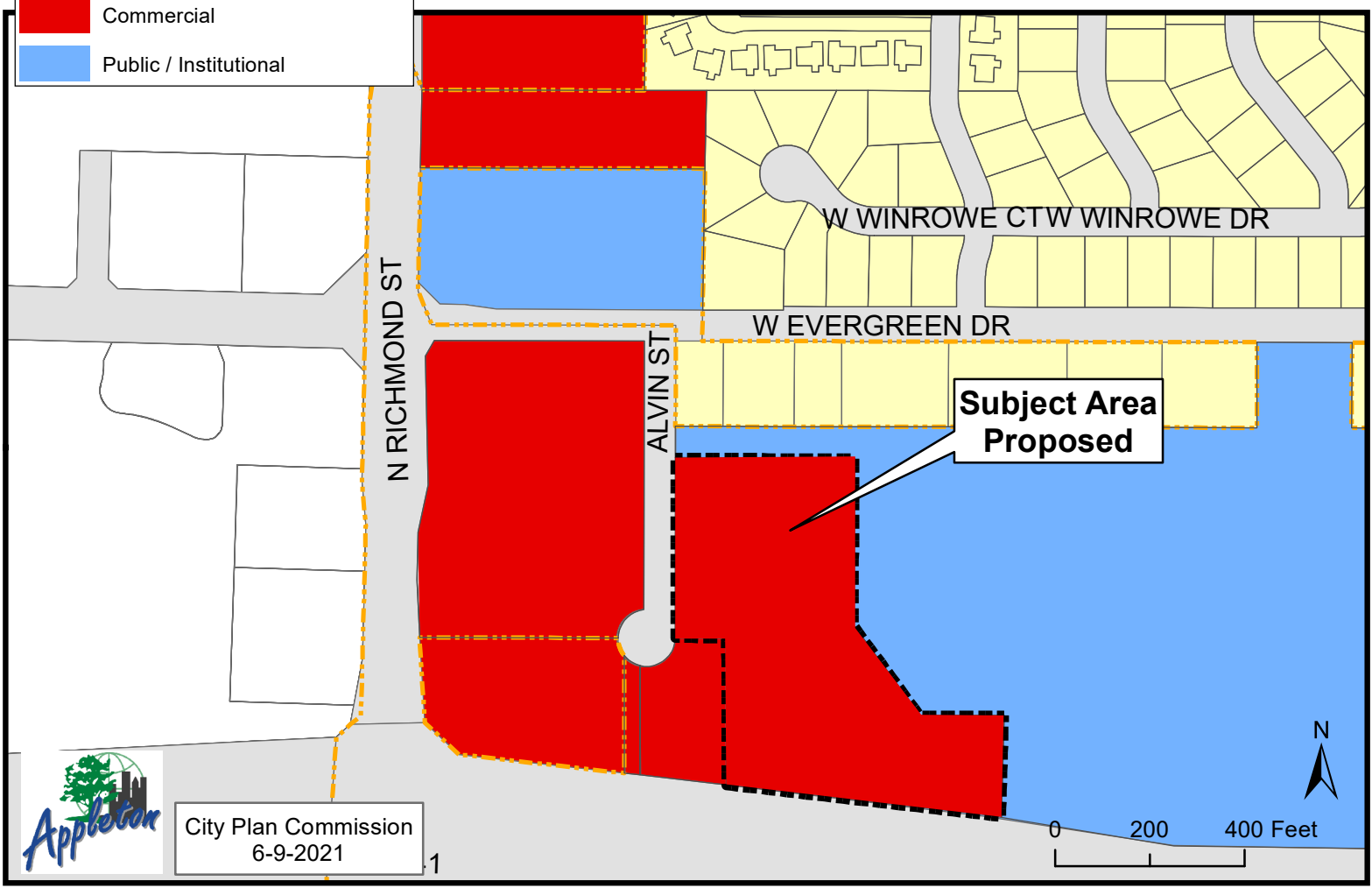
North Alvin Street
Future Land Use Map Amendment
Public/Institutional to Commercial



Subject Area
Current

Legend

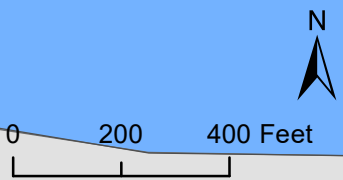
- One and Two-Family Residential
- Commercial
- Public / Institutional



Subject Area
Proposed



City Plan Commission
6-9-2021



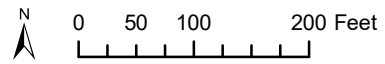
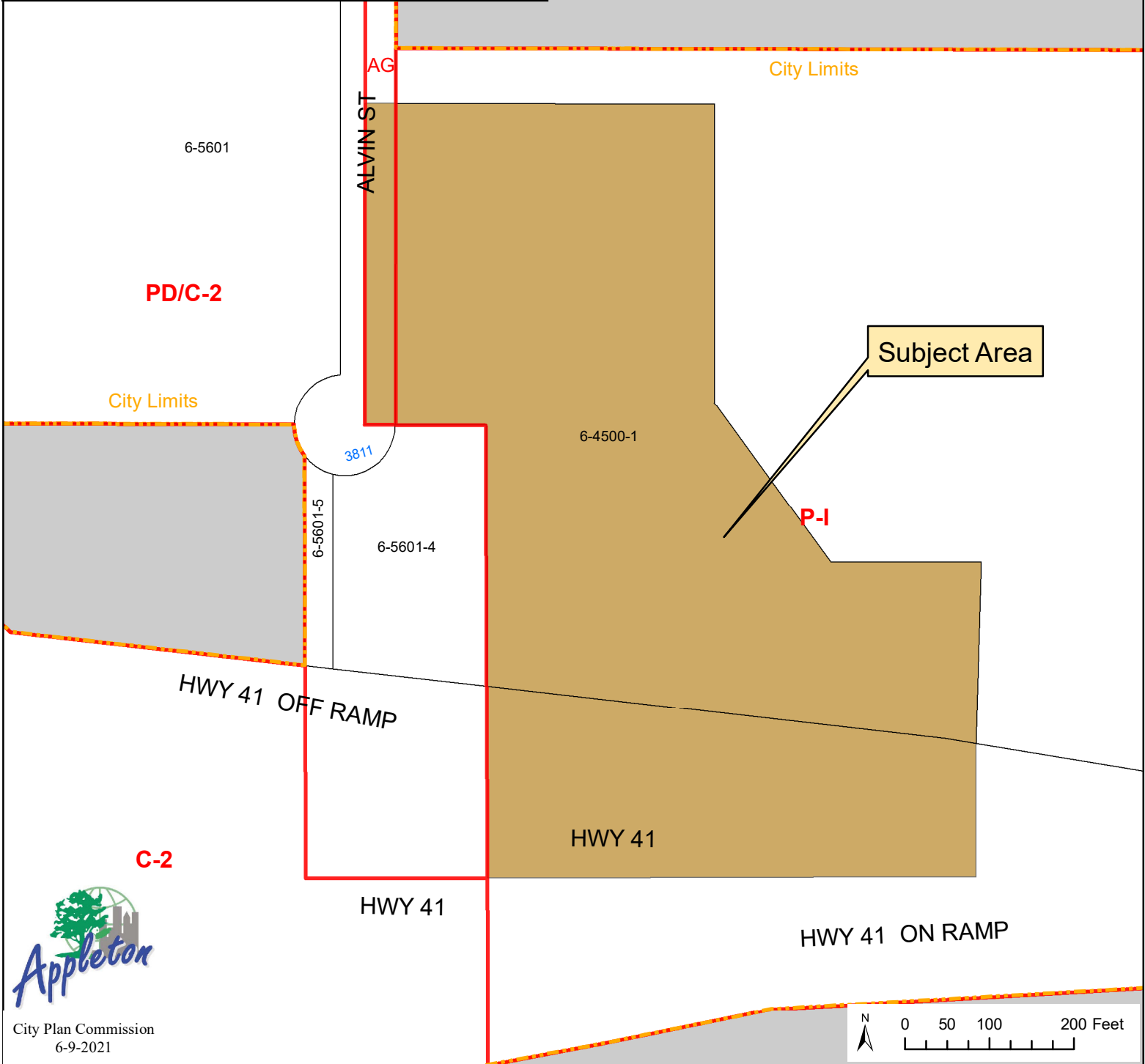
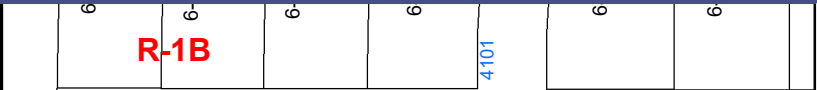
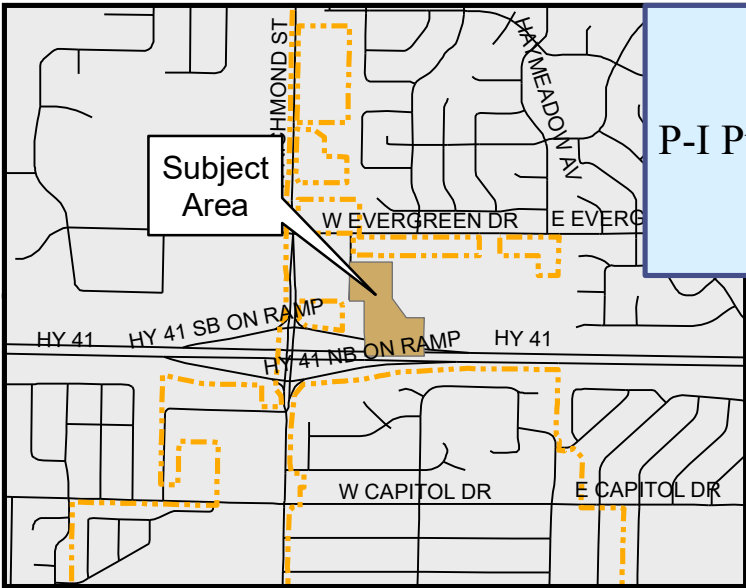
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Legal Description – N. Alvin Street

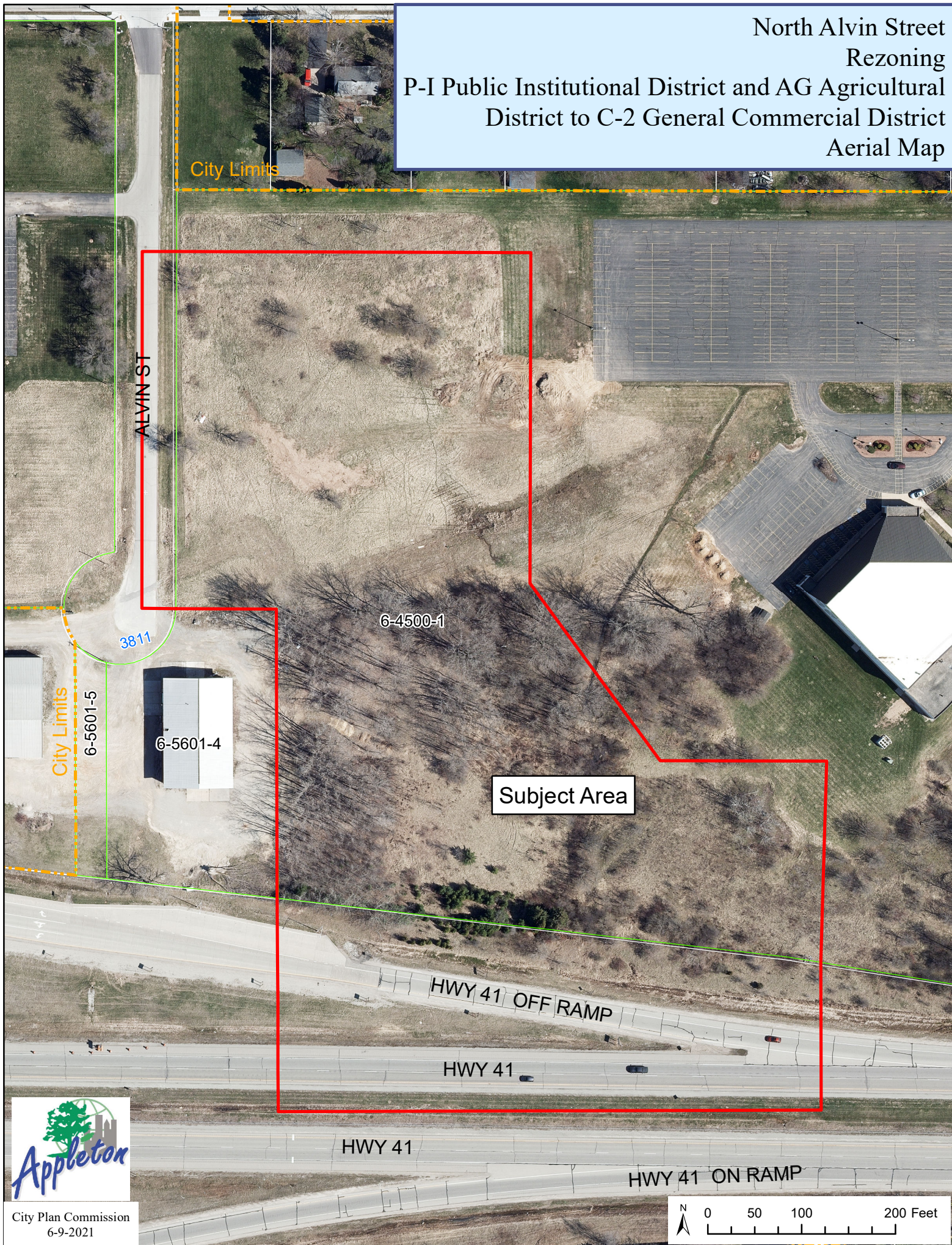
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North Alvin Street
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 P-I Public Institutional District and AG Agricultural
 District to C-2 General Commercial District
 Zoning Map



North Alvin Street
Rezoning
P-I Public Institutional District and AG Agricultural
District to C-2 General Commercial District
Aerial Map



ALVIN ST

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6-5601-4

6-5601-5

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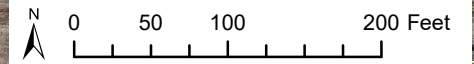
Subject Area

HWY 41 OFF RAMP

HWY 41

HWY 41

HWY 41 ON RAMP



LEGAL DESCRIPTION

PARCEL: 31-6-4500-01

Description of lands to be rezoned from P-I Public Institutional District and AG Agricultural District to C-2 General Commercial District:

Lot 2, Certified Survey Map 8072, City of Appleton, Outagamie County, Wisconsin. Including the adjacent one-half (1/2) right-of-way of North Alvin Street and Interstate 41.

Resolution #1-R-21
Accessory Dwelling Units

Submitted By: Alderpersons Brad Firkus - District 3, Vered Meltzer - District 2, and Denise Fenton - District 6

Submitted Date: January 20, 2021

Referred To:

WHEREAS Accessory Dwelling Units, or ADUs offer communities a simple alternative for providing affordable housing solutions without the need for large scale redevelopment of existing neighborhoods; and

WHEREAS ADUs can provide a way for people to live closer together while maintaining their own independent and affordable living quarters that is denser than stand-alone single family properties, but less dense than are apartment or condominium complexes; and

WHEREAS construction of ADUs does not come from tax dollars, creates more work opportunities for construction workers, and can increase home values in neighborhoods where these are constructed;

THEREFORE Be It Resolved that the city of Appleton allow the construction of accessory dwelling units(ADU) on properties of all single family zoning. ADUs must meet all building and zoning codes to be inhabitable, including heating, electrical, and plumbing.

BE IT FURTHER RESOLVED that a lot may have a maximum of two accessory dwelling units. A maximum of one accessory dwelling unit may be detached or attached and a maximum of one attached junior accessory dwelling. ADUs cannot be mobile and cannot exceed the size of the principle building of the lot.

BE IT FURTHER RESOLVED that this resolution be referred to Community and Economic Development to review and amend the municipal code.



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: June 9, 2021

Common Council Public Hearing Date: July 7, 2021

Item: Resolution #1-R-21 Accessory Dwelling Units. Create Article III., Sec. 23-55. Accessory Dwelling Units (Attached and Detached) and Sec. 23-56. Junior Accessory Dwelling Units (JADU) and amend Sec. 23-43 Accessory uses, building and structures, 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 of Chapter 23 Zoning Ordinance of the Municipal Code.

Case Manager: Don Harp

BACKGROUND

Resolution #1-R-21 Accessory Dwelling Units was introduced at the January 20, 2021 Common Council meeting which reads as follows:

Submitted By: Alderpersons Brad Firkus - District 3, Vered Meltzer - District 2, and Denise Fenton - District 6

Referred To:

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junior accessory dwelling. ADUs cannot be mobile and cannot exceed the size of the principle building of the lot.

BE IT FURTHER RESOLVED that this resolution be referred to Community and Economic Development to review and amend the municipal code.

At the January 26, 2021 Plan Commission meeting, Resolution #1-R-21 Accessory Dwelling Units was referred to staff.

Between February 2021 and May 2021, the Community and Economic Development staff collaborated with Alderpersons Brad Firkus - District 3, Vered Meltzer - District 2, and Denise Fenton - District 6, the City Attorney, Director of Public Works, Director of Community and Economic Development, Inspection Supervisor and other City staff from the City Attorney's Office, Department of Public Works, Finance Department, and Inspection Division on the draft the Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) text amendments.

STAFF ANALYSIS (Ordinance Summary)

In response to Resolution #1-R-21 Accessory Dwelling Units, the proposed text amendments have been drafted to satisfy the intent of Resolution #1-R-21 Accessory Dwelling Units, the purpose and intent of the Zoning Ordinance, and the goals and objectives of the City's *Comprehensive Plan 2010-2030*.

The proposed text amendments include:

- Definitions.
- Permitted locations within specified zoning districts.
- Options to allow the creation of a detached, attached or junior accessory dwelling within combination limits.
- Site development standards including: height, setbacks, unit size, exterior design and lot coverage.
- Construction standards including: building and foundation design, plumbing, electrical and fire separation requirements, i.e. Uniform Dwelling Codes regulations shall be satisfied.
- Deed restriction requirement: ADUs and JADUs shall be sold together with the principal dwelling unit and on the same lot.
- Permit procedures.

ATTACHMENTS

1. Text amendment summary: Accessory Dwelling Unit (Attached/Detached) & Junior Accessory Dwelling Unit Comparison Chart.
2. Text amendments with staff commentary in *italics* to provide insight regarding the specific purpose of the proposed regulation(s). The text recommended to be added is underlined.
3. Text amendments without staff commentary for ease of reading.

RECOMMENDATION

Staff recommends, pending public comments, that the proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code, **BE APPROVED** as noted and attached to this staff report for the following Articles and Sections:

1. Create Article III., Sec. 23-55. Accessory Dwelling Units (Attached and Detached) and Sec. 23-56. Junior Accessory Dwelling Units (JADU).
2. Amend Sec. 23-43 Accessory uses, building and structures, 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 of Chapter 23 Zoning Ordinance of the Municipal Code.

ACCESSORY DWELLING UNIT (ATTACHED/DETACHED) & JUNIOR ACCESSORY DWELLING UNIT COMPARISON CHART

June 2021	Accessory Dwelling Unit (Detached)	Accessory Dwelling Unit (Attached)	Junior Accessory Dwelling Unit
DEFINITION	A freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including the conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.	A dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including an attached garage.	A dwelling unit that is no more than 500 square feet in size, which provides complete independent living facilities for one or more individuals and is contained within or a combination of connected to and contained within an existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. However, a junior accessory dwelling unit may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal residential dwelling unit.
ZONING DISTRICTS WHICH PERMIT THIS USE	R-1A, R-1B, R-1C, R-2, R-3 District, in conjunction with an existing or proposed single-family or two-family-zero lot dwelling.	R-1A, R-1B, R-1C, R-2, R-3 District, in conjunction with an existing or proposed single-family or two-family-zero lot dwelling.	R-1A, R-1B, R-1C, R-2, R-3 District, in conjunction with an existing or proposed single-family or two-family-zero lot dwelling.
CREATION	<ol style="list-style-type: none"> Adding onto, expanding, or converting an existing (conforming) detached accessory building. New construction of a freestanding building. Min. 10 ft. distance from all other buildings. **Subject to compliance with all Municipal Codes, including but not limited to Zoning, Building, and Fire Codes.	<ol style="list-style-type: none"> Adding onto, expanding, or converting an existing space in the principal dwelling. Conversion of an attached garage (as long as the required off-street parking for the principal dwelling is maintained on the site). Fire wall separation required. **Subject to compliance with all Municipal Codes, including but not limited to Zoning, Building, and Fire Codes.	<ol style="list-style-type: none"> Adding onto, expanding, or converting an existing space in the principal dwelling. Conversion of an attached garage (as long as the required off-street parking for the principal dwelling is maintained on the site). Fire wall separation may not be required. **Subject to compliance with all Municipal Codes, including but not limited to Zoning, Building, and Fire Codes.
MAXIMUM SIZE BY UNIT TYPE	Combined area with a JADU shall not exceed the total gross floor area of the principal dwelling unit.	Combined area with a JADU shall not exceed the total gross floor area of the principal dwelling unit.	500 square feet maximum. Combined area with a Detached or Attached ADU shall not exceed the total gross floor area of the principal dwelling unit.
MAXIMUM NUMBER	One (1), plus One (1) Junior Accessory dwelling unit per lot.	One (1), plus One (1) Junior Accessory dwelling unit per lot.	One (1), plus either One (1) Detached or Attached Accessory Dwelling Unit but not both.
BUILDING SETBACKS	Not Allowed in Front of the Principal Dwelling Unit. Side and Rear Yard same as Principal Dwelling Unit. Ten foot minimum separation between Buildings.	Front, Side and Rear Yard same as Principal Dwelling Unit. Ten foot minimum separation between Buildings.	Front, Side and Rear Yard same as Principal Dwelling Unit. Ten foot minimum separation between Buildings.
PARKING	Required parking spaces for principal dwelling shall be maintained.	Required parking spaces for principal dwelling shall be maintained.	Required parking spaces for principal dwelling shall be maintained.
ENTRANCE DOOR	Shared with the primary dwelling unit and/or separate. **Subject to compliance with Building and Fire Codes.	Shared with the primary dwelling unit and/or separate. **Subject to compliance with Building and Fire Codes.	Shared with the primary dwelling unit and/or separate. **Subject to compliance with Building and Fire Codes.
INTERIOR DOOR CONNECTION WITH PRINCIPAL DWELLING UNIT	N/A	Not Required	Only required, if sharing bathroom and kitchen facilities with principal dwelling unit.
BATHROOM	Must have separate bathroom.	Must have separate bathroom.	Shared bathroom in the existing/proposed principal dwelling or can have a separate bathroom in the JADU.
FOUNDATION DESIGN	Permanent frost free foundation required.	Permanent frost free foundation required.	Permanent frost free foundation required.
APPROVAL PROCESS	Inspections Div. Blding Permit review (Admin).	Inspections Div. Blding Permit review (Admin).	Inspections Div. Blding Permit review (Admin).

Comments: Accessory dwelling units (ADUs) have become an important component of the housing stock in many communities – both large and small – in the United States. By providing housing on existing lots in developed neighborhoods, ADUs are a form of land use that makes good use of land and public infrastructure investment. ADUs provide a mix of housing that responds to changing family needs. More people are aging and are “empty nesters” and desire to down-size. In addition, ADUs provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain security, friendship and services.

Comments: The City’s Comprehensive Plan encourages the creation of ADU regulations. The purpose statement of the ADU ordinance explains in general terms how Accessory Dwelling Unit regulations implement the relevant Goals and Policies of the Appleton Comprehensive Plan 2010-2030.

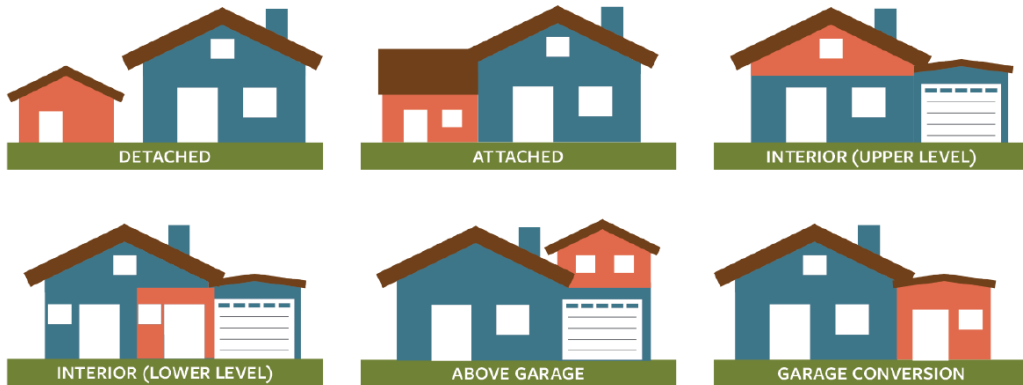
Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Housing and Neighborhood Chapter 5 Objectives and Policy numbers 5.3 and 5.3.1 states:

- ❖ 5.3 “Provide a range of housing styles that meet the needs and appeal to all segments of the community.”*
- ❖ 5.3.1. “Evaluate conditions under which it may be appropriate to allow accessory units in some parts of the City.”*

Accessory Dwelling Unit Type Examples



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Comments: The purpose statement explains the intent behind adopting ADU regulations and how they mesh with the City's land use goals and policies.

Section 23-55. Accessory Dwelling Units (Attached and Detached)

(a) **Purpose.**

- (1) The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting stability for established neighborhoods.
- (2) Accessory dwelling units help advance the city's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the city's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods, and
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) **Definitions.** The definitions identified in this section shall apply to this section and shall prevail in the event any inconsistency exists between these definitions and the definitions set forth in Article II of this chapter.

(1) **Accessory dwelling unit (ADU)** means an attached or a detached dwelling unit, which provides complete independent living facilities for one or more individuals and is located on a lot with a proposed or existing principal residential dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot and in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(2) **Attached accessory dwelling unit** means a dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including an attached garage.

(3) **Detached accessory dwelling unit** means a freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including the conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.

(4) **Junior accessory dwelling unit (JADU)** means a dwelling unit that is no more than 500 square feet in size, which provides complete independent living facilities for one or more individuals and is contained within or a combination of connected to and contained within an existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. However, a junior accessory dwelling unit may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal residential dwelling unit.

(5) **Independent living facilities** means a dwelling unit having permanent provisions of all of the following features: living, sleeping, eating, cooking, bathing and sanitation facilities.

(6) **Established Front Yard** means the closest distance measured from the principal building to the front lot line(s).

(7) **Convey, Conveyed or Conveyance** refers to the act of transferring property from one party to another by a written deed or an equivalent document, including condominium declarations documents. This is completed by recording the document with the County Register of Deeds.

(8) **Gross floor area** means the sum of the horizontal areas of all floors of a building measured from the exterior face of the exterior walls, or from the centerline of a wall separating two (2) dwelling units, but not including finished and unfinished basement

areas, attached and detached garages and any space where the floor-to-ceiling height is less than six (6) feet.

(9) **Cooking appliances** means including, but not limited to: ovens, convection ovens, stoves, stove top, hot plates, microwave ovens, built in grills or similar appliances.

Comments: The purpose of this standard is to identify the zoning districts where accessory dwelling units may be permitted as accessory uses when associated with the single-family dwelling. The proposed language is consistent with the Resolution #1-R-21 Accessory Dwelling Units.

(c) **Permitted Zoning Districts.** Accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) **Location.** Accessory dwelling units shall be located on the same lot as the single-family detached dwelling or two-family-zero lot line dwelling.

Comments: The proposed maximum number and type of ADUs allowed on a lot is consistent with the Resolution #1-R-21 Accessory Dwelling Units.

Also, the purpose of this standard is to clarify that a maximum of two (2) accessory dwelling units may be allowed to be established with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling that is located in the residential zoning districts listed in subsection (c) above.

A maximum of one (1) accessory dwelling unit (attached or detached but not both) and a maximum of one (1) junior accessory dwelling may be allowed to be established in conjunction with a single-family detached dwelling or two-family-zero lot line dwelling to provide property owners with a diversity of choices and honor the uniqueness of each lot.

(e) **Accessory Dwelling Unit Number and Type.**

(1) Lots with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling are permitted to have a maximum of one (1) accessory dwelling unit and one (1) junior accessory dwelling unit per lot under the following options:

a. Option 1 (Attached ADU and JADU): A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) attached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter; or

- b. Option 2 (Detached ADU and JADU): A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) detached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter.
- c. Lots with an existing built or proposed to be built single-family detached dwelling or a two-family-zero lot line dwelling shall not be permitted to have both an attached accessory dwelling unit and a detached accessory dwelling unit.

Comments: The use regulations prescribe regulations in order to control the timing when an ADU can be constructed, future sales, maximum size limitation and off-street parking space requirements.

(f) **Use Regulations.**

- (1) **Timing of Construction:** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.

Comments: Accessory uses and buildings are always subordinate buildings of which are secondary uses to and customarily linked together by shared facilities with the principal building or use (for example, these links include, but are not limited to, off-street parking areas, utilities, land, recreation). In order for the ADU to maintain its legal status of being an accessory use, the attached or detached ADUs shall be sold together with the principal dwelling unit and on the same lot. These regulations do not prevent the ADU from being separated from the lot containing the principal dwelling unit by pursuing approval of a land division. In this case, the accessory dwelling unit becomes the primary dwelling, and all applicable Municipal Code regulations related primary dwelling units shall be satisfied.

- (2) **Sale of Property and Tax Parcel Number.** The accessory dwelling unit or junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the accessory dwelling unit.

Comments: The purpose of this standard is to clarify that all or a portion of a detached accessory building may be permitted to be converted into an ADU provided all applicable provisions (for example, location, maximum number, use, parking, design, building setbacks, lot coverage, building height requirements) of this section are all complied with.

- (3) **Detached Accessory Building Conversion.** Adding on vertically or horizontally to or converting all or a portion of an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit may be permitted, provided all of the provisions of this section are all complied with.

Comments: The proposed maximum size standard language is consistent with the Resolution #1-R-21 Accessory Dwelling Units. Also, the maximum size standard is to ensure the ADU is not the primary use of the property but rather one which is subordinate or minor in significance compared to the primary dwelling unit.

- (4) **Maximum Size of Accessory Dwelling Units.** The total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.

Comments: ADU households typically own fewer cars, making their burden on parking supply lighter than average. Adding off-street parking requirements for accessory dwelling units can significantly increase costs to the project and may remove some lots from consideration where it is impractical to add more off-street parking spaces than what is required for the principal dwelling unit.

- (5) **Off-Street Parking.** No additional off-street parking is required for an attached or detached accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

Comments: The design regulations are intended to focus on aesthetic concerns and minimize any potential visual impacts on the public and protect the charter of the neighborhood. Also, the purpose of these standards is to clarify that any proposed construction and/or interior alterations to establish an ADU shall conform to all applicable Municipal Codes regulations including but not limited to Zoning, Building, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.

- (g) **Design Requirements for Attached and Detached Accessory Dwelling Units.** Attached and detached accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

- (1) **Compliance with applicable regulations.** Attached and detached accessory dwelling units, including adding on to or converting an existing detached accessory building

for the purpose of creating a detached or an attached accessory dwelling unit shall comply with all applicable Municipal Code regulations including but not limited to City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Drainage, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws, unless otherwise stated in this section.

(2) Exterior finish materials. Exterior finish materials for attached accessory dwelling units must visually be similar to the exterior finish materials of the principal dwelling unit.

a. 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.

(3) Orientation of Exterior Entry Doors and Stairways.

a. New (ADU) Exterior Entry Door. All new exterior entry doors constructed exclusively to serve the accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the accessory dwelling unit.

b. Shared Use of An Existing or Proposed (Primary Dwelling Unit or Detached Garage) Exterior Entry Door. Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.

c. Stairways (Interior and Corner Lots). All new stairways constructed to serve an accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.

d. Stairways (Double Frontage Lots). A new stairway constructed to serve an accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.

Comments: Resolution #1-R-21 Accessory Dwelling Units says ADUs cannot be mobile. The proposed foundation design standard language is consistent with the Resolution #1-R-21 Accessory Dwelling Units which requires ADUs to be supported by a permanent foundation.

Also, the Building Code, Chapter 4 requires dwelling units to be supported by a permanent frost free foundation.

- (4) Foundation Design. Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.

Comments: Separate water meters and service connections are optional for all ADUs. If an owner elects to install a separate water meter, the owner pays for the meter and connection costs. Also, the connection shall be made directly to the public water main per City policy.

- (5) Water Meter and Service Connection. A new separate water meter and service connection to the public water main is not required for accessory dwelling units, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

Comments: Separate electrical meters and panels are required for Detached ADUs (see PSC 113.0803) but they are optional for Attached ADUs and Junior ADUs. Occupants of Attached ADUs and Junior ADUs should have access to the electrical panel inside the principal dwelling unit to reset a tripped fuse or replace a blown fuse.

The Wisconsin Administrative Code – Public Service Commission

PSC 113.0803 Individual electric meters required for non-transient multi-dwelling unit residential buildings, mobile home parks and for commercial establishments.(1) Each dwelling in a multi-dwelling unit residential building and mobile home park constructed after March 1, 1980 shall have installed a separate electric meter for each such dwelling unit. Dwelling unit means a structure or that part of a structure which is used or intended to be used as a home, residence or a sleeping place by one or more persons maintaining a common household and shall exclude transient multi-dwelling buildings and mobile home parks: for example, hotels, motels, campgrounds, hospitals, community-based residential facilities, residential care apartment complexes or similar facilities, nursing homes, college dormitories, fraternities, and sororities.

- (6) **Separate Electrical Service.**

- a. Detached accessory dwelling units. Detached accessory dwelling units shall have a separate electric meter and electrical panel independent from the principal dwelling unit.

- b. Attached accessory dwelling units. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for an attached accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the attached accessory dwelling unit.

Comments: Minimum building setbacks for ADUs should be following the guidelines for the current setback requirements for the principal dwelling unit per the underlying zoning district for consistent administration of the Zoning Ordinance and to ensure adequate open space for light, air and fire safety is achieved. The proposed separation dimension between buildings is consistent with fire and life safety requirements established by the Wisconsin Uniform Building Code. If there are deed restrictions or building setbacks recorded on a plat or CSM, the most restrictive standards apply. The established front yard means the closest distance measured from the principal building to the front lot line(s).

(h) Setbacks.

- (1) Attached accessory dwelling units shall comply with the following setback requirements:
 - a. Minimum front lot line setback (street and alley): The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - b. Minimum side lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - c. Minimum rear lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - d. Minimum separation between all buildings: Ten (10) feet.
 - e. The minimum front, side and rear lot line setbacks for accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.
- (2) Detached accessory dwelling units shall comply with the following setback requirements:
 - a. Minimum front lot line setback (street and alley). Shall not be located in the established front yard, except for double frontage lots.
 - b. Minimum front lot line setback (double frontage lots): The minimum setback shall be what is required in the underlying zoning district for the principal dwelling unit for the yard opposite the front yard from which the principal dwelling unit is addressed.

- c. Minimum side lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- d. Minimum rear lot line setback: The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
- e. Minimum separation between all buildings: Ten (10) feet.
- f. The minimum side and rear lot setbacks for detached accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2) and (4) of this Chapter.

Comments: Side and Rear Lot Building Setback Modification Example is as follows for nonconforming lots of record (pre-existing lots that do not meet the current minimum lot width or area requirements) per the current Zoning Ordinance:

Minimum district lot size (R-1B – 6,000 square feet.

Existing lot size – 5,400 square feet.

Minimum district yard setbacks:

Front – Twenty (20) feet

Side – Eight (6) feet

Rear – Twenty-five (25) feet

*Existing lot size is percent (90%) the size of the minimum district lot size:
(5,400/6,000) = 0.90*

Apply the (90%) to side and rear yard setback requirements of the district:

0.90 X 6' = Side Yard Minimum: 5.4 feet

0.90 X 25 = Rear Yard Minimum: 22.5 feet

Adjusted minimum side yard setback requirement is 5.4 feet and adjusted minimum rear yard setback requirement is 22.5 feet.

Comments: Maximum Lot Coverage for ADUs should be following the standards established by underlying zoning district for consistent administration of the Zoning Ordinance and to ensure adequate open space is achieved.

- (i) **Maximum Lot Coverage.** Attached and detached accessory dwelling units shall be included in the calculation of maximum lot coverage that is required in the underlying zoning district that it is located in. The maximum lot coverage percentage as established for the underlying zoning district shall not be exceeded.

Comments: The intent of this requirement is to set a height limitation on ADUs so they are distinguishable from the principal dwelling unit in appearance. Also, the maximum height standard is to ensure ADUs are subordinate or minor in significance compared to the height dimension of the primary dwelling unit.

(j) **Building Height.**

- (1) Attached accessory dwelling units shall not exceed the maximum building height limit is required in the underlying zoning district for the principal dwelling unit.
- (2) Detached accessory dwelling units shall not exceed the height of the principal dwelling unit.

(k) **Exceptions.**

- (1) Accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.
 - (2) Accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.
- (l) **Building Permit Application Process.** Application, review, and approval of an accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

Comments: The intent of this requirement is to put future landowners on notice the ADU shall not be sold separately from the principal dwelling unit per subsection (f)(2) above.

- (1) Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that: includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsection (f)(2) above.

Comments: This standard clarifies that the City assigns building addresses not the Post Office.

- (2) Addressing. Accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

Comments: Junior Accessory Dwelling Units (JADU) offer a simple and an affordable housing option. Even though a standard ADU can be created within an existing residence in much the same way as a JADU, the differences for a JADU include a size limit of 500 square feet, the ability to have shared bathroom facilities with the main unit. JADUs present no additional stress on utility services or infrastructure because they simply can repurpose a spare bedroom or other rooms in existing homes whose infrastructure needs (including water, sewer, traffic and parking) were accounted for in the original home construction. To further ensure that JADU development does not impact single-family neighborhoods, the following additional regulations are proposed: 1. A maximum of one (1) junior accessory dwelling unit shall be permitted per lot when associated with a single-family dwelling or two-family-zero lot line dwelling. 2. Exterior design standards. 3. JADUs cannot be sold separately from the primary residence. 4. A deed restriction shall be recorded prior to the issuance of a building permit.

Section 23-56 Junior Accessory Dwelling Units (JADU).

Comments: The purpose statement explains the intent behind adopting Junior Accessory Dwelling Unit (JADU) regulations and how they mesh with the City's land use goals and policies.

- (a) **Purpose.** This section provides standards for the establishment of Junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit and shall not be considered a separate dwelling unit.
- (1) Junior accessory dwelling units help advance the city's housing and land use goals and policies by:
- a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the city's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods, and
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

- (b) **Definitions.** See Section 23-55(b).

Comments: The proposed language is consistent with the Resolution #1-R-21 Accessory Dwelling Units. The purpose of this standard is to identify the zoning districts where accessory dwelling units may be permitted as accessory uses when associated with the single-family dwelling.

- (c) **Permitted Zoning Districts.** Junior accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.
- (d) **Maximum Number.** A maximum of one (1) Junior accessory dwelling unit shall be permitted per residential lot in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

Comments: The use regulations prescribe regulations in order to control the timing when a JAUD can be constructed, future sales, maximum size limitation and off-street parking spaces requirements. The following use regulations are consistent with the ADU regulations.

- (e) **Use Regulations.**

- (1) **Timing of Construction:** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.
- (2) **Sale of Property and Tax Parcel Number.** The junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the junior accessory dwelling unit.
- (3) **Maximum Size.** A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size. In addition, the total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.
- (4) **Off-Street Parking.** No additional off-street parking is required for a junior accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal

dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

Comments: The design regulations are intended to focus on aesthetic concerns and minimize any potential visual impacts on the public and protect the character of the neighborhood. Also, the purpose of these standards is to clarify that any proposed construction and/or interior alterations to establish an JADU shall conform to all applicable Municipal Codes regulations including but not limited to Zoning, Building, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.

(f) **Design Requirements for a Junior Accessory Dwelling Unit.** Junior accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

- (1) Compliance with applicable regulations. Junior accessory dwelling units shall be considered to be a part of the principal dwelling unit on the lot and shall comply with all applicable Municipal Code regulations including but not limited to City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.
- (2) Location of Junior Accessory Dwelling Unit. A junior accessory dwelling unit shall be attached to a single-family detached dwelling or two-family zero lot line dwelling, may be created in any part of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, and may be created in an addition to a single-family detached dwelling.
- (3) Orientation of Exterior Entry Doors and Stairways.
 - a. New (JADU) Exterior Entry Door. All new exterior entry doors constructed exclusively to serve the junior accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the junior accessory dwelling unit.
 - b. Shared Use of An Existing or Proposed (Primary Dwelling Unit or Detached Garage) Exterior Entry Door. Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the junior accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.
 - c. Stairways (Interior and Corner Lots). All new stairways constructed to serve a junior accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.
 - d. Stairways (Double Frontage Lots). A new stairway constructed to serve a junior accessory dwelling unit located above the first story is allowed to be built on the

exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.

(4) Entry Connections.

- a. Junior accessory dwelling units that contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will not be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Junior accessory dwelling units that do not contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Two (2) interior doors may be installed within one (1) frame for noise reduction.

(5) Foundation Design. Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.

Comments: Separate water meters and service connections are optional for all ADUs. If an owner elects to install a separate water meter, the owner pays for the meter and connection costs. Also, the connection shall be made directly to the public water main per City policy.

(6) Water Meter and Service Connection. A new separate water meter and service connection to the public water main is not required for a junior accessory dwelling unit, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

Comments: Separate electrical meters and panels are required for Detached ADUs (see PSC 113.0803) but they are optional for Attached ADUs and Junior ADUs. Occupants of Attached ADUs and Junior ADUs should have access to the electrical panel inside the principal dwelling unit to reset a tripped fuse or replace a blown fuse.

The Wisconsin Administrative Code – Public Service Commission

PSC 113.0803 Individual electric meters required for non-transient multi-dwelling unit residential buildings, mobile home parks and for commercial establishments.(1) Each dwelling in a multi-dwelling unit residential building and mobile home park constructed after March 1, 1980 shall have installed a separate electric meter for each such dwelling unit. Dwelling unit means a structure or that part of a structure which is used or intended to be used as a home, residence or a sleeping place by one or more persons maintaining a common household and shall exclude transient multi-dwelling buildings and mobile home parks: for example, hotels, motels, campgrounds, hospitals, community-based residential facilities, residential care apartment complexes or similar facilities, nursing homes, college dormitories, fraternities, and sororities.

(7) **Separate Electrical Service.**

- a. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for a junior accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the junior accessory dwelling unit.

(8) Kitchen Area. A junior accessory dwelling shall contain a kitchen area which includes a sink, cooking appliance, any size refrigerator, counter surface, and storage cabinets.

(9) Bathing and Sanitation. Junior accessory dwelling units may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal dwelling unit.

(10) Setback and Other Zoning Regulations. For purposes of setbacks and other zoning regulations, the junior accessory dwelling unit shall be considered to be a part of the principal dwelling unit of subject site and shall be subject to the requirements of the underlying zoning district.

- a. The minimum front, side and rear lot line setbacks for junior accessory dwelling units constructed or established on nonconforming lots of record, may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.

(g) **Exceptions.**

(1) Junior accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.

(2) Junior accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(h) **Building Permit Application Process.** Application, review, and approval of a junior accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

Comments: The intent of this requirement is to put future landowners on notice the ADU shall not be sold separately from the principal dwelling unit.

- (1) Prior to issuance of a building permit for the Junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the city that: includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsections (e)(2) above.

Comments: This standard clarifies that the City assigns building addresses not the Post Office.

- (2) Addressing. Junior accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

OTHER CODE SECTIONS TO BE AMENDED

Comments: The purpose of the proposed language is to mitigate conflicting regulations in the Zoning Ordinance.

Sec. 23-43 (d)(7) Detached accessory buildings shall not be used as a secondary dwelling, unless the provisions of Section 23-55 are met.

Comments: The purpose of the proposed language is to specify Accessory Dwelling Units and Junior Dwelling Units are Accessory Uses in Section 23-92 R-1A Single-family district, Section 23-93 R-1B Single-family district, Section 23-94 R-1C Central city residential district, Section 23-95 R-2 Two-family district and Section 23-96 R-3 Multi-family district.

Sec. 23-92(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-92(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-93(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-93(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-94(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-94(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-95(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-95(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-96(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-96(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-55. Accessory dwelling units (attached and detached).

(a) **Purpose.**

- (1) The accessory dwelling unit regulations of this section are intended to help promote the benefits of accessory dwelling units, while also preserving neighborhood character and promoting stability for established neighborhoods.
- (2) Accessory dwelling units help advance the City's housing and land use goals and policies by:
 - a. Accommodating additional housing units while preserving the character of existing neighborhoods.
 - b. Allowing efficient use of the City's existing housing stock and infrastructure.
 - c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.
 - d. Providing a means for residents to remain in their homes and neighborhoods.
 - e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) **Definitions.** The definitions identified in this section shall apply to this section and shall prevail in the event any inconsistency exists between these definitions and the definitions set forth in Article II of this chapter.

- (1) **Accessory dwelling unit (ADU)** means an attached or a detached dwelling unit, which provides complete independent living facilities for one or more individuals and is located on a lot with a proposed or existing principal residential dwelling. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot and in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.
- (2) **Attached accessory dwelling unit** means a dwelling unit connected to (by a minimum of one shared wall), contained within or a combination of connected to and contained within the existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including an attached garage.
- (3) **Detached accessory dwelling unit** means a freestanding building and where all sides of the building are not connected to an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, including the

conversion of or addition to any portion of an existing built or proposed to be built detached accessory building for the purpose of creating an accessory dwelling unit.

- (4) **Junior accessory dwelling unit (JADU)** means a dwelling unit that is no more than 500 square feet in size, which provides complete independent living facilities for one or more individuals and is contained within or a combination of connected to and contained within an existing footprint of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. However, a junior accessory dwelling unit may include bathing and sanitation facilities or may share bathing and sanitation facilities with the principal residential dwelling unit.
- (5) **Independent living facilities** means a dwelling unit having permanent provisions of all of the following features: living, sleeping, eating, cooking, bathing and sanitation facilities.
- (6) **Established front yard** means the closest distance measured from the principal building to the front lot line(s).
- (7) **Convey, conveyed or conveyance** refers to the act of transferring property from one party to another by a written deed or an equivalent document, including condominium declarations documents. This is completed by recording the document with the County Register of Deeds.
- (8) **Gross floor area** means the sum of the horizontal areas of all floors of a building measured from the exterior face of the exterior walls or from the centerline of a wall separating two (2) dwelling units, but not including finished and unfinished basement areas, attached and detached garages, and any space where the floor-to-ceiling height is less than six (6) feet.
- (9) **Cooking appliances** means including, but not limited to: ovens, convection ovens, stoves, stove top, hot plates, microwave ovens, built in grills or similar appliances.

(c) **Permitted zoning districts.** Accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) **Location.** Accessory dwelling units shall be located on the same lot as the single-family detached dwelling or two-family-zero lot line dwelling.

(e) **Accessory dwelling unit number and type.**

- (1) **Lots with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling are permitted to have a maximum of one (1)**

accessory dwelling unit and one (1) junior accessory dwelling unit per lot under the following options:

- a. **Option 1 (attached ADU and JADU):** A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) attached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter; or
 - b. **Option 2 (detached ADU and JADU):** A single-family detached dwelling and a two-family-zero lot line dwelling is permitted to have one (1) detached accessory dwelling unit and one (1) junior accessory dwelling which meets the standards set forth in Section 23-56 of this Chapter.
 - c. Lots with an existing built or proposed to be built single-family detached dwelling or a two-family-zero lot line dwelling shall not be permitted to have both an attached accessory dwelling unit and a detached accessory dwelling unit.
- (f) **Use regulations.**
- (1) **Timing of construction.** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 Districts prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.
 - (2) **Sale of property and tax parcel number.** The accessory dwelling unit or junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the accessory dwelling unit.
 - (3) **Detached accessory building conversion.** Adding on vertically or horizontally to or converting all or a portion of an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit may be permitted, provided all of the provisions of this section are all complied with.
 - (4) **Maximum size of accessory dwelling units.** The total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.
 - (5) **Off-street parking.** No additional off-street parking is required for an attached or detached accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces

required for the principal dwelling unit shall be replaced, and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

(g) **Design requirements for attached and detached accessory dwelling units.** Attached and detached accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

(1) **Compliance with applicable regulations.** Attached and detached accessory dwelling units, including adding on to or converting an existing detached accessory building for the purpose of creating a detached or an attached accessory dwelling unit shall comply with all applicable Municipal Code regulations, including but not limited to, City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Drainage, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws, unless otherwise stated in this section.

(2) **Exterior finish materials.** Exterior finish materials for attached accessory dwelling units must visually be similar to the exterior finish materials of the principal dwelling unit.

a. 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.

(3) **Orientation of exterior entry doors and stairways.**

a. **New (ADU) exterior entry door.** All new exterior entry doors constructed exclusively to serve the accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the accessory dwelling unit.

b. **Shared use of an existing or proposed (primary dwelling unit or detached garage) exterior entry door.** Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.

c. **Stairways (interior and corner lots).** All new stairways constructed to serve an accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.

- d. **Stairways (double frontage lots).** A new stairway constructed to serve an accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.
- (4) **Foundation design.** Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.
- (5) **Water meter and service connection.** A new separate water meter and service connection to the public water main is not required for accessory dwelling units, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.
- (6) **Separate electrical service.**
 - a. **Detached accessory dwelling units.** Detached accessory dwelling units shall have a separate electric meter and electrical panel independent from the principal dwelling unit.
 - b. **Attached accessory dwelling units.** A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for an attached accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the attached accessory dwelling unit.
- (h) **Setbacks.**
 - (1) Attached accessory dwelling units shall comply with the following setback requirements:
 - a. **Minimum front lot line setback (street and alley):** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - b. **Minimum side lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - c. **Minimum rear lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - d. **Minimum separation between all buildings:** Ten (10) feet.

- e. The minimum front, side and rear lot line setbacks for accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.
- (2) Detached accessory dwelling units shall comply with the following setback requirements:
- a. **Minimum front lot line setback (street and alley):** Shall not be located in the established front yard, except for double frontage lots.
 - b. **Minimum front lot line setback (double frontage lots):** The minimum setback shall be what is required in the underlying zoning district for the principal dwelling unit for the yard opposite the front yard from which the principal dwelling unit is addressed.
 - c. **Minimum side lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - d. **Minimum rear lot line setback:** The minimum setbacks shall be what is required in the underlying zoning district for the principal dwelling unit.
 - e. **Minimum separation between all buildings:** Ten (10) feet.
 - f. The minimum side and rear lot setbacks for detached accessory dwelling units constructed or established on nonconforming lots of record may be modified pursuant to Section 23-42(f)(1), (2) and (4) of this Chapter.
- (i) **Maximum lot coverage.** Attached and detached accessory dwelling units shall be included in the calculation of maximum lot coverage that is required in the underlying zoning district that it is located in. The maximum lot coverage percentage as established for the underlying zoning district shall not be exceeded.
- (j) **Building height.**
- (1) Attached accessory dwelling units shall not exceed the maximum building height limit is required in the underlying zoning district for the principal dwelling unit.
 - (2) Detached accessory dwelling units shall not exceed the height of the principal dwelling unit.
- (k) **Exceptions.**
- (1) Accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.

(2) Accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(1) **Building permit application process.** Application, review, and approval of an accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

(1) Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that: includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsection (f)(2) above.

(2) Addressing. Accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

Sec. 23-56. Junior accessory dwelling units (JADU).

(a) **Purpose.** This section provides standards for the establishment of Junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit and shall not be considered a separate dwelling unit.

(1) Junior accessory dwelling units help advance the City's housing and land use goals and policies by:

a. Accommodating additional housing units while preserving the character of existing neighborhoods.

b. Allowing efficient use of the City's existing housing stock and infrastructure.

c. Providing housing options and choices that respond to varying income levels, changing household sizes and lifestyle needs.

d. Providing a means for residents to remain in their homes and neighborhoods, and

e. Promoting a range of housing styles that meet the needs and appeal to all segments of the community and allows residents to age in place.

(b) **Definitions.** See Section 23-55(b).

(c) **Permitted zoning districts.** Junior accessory dwelling units may be permitted in the R-1A, R-1B, R-1C, R-2 and R-3 Districts in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(d) **Maximum number.** A maximum of one (1) Junior accessory dwelling unit shall be permitted per residential lot in conjunction with an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling.

(e) **Use regulations.**

(1) **Timing of construction.** Accessory dwelling units shall not be constructed or established on a lot in the R-1A, R-1B, R-1C, R-2 or R-3 District prior to the single-family detached dwelling or two-family-zero lot line dwelling being present or under construction.

(2) **Sale of property and tax parcel number.** The junior accessory dwelling unit must be in the same ownership as the principal single-family detached dwelling or two-family zero lot line dwelling and shall not be sold separately or otherwise conveyed separate from the principal single-family detached dwelling or two-family-zero lot line dwelling. A separate tax parcel number shall not be assigned to the junior accessory dwelling unit.

(3) **Maximum size.** A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size. In addition, the total combined gross floor area of the accessory dwelling unit and junior accessory dwelling unit shall not exceed the total gross floor area (as defined in subsection (b)(8) above) of the principal dwelling unit.

(4) **Off-street parking.** No additional off-street parking is required for a junior accessory dwelling unit beyond what is required for the principal dwelling unit. The existing required amount of off-street parking spaces for the principal dwelling unit shall be maintained on the lot. Any displaced off-street parking spaces required for the principal dwelling unit shall be replaced and additional parking spaces shall be provided on the lot pursuant to Section 23-172.

(f) **Design requirements for a junior accessory dwelling unit.** Junior accessory dwelling units shall comply with the following design requirements, unless otherwise indicated:

(1) **Compliance with applicable regulations.** Junior accessory dwelling units shall be considered to be a part of the principal dwelling unit on the lot and shall comply with all applicable Municipal Code regulations, including but not limited to, City Policies, Zoning, Local Building, State of Wisconsin Uniform Dwelling Code, Fire, Engineering, Water Utility, Sewer and Wastewater Disposal regulations, and all applicable State and Federal Laws.

- (2) **Location of junior accessory dwelling unit.** A junior accessory dwelling unit shall be attached to a single-family detached dwelling or two-family zero lot line dwelling, may be created in any part of an existing built or proposed to be built single-family detached dwelling or two-family-zero lot line dwelling, and may be created in an addition to a single-family detached dwelling.
- (3) **Orientation of exterior entry doors and stairways.**
- a. **New (JADU) exterior entry door.** All new exterior entry doors constructed exclusively to serve the junior accessory dwelling unit are permitted to face the side and rear yard, except only one (1) new entry door is permitted to face the front yard that exclusively serves the junior accessory dwelling unit.
 - b. **Shared use of an existing or proposed (primary dwelling unit or detached garage) exterior entry door.** Exterior entry doors located on the exterior façade of the existing or proposed to be built principal dwelling unit or detached garage may be used to serve the junior accessory dwelling unit, provided all applicable Building and Fire Codes are satisfied.
 - c. **Stairways (interior and corner lots).** All new stairways constructed to serve a junior accessory dwelling unit located above the first story shall be built on the exterior façade facing the side yard and rear yard only for interior and corner lots.
 - d. **Stairways (double frontage lots).** A new stairway constructed to serve a junior accessory dwelling unit located above the first story is allowed to be built on the exterior façade facing the front yard that is opposite the front yard from which the principal dwelling unit is addressed and/or the side yard for double frontage lots.
- (4) **Entry connections.**
- a. **Junior accessory dwelling units that contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will not be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Junior accessory dwelling units that do not contain all the required features of an independent living facility (as defined in Section 23-55(b)(5)) will be required to maintain an interior connection between the junior accessory dwelling unit and the principal dwelling unit. Two (2) interior doors may be installed within one (1) frame for noise reduction.**
- (5) **Foundation design.** Accessory dwelling units shall be supported by a permanent frost free foundation conforming to the construction standards pursuant to Chapter 4 of the Municipal Code.
- (6) **Water meter and service connection.** A new separate water meter and service connection to the public water main is not required for a junior accessory dwelling unit, unless requested and paid for by the property owner. The new separate water meter service shall be connected directly to the public water main.

(7) **Separate electrical service.**

a. A new separate electric meter and electrical panel independent from the principal dwelling unit is not required for a junior accessory dwelling unit, unless installed and paid for by the property owner. If a new separate electrical meter and electrical panel is not installed, access to the electrical panel located inside the principal dwelling unit shall be accessible to occupant(s) of the junior accessory dwelling unit.

(8) **Kitchen area.** A junior accessory dwelling shall contain a kitchen area which includes a sink, cooking appliance, any size refrigerator, counter surface, and storage cabinets.

(9) **Bathing and sanitation.** Junior accessory dwelling units may include bathing and sanitation facilities, or may share bathing and sanitation facilities with the principal dwelling unit.

(10) **Setback and other zoning regulations.** For purposes of setbacks and other zoning regulations, the junior accessory dwelling unit shall be considered to be a part of the principal dwelling unit of subject site and shall be subject to the requirements of the underlying zoning district.

a. The minimum front, side and rear lot line setbacks for junior accessory dwelling units constructed or established on nonconforming lots of record, may be modified pursuant to Section 23-42(f)(1), (2), (3) and (4) of this Chapter.

(g) **Exceptions.**

(1) Junior accessory dwelling units are exempt from the requirements of Section 23-43 (d)(4) and (f) of this Chapter.

(2) Junior accessory dwelling units are exempt from the requirements of Section 23-51, Zoning with design standards of this Chapter.

(h) **Building permit application process.** Application, review, and approval of a junior accessory dwelling unit shall be pursuant to Chapter 4 of the Municipal Code.

(1) Prior to issuance of a building permit for the junior accessory dwelling unit, the owner shall record a deed restriction in a form approved by the City that: includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence and does not permit consistent with subsections (e)(2) above.

- (2) **Addressing.** Junior accessory dwelling units shall be assigned a building unit number in accordance with the Building Address Policy which is on file in the Inspections Division at the time when the building permit is issued.

OTHER CODE SECTIONS TO BE AMENDED:

Sec. 23-43 (d)(7) Detached accessory buildings shall not be used as a secondary dwelling, unless the provisions of Section 23-55 are met.

Sec. 23-92(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-92(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-93(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-93(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-94(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-94(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-95(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-95(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.

Sec. 23-96(c) (5) Accessory Dwelling Units pursuant to § 23-55.

Sec. 23-96(c) (6) Junior Accessory Dwelling Units pursuant to § 23-56.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: June 9, 2021

Common Council Meeting Date: June 16, 2021

Item: Dedication of Public Right-of-Way for Lawrence Street

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner: YMCA of the Fox Cities c/o William Breider

Applicant: Westwood c/o Jared Stoddard

Location: Generally located east of the intersection of Oneida Street and Lawrence Street (part of parcel #31-2-0052-00)

Petitioner's Request: The applicant is requesting a dedication of land for public right-of-way for Lawrence Street.

BACKGROUND

The subject area is located on the block bound by Oneida Street, Lawrence Street, Morrison Street, and Soldiers Square. In 1996, the property was sold from the City of Appleton to the YMCA, and Certified Survey Map No. 2585 was recorded to combine lots with a vacated portion of Lawrence Street. The 1996 agreement that transferred the existing parking ramp from the City to the YMCA contained restrictive covenants. On October 21, 2020, Common Council approved a resolution waiving certain restrictive covenants concerning redevelopment of the property.

The YMCA of the Fox Cities owns and operates an existing parking ramp on the subject site. The existing parking ramp was built in 1967. The applicant proposes to demolish the existing parking ramp and construct a new, standalone parking ramp on the subject site. On January 20, 2021, Common Council approved Special Use Permit #7-20 for the new parking ramp.

A Certified Survey Map (CSM) was recently submitted to establish property boundaries for the parking ramp project and dedicate the subject area for public roadway purposes. The Downtown Appleton Mobility Plan includes recommendations for future reconstruction of Lawrence Street and identifies a need for additional right-of-way near the subject area. The proposed right-of-way dedication would provide for a straightened and widened Lawrence Street cross section. CSMs are reviewed and administratively approved by City staff. The CSM, currently under review, is subject to the acceptance of the public right-of-way dedication by Plan Commission and Common Council.

STAFF ANALYSIS

Public Right-of-Way Dedication: Approximately 10,759 square feet of land is included in the proposed right-of-way dedication. This includes part of parcel #31-2-0052-00. As shown on the attached exhibit map, the right-of-way for Lawrence Street would be straightened to align with blocks to the east and west.

Street Dedication – Lawrence Street

June 9, 2021

Page 2

Street Classification: The City’s Arterial/Collector Plan Map identifies this portion of Lawrence Street as a collector street.

Surrounding Zoning Classification and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and institutional in nature.

North: CBD Central Business District. The existing YMCA parking ramp is located north of the subject area.

South: CBD Central Business District. The adjacent land uses to the south are currently institutional (Mosaic Family Health) and vacant land.

East: CBD Central Business District. Existing Lawrence Street right-of-way is immediately east of the subject area, and the adjacent land use is institutional (YMCA of the Fox Cities facility).

West: CBD Central Business District. Existing Lawrence Street right-of-way is immediately west of the subject area, and the adjacent land use is commercial.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area as future Central Business District designation. The proposed public right-of-way dedication is consistent with the following excerpts from the *Comprehensive Plan 2010-2030*.

Goal 4 – Transportation

Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

OBJECTIVE 6.9 Transportation:

Implement the transportation-related recommendations contained within related plans.

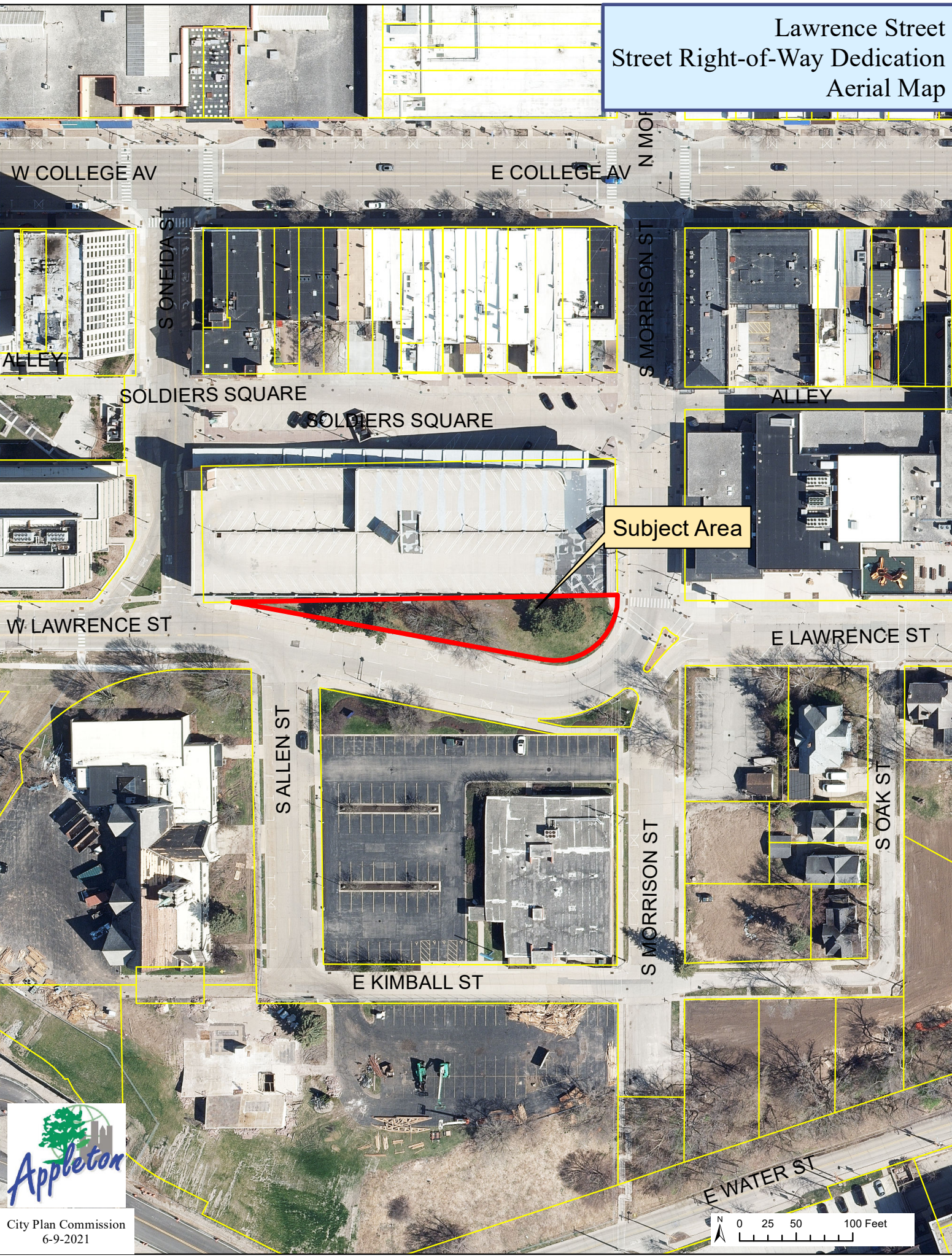
Policy 6.9.2 Implement the recommendations of the 2016 Downtown Mobility Study.

Technical Review Group (TRG) Report: This item appeared on the May 18, 2021 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the dedication of land for public right-of-way for Lawrence Street, as shown on the attached maps, **BE APPROVED**.

Lawrence Street
Street Right-of-Way Dedication
Aerial Map



W COLLEGE AV

E COLLEGE AV

N MORRISON ST

ALLEY

S ONEIDA ST

S MORRISON ST

SOLDIERS SQUARE

SOLDIERS SQUARE

ALLEY

Subject Area

W LAWRENCE ST

E LAWRENCE ST

SALLEN ST

S MORRISON ST

S OAK ST

E KIMBALL ST

E WATER ST

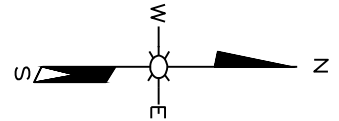
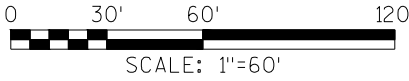


CERTIFIED SURVEY MAP NUMBER

BEING ALL OF LOT 1 OF OUTAGAMIE COUNTY CERTIFIED SURVEY MAP 2585, LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND SOUTHWEST QUARTER OF SOUTHWEST QUARTER OF SECTION 26, T21N, R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

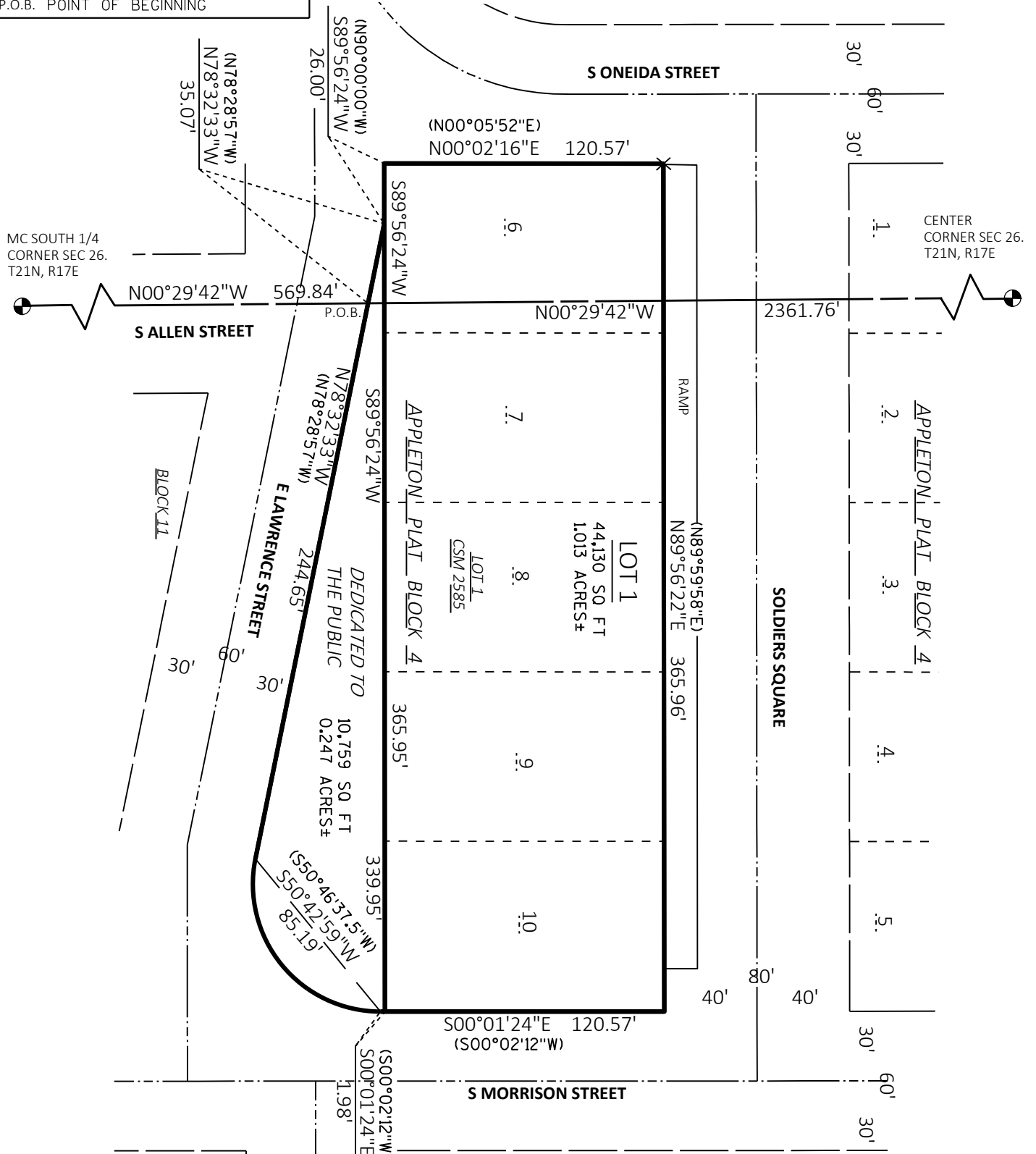
NORTH IS REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM FOR OUTAGAMIE COUNTY.

- ⊙ OUTAGAMIE COUNTY SECTION CORNER MONUMENT
- ✕ CHISELED "X" FOUND
- ⊘ 1 1/4" x 30" STEEL REBAR SET WEIGHING 4.303 LBS./LINEAL FT.
- ⊘ 3/4" x 24" STEEL REBAR SET WEIGHING 1.502 LBS./LIN. FT.
- () RECORDED AS INFORMATION
- P.O.B. POINT OF BEGINNING



CURVE DATA TABLE

CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
101°48'	55.01'	97.44'	85.19'	S50°42'59"W



DATE 4/16/2021	DIRECTORY NO.
PROJECT NO. 3001128	DRAFTED BY JLS
SHEET 1 OF 3	DRAWING NAME YMCA-RAMPPRW

SURVEY FOR: YMCA OF APPLETON
218 E LAWRENCE ST
APPLETON, WI 54911

Westwood
 Phone (920) 735-6900 One Systems Drive
 Fax (920) 830-6100 Appleton, WI 54914-1654
 TollFree (800) 571-6677 westwoodps.com
 Westwood Professional Services

CERTIFIED SURVEY MAP NUMBER

BEING ALL OF LOT 1 OF OUTAGAMIE COUNTY CERTIFIED SURVEY MAP 2585, LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND SOUTHEAST QUARTER OF SOUTHWEST QUARTER OF SECTION 26, T21N, R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I PAUL D. NORDWIG, STATE OF WISCONSIN PROFESSIONAL LAND SURVEYOR S-2784, DO HEREBY CERTIFY THAT BY THE ORDERS OF THE OWNER, I HAVE MADE A SURVEY OF A PARCEL OF LAND BEING ALL OF LOT 1 OF CERTIFIED SURVEY MAP 2585, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND SOUTHEAST QUARTER OF SOUTHWEST QUARTER OF SECTION 26, T21N, R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER MEANDER CORNER OF SAID SECTION 26;
 THENCE N00°29'42"E ALONG WEST LINE OF SOUTHEAST QUARTER A DISTANCE OF 569.84' TO THE POINT OF BEGINNING.

THENCE CONTINUING N78°32'33"W (RECORDED AS N78°28'57"W) A DISTANCE OF 35.07 FEET;
 THENCE S89°56'24"W (RECORDED AS N90°00'00"W) COINSIDENT WITH SOUTH LINE OF SAID CERTIFIED SURVEY MAP A DISTANCE OF 26.00 FEET;
 THENCE N00°02'16"E (RECORDED AS N00°05'52"E) COINCIDENT WITH WEST LINE OF SAID CERTIFIED SURVEY MAP A DISTANCE OF 120.57 FEET;
 THENCE N89°56'22"E (RECORDED AS N89°59'58"E) COINCIDENT WITH NORTH LINE OF SAID CERTIFIED SURVEY MAP A DISTANCE OF 365.96 FEET;
 THENCE S00°01'24"E (RECORDED AS S00°02'12"W) COINCIDENT WITH EAST LINE OF SAID CERTIFIED SURVEY MAP A DISTANCE OF 122.55 FEET;
 THENCE SOUTHWESTERLY COINCIDENT WITH SAID CERTIFIED SURVEY MAP 97.44 FEET COINCIDENT WITH ARC OF CURVE HAVING A RADIUS OF 55.01 FEET AND MEASURED WITH COINCIDENT WITH A CORD BEARING S50°42'59"W (RECORDED AS S50°46'35.7"W) A DISTANCE OF 85.19 FEET;
 THENCE N78°32'33"W (RECORDED AS N78°32'33"W COINCIDENT WITH SOUTHERLY LINE OF SAID CERTIFIED SURVEY MAP A DISTANCE OF 244.65' TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 1.26 ACRES (54,889 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD

THAT I HAVE MADE SURVEY AND LAND DIVISION UNDER THE DIRECTION OF THE OWNER OF SAID LANDS.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE CITY OF APPLETON AND OUTAGAMIE COUNTY IN SURVEYING, DIVIDING, MAPPING AND DEDICATION OF SAID LANDS

THAT THIS IS A CORRECT REPRESENTATION OF ALL OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION MADE THEROF.

 PAUL D. NORDWIG P.L.S. NO. S-2784

 DATE

RECORDED INSTRUMENTS:

THIS CERTIFIED SURVEY MAP IS ALL OF TAX PARCELS 31-2-0025 WITH THE OWNER OF RECORD BEING YMCA OF APPLETON IN DOCUMENT NO. 1194192.

NOTES:

- 1) SUBJECT PROPERTY IS CURRENTLY ZONED CBD CENTRAL BUSINESS DISTRICT
- 2) ALL ADJOINING PROPERTIES ARE ZONED CBD CENTRAL BUSINESS DISTRICT

DATE 4/16/2021	DIRECTORY NO. -----
PROJECT NO. 3001128	DRAFTED BY JLS
SHEET 2 OF 3	DRAWING NAME YMCA-RAMPPRW

SURVEY FOR: YMCA OF APPLETON 218 E LAWRENCE ST APPLETON, WI 54911

Westwood	
Phone (920) 735-6900	One Systems Drive
Fax (920) 830-6100	Appleton, WI 54914-1654
TollFree (800) 571-6677	westwoodps.com
Westwood Professional Services	

CERTIFIED SURVEY MAP NUMBER

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OWNER'S CERTIFICATE:

YMCA OF APPLETON DOES HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED TO BE SURVEYED, DIVIDED, AND MAPPED ALL AS SHOWN AND REPRESENTED ON THIS MAP. I ALSO CERTIFY THAT THIS CSM IS REQUIRED BY S. 236.10 OR 236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF APPLETON

OWNER

DATE

STATE OF WISCONSIN:

SS

OUTAGAMIE COUNTY:

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2021, THE ABOVE NAMED TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC COUNTY, WISCONSIN

MY COMMISSION EXPIRES _____

TREASURER'S CERTIFICATE:

WE HEREBY CERTIFY THAT THERE ARE NO UNREDEEMED TAX SALES, NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP.

CITY TREASURER

DATED

COUNTY TREASURER

DATED

CITY OF APPLETON APPROVAL:

THIS CERTIFIED SURVEY MAP HAS BEEN REVIEWED AND ACCEPTED BY THE CITY OF APPLETON.

MAYOR DATED

CITY CLERK DATED

DATE 4/16/2021	DIRECTORY NO. -----
PROJECT NO. 3001128	DRAFTED BY JLS
SHEET 3 OF 3	DRAWING NAME YMCA-RAMPPRW

SURVEY FOR: YMCA OF APPLETON
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