



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final-revised City Plan Commission

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Wednesday, August 23, 2023

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting

[23-0990](#) City Plan Minutes from 8-9-23

**Attachments:** [City Plan Minutes 8-9-23.pdf](#)

### 5. Public Hearing/Apearances

### 6. Action Items

[23-0991](#) Request to approve the Prospera Credit Union Annexation consisting of approximately 0.98 acre located at 4704 N. Ballard Road, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

**Attachments:** [StaffReport ProsperaCreditUnion Annexation For08-23-23.pdf](#)

[23-0992](#) Request to approve Certified Survey Map #10-23, which crosses a plat boundary, for land bounded by E. Vantage Drive, S. Eisenhower Drive, E. Milis Drive, and S. Alliance Drive (Tax Id #31-9-5712-26, 31-9-5712-27, 31-9-5712-28, 31-9-5712-29 and 31-9-5712-00) to re-configure/combine the 5 existing parcels into 2 parcels, proposed Lots 1 and 2 as shown on the attached map, and subject to the conditions in the attached staff report

**Attachments:** [StaffReport F Street 5 CrossingPlatBoundary For08-23-23.pdf](#)

### 7. Information Items

[23-0936](#)

Proposed draft text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to *Article II Definitions*: Section 23-22; *Article III General Provisions*: Sections 23-43, 23-47, and 23-49; *Article IV Administration*: Section 23-66; *Article V Residential Districts*: Sections 23-91, 23-92, 23-93, 23-94, 23-95, 23-96, 23-100, and 23-101; *Article VI Commercial Districts*: Sections 23-111, 23-112, 23-113, 23-114, and 23-115; *Article VII Industrial Districts*: Sections 23-131 and 23-132; *Article VIII Overlay Districts*: Section 23-152; *Article IX Off-Street Parking and Loading*: Section 23-172; *Article XIII Wireless Telecommunications Facilities*: Sections 23-420 thru 427; and *Article XV Site Plan Review and Approval*: Section 23-570

**Attachments:** [StaffReport\\_PC\\_Informational\\_DraftTextAmendment\\_2023Bundle.pdf](#)

**Legislative History**

8/9/23            City Plan Commission            presented

## 8.        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.*

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

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



# City of Appleton

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

## Meeting Minutes - Final City Plan Commission

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Wednesday, August 9, 2023

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

**Meeting called to order by Vice Chair Fenton at 3:30 p.m.**

2. Pledge of Allegiance

3. Roll call of membership

**Present:** 5 - Robins, Dane, Uitenbroek, Neuberger and Fenton

**Excused:** 2 - Palm and Mayor Woodford

*Others present:*

*Alderson Patrick Hayden, District #7*

*Michelle Mader, 275 E. Spartan Drive*

*Jeff Schultz, Martenson & Eisele*

*Grant Vollrath, 103 S. Fidelis Street*

*Deb Wisnet-Hunter, 300 E. Bluewater Way*

*William Hunter, 300 E. Bluewater Way*

*Charlotte Morse, 5633 N. Summerland Drive*

*Nick Morse, 5633 N. Summerland Drive*

*Alaine Morgan, 5667 N. Summerland Drive*

*Patrick Dedoyard, 5667 N. Summerland Drive*

*Kate Alberts, 249 E. Spartan Drive*

4. Approval of minutes from previous meeting

[23-0932](#)

City Plan Minutes from 7-26-23

**Attachments:** [City Plan Minutes 7-26-23.pdf](#)

**Neuberger moved, seconded by Robins, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Robins, Dane, Uitenbroek, Neuberger and Fenton

**Excused:** 2 - Palm and Mayor Woodford

## 5. Public Hearing/Appearances

[23-0933](#)

Rezoning #5-23 to rezone the vacant land generally located along the extension of E. Sweetwater Way, south of E. Spartan Drive and east of N. Haymeadow Avenue, for the Fourth Addition to Clearwater Creek (Tax Id #31-6-6201-00 and part of #31-6-6200-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District (Associated with Action Item #23-0934)

**Attachments:** [InformalPublicHearingNotice\\_4thAddnClearwaterCreek\\_Rezoning#5-23.pdf](#)

This public hearing was held. Michelle Mader, Kate Alberts, Alaine Morgan, Jeff Hunter, and Charlotte Morse spoke on the item.

## 6. Action Items

[23-0934](#)

Request to approve Rezoning #5-23 to rezone the vacant land generally located along the extension of E. Sweetwater Way, south of E. Spartan Drive and east of N. Haymeadow Avenue, for the Fourth Addition to Clearwater Creek (Tax Id #31-6-6201-00 and part of #31-6-6200-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport\\_4th Addn Clearwater Creek Rezoning For8-9-23.pdf](#)  
[Scott Berg Email.pdf](#)  
[Gregg Mader Email.pdf](#)

*Proceeds to Council on September 6, 2023.*

*Staff received written feedback from two residents via email. The emails were distributed to the Plan Commission members at the meeting and are attached.*

**Robins moved, seconded by Neuberger, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Robins, Dane, Uitenbroek, Neuberger and Fenton

**Excused:** 2 - Palm and Mayor Woodford

[23-0935](#)

Request to approve the Fourth Addition to Clearwater Creek Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_4th Addn Clearwater Creek PreliminaryPlat For8-9-23.pdf](#)

*Proceeds to Council on September 6, 2023.*

**Dane moved, seconded by Robins, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Robins, Dane, Uitenbroek, Neuberger and Fenton

**Excused:** 2 - Palm and Mayor Woodford

**7. Information Items**

[23-0936](#)

Proposed draft text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to *Article II Definitions*: Section 23-22; *Article III General Provisions*: Sections 23-43, 23-47, and 23-49; *Article IV Administration*: Section 23-66; *Article V Residential Districts*: Sections 23-91, 23-92, 23-93, 23-94, 23-95, 23-96, 23-100, and 23-101; *Article VI Commercial Districts*: Sections 23-111, 23-112, 23-113, 23-114, and 23-115; *Article VII Industrial Districts*: Sections 23-131 and 23-132; *Article VIII Overlay Districts*: Section 23-152; *Article IX Off-Street Parking and Loading*: Section 23-172; *Article XIII Wireless Telecommunications Facilities*: Sections 23-420 thru 427; and *Article XV Site Plan Review and Approval*: Section 23-570

**Attachments:** [StaffReport\\_PC\\_Informational\\_DraftTextAmendment\\_2023Bundle.pdf](#)

**This item was presented.**

**8. Adjournment**

**Uitenbroek moved, seconded by Robins, that the meeting be adjourned at 4:27 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Robins, Dane, Uitenbroek, Neuberger and Fenton

**Excused:** 2 - Palm and Mayor Woodford



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** August 23, 2023

**Common Council Meeting Date:** September 6, 2023

**Item:** Petition for Direct Annexation by Unanimous Approval –  
Prospera Credit Union Annexation

**Case Manager:** Lindsey Smith, Principal Planner

### GENERAL INFORMATION

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**Owner:** Prospera Credit Union, Sheila Schinke, CEO

**Town Where Property is Located:** Town of Grand Chute

**Address/ Parcel Number:** 101160700 - Town of Grand Chute, 4704 N. Ballard Road

**Petitioner's Request:** Owner is requesting direct annexation by unanimous approval pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Grand Chute, Outagamie County.

**Purpose for Annexation:** To allow for the future development on the subject property and adjacent parcels already in the City, which are also owned by the petitioner.

**Population of Such Territory:** 0

**Annexation Area:** 0.98 acres m/l

### BACKGROUND

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On March 16, 1992, the City of Appleton and the Town of Grand Chute agreed to and entered into an Intermunicipal Boundary Agreement pursuant to Section 66.027 and 66.30 of the Wisconsin State Statutes for the purpose of defining and expanding the provision of governmental services, including water and sewer services, by establishing the City's growth area and establishing provisions for annexation of land within the Town of Grand Chute to the City of Appleton.

Neighboring parcels #31-1-8006-00 (4830 N. Ballard Road) and #31-1-8007-00, which are also owned by the petitioner, were annexed to the City of Appleton in 1993. At that time, the newly annexed parcels were assigned a zoning classification of C-2 General Commercial District and R-1A Single Family District. Site Plan #03-16 was approved in 2003 to allow the construction of Prospera Credit Union located on parcel #31-1-8006-00 (4830 N. Ballard Road). Future development is anticipated on the subject

## **Prospera Credit Union Annexation**

**August 23, 2023**

**Page 2**

property and these adjacent parcels; however, prior to development, a rezone will be required for the subject property and parcel #31-1-8007-00.

Before Common Council approves the annexation ordinance, the City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee on July 26, 2023. On August 15, 2023 the DOA found the annexation to be in the public interest, attached is the review letter.

### **STAFF ANALYSIS**

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The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- Currently, the subject property has a residential home that is vacant. No electors reside in the annexation area.
- The area proposed for annexation is contiguous to the existing City boundary located to the west of the annexation area. The subject property connects to the City of Appleton at the Ballard Road right-of-way, land locked parcel to the east, and adjacent property located along Ballard Road.
- Annexation of the site in question is consistent with the Intermunicipal Boundary Agreement with the Town of Grand Chute.
- City sanitary sewer and water infrastructure is already installed along Ballard Road. Annexation to the City of Appleton is required before the subject property could connect to the City water.
- The City can provide Police and Fire services to the subject property.
- The owner is not requesting that the Plan Commission initiate a rezoning for the subject property, so the temporary AG Agricultural District will be assigned. If the temporary zoning classification is not amended within 90 days, the zoning will revert to AG Agricultural District

#### **Surrounding Zoning Classification and Land Uses:**

North: C-2 General Commercial District. The adjacent land use to the north is currently developed as a financial institution.

South: Town of Grand Chute. The adjacent land use to the south is currently developed as single-family residential.

East: C-2 General Commercial District and R-1A Single Family District. The adjacent land use to the east is currently undeveloped and developed as financial institution.

West: R-2 Two-Family District. The adjacent land use to the west is currently undeveloped and Ballard Road.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Commercial Development. The proposed annexation is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

## Prospera Credit Union Annexation

August 23, 2023

Page 3

### *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 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 10.5 Land Use:*

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

**Technical Review Group (TRG) Report:** This item appeared on the July 18, 2023 TRG Agenda. No negative comments were received from participating departments.

## **FUTURE ACTIONS**

Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. In this case, the owner is not requesting a rezoning for the subject property, so the temporary AG Agricultural District will be assigned. Permanent zoning, perhaps C-2 General Commercial District, will be determined at a later date. A rezoning request would be processed in accordance with Section 23-65(d) Zoning Map Amendments, which includes action by Plan Commission and Common Council.

Review and approval of a Certified Survey Map will be submitted to combine the subject property and adjacent parcels owned by the petitioner. Certified Survey Maps are reviewed and approved by City staff.

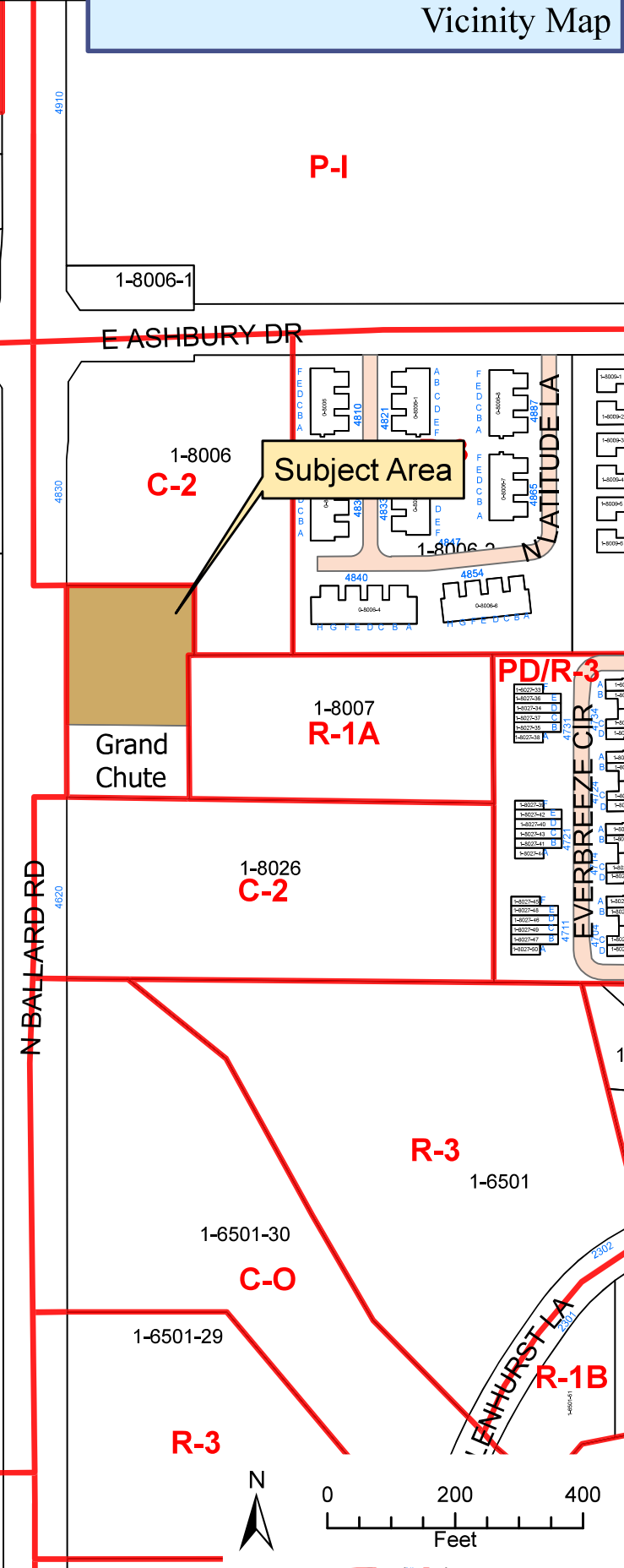
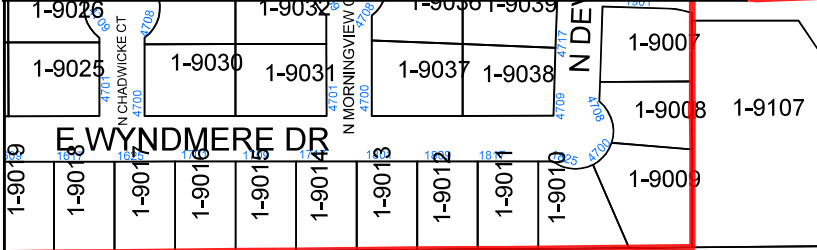
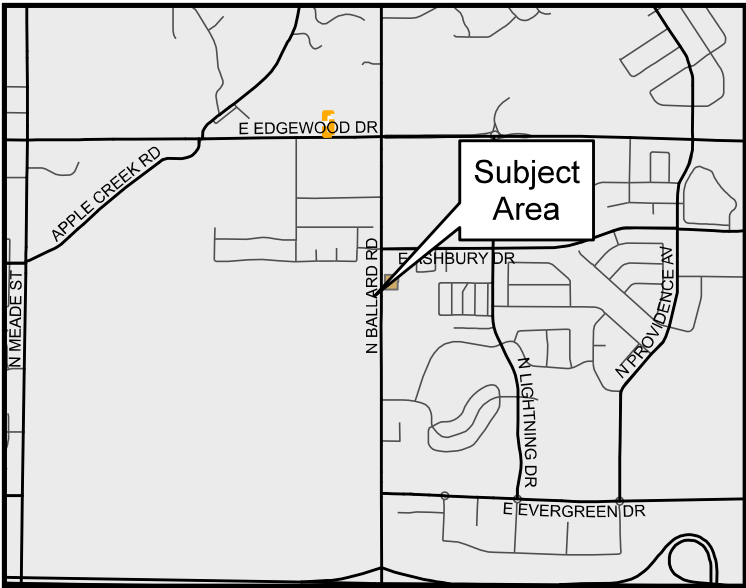
## **RECOMMENDATION**

Staff recommends that the Prospera Credit Union Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

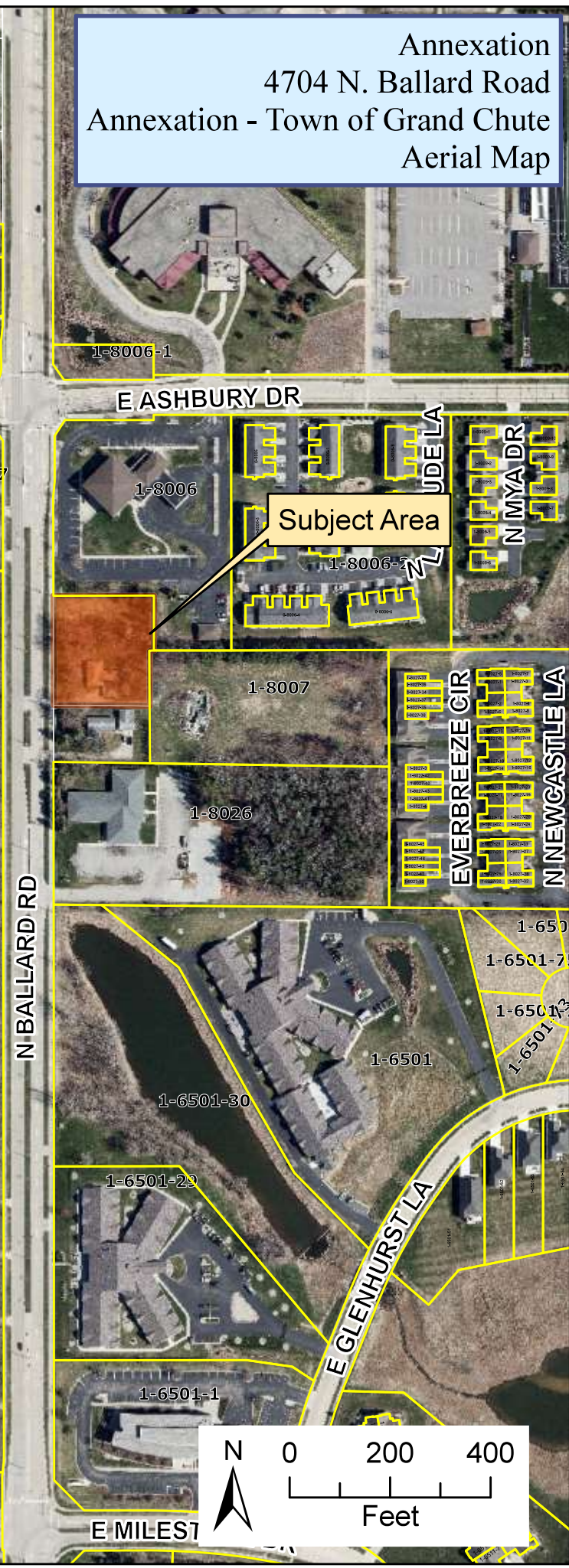
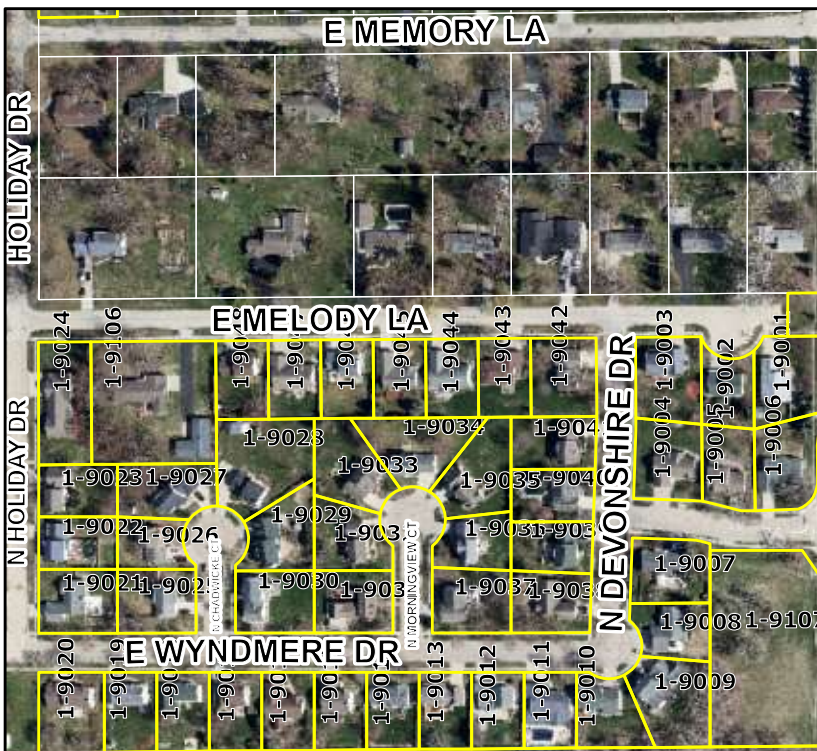
1. The Plan Commission assign a zoning classification of temporary AG Agricultural District for the subject property, pursuant to Section 23-65(e) of the Municipal Code.



Annexation  
4704 N. Ballard Road  
Annexation - Town of Grand Chute  
Vicinity Map



Annexation  
 4704 N. Ballard Road  
 Annexation - Town of Grand Chute  
 Aerial Map





**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL  
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES  
WHERE NO ELECTORS RESIDE IN TERRITORY**

I/We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

Legal description of proposed territory to be annexed:

A part of the South Fractional 1/2 of the Northwest 1/4 of Section 7, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.98 Acres of land m/l and described as follows:  
 Commencing at the West 1/4 corner of said Section 7;  
 Thence North 00°03'10" West 397.00 feet along the West line of the Northwest 1/4 of said Section 7;  
 Thence South 89°11'07" East 50.01 feet to the East line of Ballard Road to the point of beginning;  
 Thence North 00°03'10" West 218.13 feet m/l to a South line of Lot 1 of C.S.M. No. 6239;  
 Thence North 89°57'00" East 200.00 feet along a South line of said Lot 1;  
 Thence South 00°03'10" East 109.43 feet along a West line of said Lot 1 to the most South line of said Lot 1;  
 Thence South 89°49'09" West 8.02 feet;  
 Thence South 00°03'10" East 111.58 feet;  
 Thence North 89°11'07" West 192.00 feet to the Point of Beginning.  
 Area of lands to be annexed contains 0.98 acres m/l.

Town of Grand Chute Tax Parcel to be annexed: 101160700

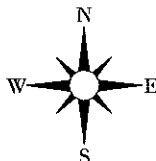
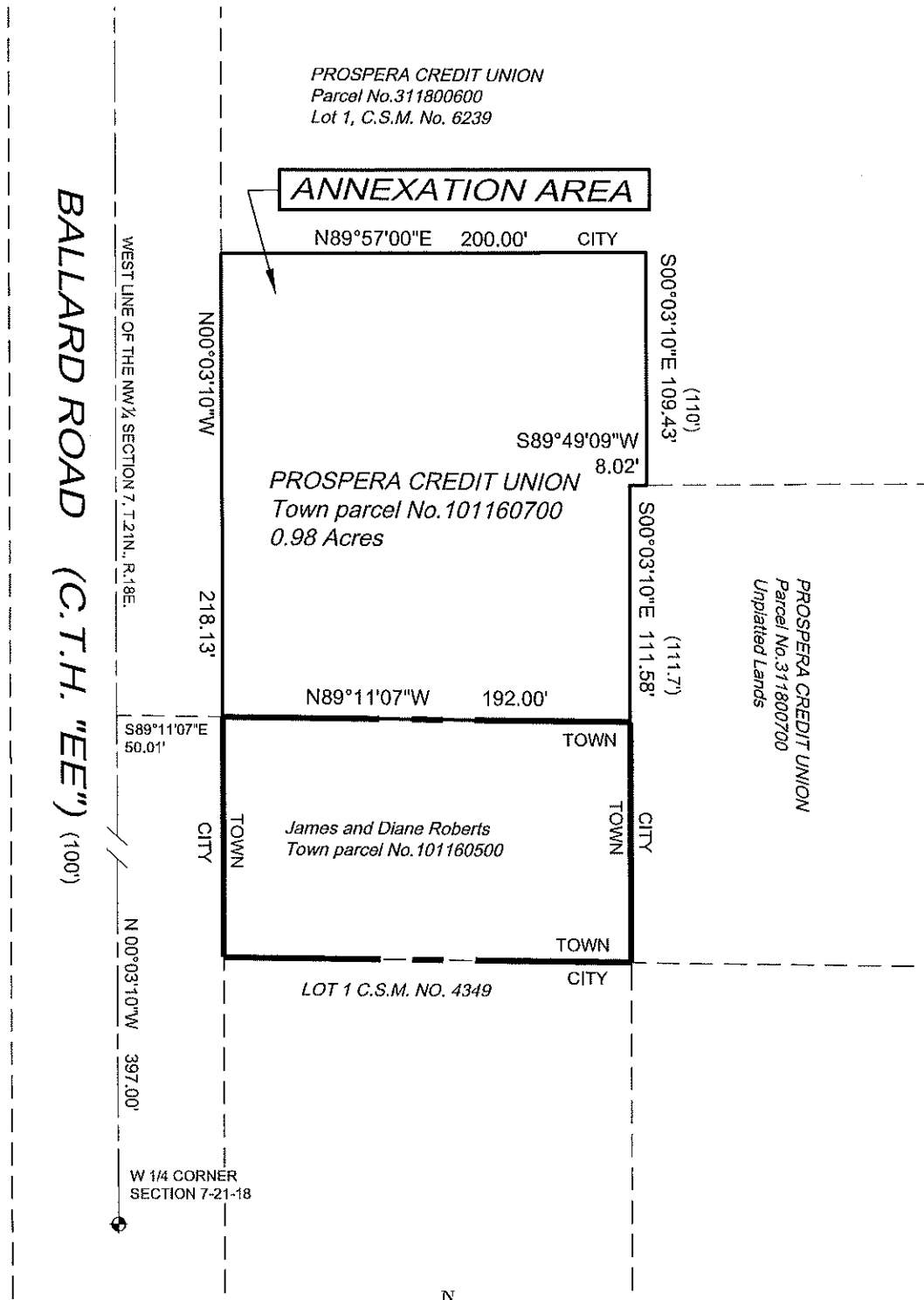
The current population of such territory is 0.

I/We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

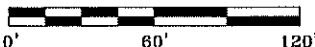
<b>Signature of Petitioner</b>	<b>Owner</b>	<b>Date of Signing</b>	<b>Address of Petitioner (Include Zip Code)</b>
	Prospera Credit Union, Sheila Schinke, CEO	7-10-23	4830 N. Ballard Road Appleton, WI 54913
Sheila Schinke			

# ANNEXATION EXHIBIT

Part of the South Fractional 1/2 of the Northwest 1/4 of Section 7, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin.



SCALE IN FEET



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, WEST LINE OF NW 1/4 SECTION 7, T.21N., R.18E.; RECORDED AS N.00°03'10"W. H:\Acad\Annex\2023\Prospera\_BallardRd\_0705\_2023

## CITY OF APPLETON

DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
920-832-6474

DRAFTED BY: T. KROMM



TONY EVERS

GOVERNOR

KATHY BLUMENFELD

SECRETARY

**Municipal Boundary Review**

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: [wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

Web: <http://doa.wi.gov/municipalboundaryreview>

August 15, 2023

PETITION FILE NO. 14610

KAMI LYNCH, CLERK  
CITY OF APPLETON  
100 N APPLETON ST  
APPLETON, WI 54911-4702

KAYLA RAATZ, CLERK  
TOWN OF GRAND CHUTE  
1900 W GRAND CHUTE BOULEVARD  
GRAND CHUTE, WI 54913-9613

Subject: PROSPERA CREDIT UNION ANNEXATION

The proposed annexation submitted to our office on July 26, 2023, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the City of Appleton, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14610 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to [mds@wi.gov](mailto:mds@wi.gov) or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2684>

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** August 23, 2023

**Common Council Meeting Date:** September 6, 2023

**Item:** Certified Survey Map #10-23

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Owner:** City of Appleton

**Applicant:** Ruekert & Mielke, Inc. c/o Colin Meisel, PE

**Address/Parcel:** S. Alliance Drive (Tax Id #'s 31-9-5712-26, 31-9-5712-27, 31-9-5712-28, 31-9-5712-29 and 31-9-5712-00)

**Petitioner's Request:** The applicant is requesting approval of a 2-Lot Certified Survey Map (CSM) that crosses a plat boundary.

### BACKGROUND

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Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcel #'s 31-9-5712-26, 31-9-5712-27, 31-9-5712-28, and 31-9-5712-29 were included in the Southpoint Commerce Park Plat No. 3, and parcel #31-9-5712-00 was included in Certified Survey Map #3609. In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the proposed CSM must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

This CSM will re-configure/combine the five existing parcels into two parcels, proposed Lots 1 and 2.

### STAFF ANALYSIS

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**Existing Conditions:** Proposed Lots 1 and 2 are currently undeveloped. A Site Plan application (Site Plan #17-23) is currently under review for the construction of an industrial building and associated loading area and off-street parking lot on Proposed Lot 1. All parcels have a zoning designation of M-1 Industrial Park District. The total land area included in the CSM is approximately 30.44 acres.

**Subdivision Ordinance Requirements:** Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the M-1 Industrial Park District, the minimum lot width is 150 feet and the minimum lot area is 43,560 square feet, per Section 23-131(h) of the Municipal Code. Proposed lots satisfy these lot development standards.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton. The uses are generally industrial in nature.

**Certified Survey Map #10-23**

**August 23, 2023**

**Page 2**

North: M-1 Industrial Park District. The adjacent land use to the north is currently undeveloped industrial park land/agriculture crops.

South: M-1 Industrial Park District. The adjacent land use to the south is currently industrial.

East: M-1 Industrial Park District. The adjacent land use to the east is currently undeveloped/forested land.

West: M-1 Industrial Park District. The adjacent land use to the west is currently undeveloped industrial park land/agriculture crops.

**Appleton Comprehensive Plan 2010-2030:** Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Business/Industrial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map.

*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.*

**Technical Review Group (TRG) Report:** This item appeared on the August 1, 2023 TRG agenda. No negative comments were received from participating departments.

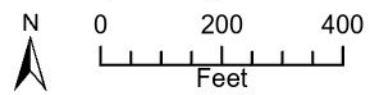
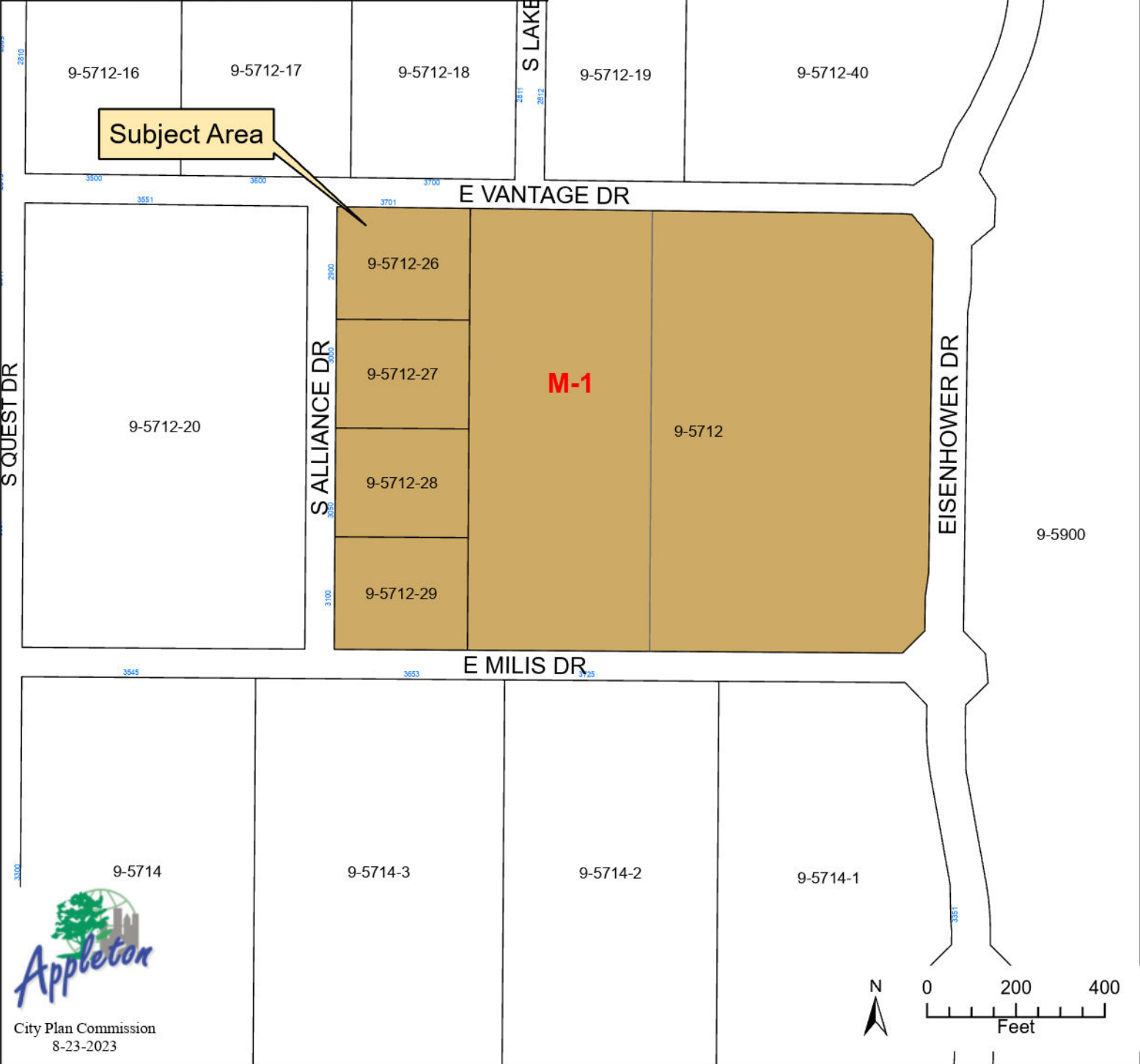
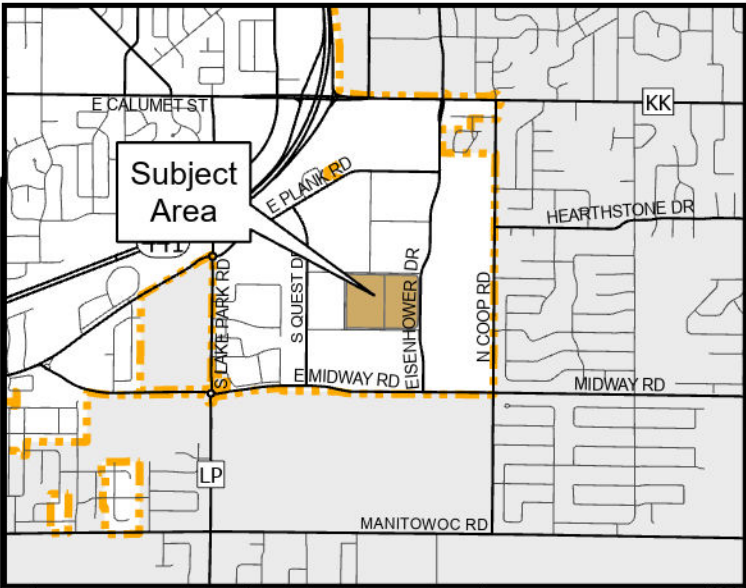
**RECOMMENDATION**

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Based on the above, staff recommends that Certified Survey Map #10-23, as shown on the attached map, **BE APPROVED** subject to the following conditions:

1. Applicant shall address all staff technical review comments prior to City signatures being affixed to the CSM.
2. The drainage plan requirement for this CSM is waived and will be reviewed with the Site Plan submittals.
3. Provide notation indicating the parcel is precluded from access to Eisenhower Drive.

F Street 5  
Certified Survey Map #10-23  
Vicinity Map





HWY 441  
HWY 441 OFF RAMP

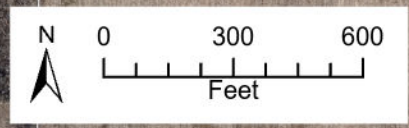
F Street 5  
Certified Survey Map #10-23  
Aerial



Subject Areas

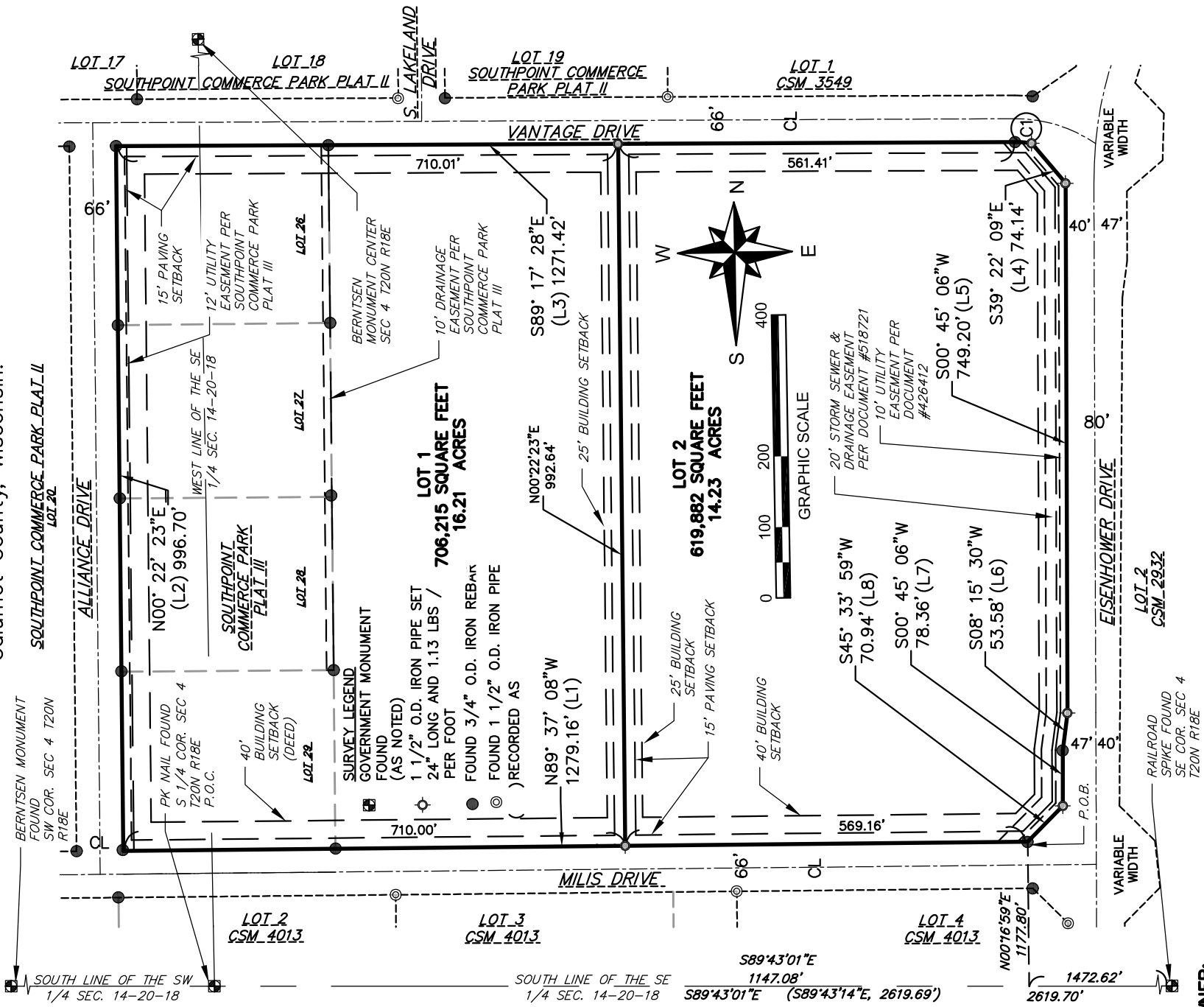


City Plan Commission  
8-23-2023



# CERTIFIED SURVEY MAP -

Being all of Lot 1 of Certified Survey Map #3609, and all of Lots 26, 27, 28 and 29 of the Southpoint Commerce Park Plat No. 3, located in and being part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, and part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.



CURVE TABLE							
CURVE #	RADIUS	DELTA	CHORD	CHORD BRG.	ARC TANGENT	TANGENT BRG. IN	TANGENT BRG. OUT
C1	167.00'	08°06'01"	23.59'	S85°14'28"E (S65°14'40"E)	23.61'	N89°17'26"E	N81°11'26"E

**OWNER:**  
City of Appleton  
100 N. Appleton St.  
Appleton, WI 54911  
920-832-6443

**SUBDIVIDERS:**  
Hayden Properties LLC.  
1134 N. 9TH STREET, SUITE 200  
MILWAUKEE, WI 53233  
414-315-3190

**PREPARED BY:**  
Ruekert & Mielke, Inc.  
W233 N2080 Ridgeway  
Pkwy.  
Waukesha, WI 53188  
262-542-5733

BEARINGS ARE REFERENCED TO  
THE WISCONSIN COUNTY  
COORDINATE SYSTEM, CALUMET  
COUNTY, SOUTH LINE OF THE  
SE 1/4 OF 4-20-18,  
MEASURED AS S89°43'01"E.



**DRAFT**

John M. Schulz, P.L.S. 3253  
Dated this 25th day of July, 2023

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (7/25/23)

SHEET 1 OF 4

## CERTIFIED SURVEY MAP -

Being all of Lot 1 of Certified Survey Map #3609, and all of Lots 26, 27, 28 and 29 of the Southpoint Commerce Park Plat No. 3, located in and being part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, and part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

## SURVEYOR'S CERTIFICATE

I, John M. Schulz, of Ruekert & Mielke, Professional Land Surveyor, do hereby certify that at the direction of the Hayden Properties LLC. that I have surveyed, divided and mapped a division of Lot 1 of Certified Survey Map Number 3609, and Lots 26, 27, 28 and 29 of the Southpoint Commerce Plat No. 3, located in and being part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, and part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 4, Town 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of Section 4; thence S89°43'01"E along the South line of said Southeast 1/4, 1147.08 feet; thence bearing N00°16'59"E, a distance of 1177.80 feet to the Northerly Right-of-Way (ROW) line of Millis Drive and the POINT OF BEGINNING (POB); thence bearing N89°37'08"W along said line, a distance of 1279.16 feet to the to the Easterly ROW line of Alliance Drive; thence N00°22'23"E along said line, a distance of 996.70 feet to the Southerly ROW line of Vantage Drive; thence bearing S89°17'28"E, a distance of 1271.42 feet to a point of curvature; thence 23.61 feet along the arc of a curve to the right, whose radius is 167.00 feet, and whose chord bears S85°14'26"E, 23.59 feet to a point of tangency and the Westerly ROW line of Eisenhower Drive; thence along said line over the next five courses ;thence bearing S39°22'09"E, a distance of 74.14 feet; thence bearing S00°45'06"W, a distance of 749.20 feet; thence bearing S08°15'30"W, a distance of 53.58 feet; thence bearing S00°45'06"W, a distance of 78.36 feet; thence bearing S45°33'59"W, a distance of 70.94 feet to the Point of Beginning. Containing 30.04 acres (1,326,097 Sq. Ft.) more or less of land. Subject to covenants, conditions, restrictions and easements of record.

That I have made this survey, land division and map by the direction of the City of Appleton., owners of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 236 or the Wisconsin Statutes and the City of Appleton ordinances in surveying, dividing and mapping of the same.

### GENERAL NOTES:

- This Certified Survey Map is all of tax parcels key numbers: 319571226, 319571227, 319571228, 319571229 and 319571200 .
- All of the land within this Certified Survey Map is currently Zoned M-1 (Industrial Park District).
- The adjoining properties are currently zoned M-1.
- This Certified Survey Map is fully contained within the property described in the following Instrument: Doc #518721.
- All Lots are vacant of buildings.
- The property owners of record are listed as the City of Appleton.

**RUEKERT/MIELKE TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS, BUT NOT LIMITED TO, FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A REASONABLE INSPECTION.**

Line Table (Recorded As Bearings)			
Line #	Direction	Line #	Direction
L1	N89° 37' 22"W	L5	S00° 44' 53"E
L2	N00° 22' 38"E	L6	S08° 15' 17"W
L3	S89° 17' 41"E	L7	S00° 44' 53"W
L4	S39° 22' 22"E	L8	S45° 33' 46"W

### OWNER:

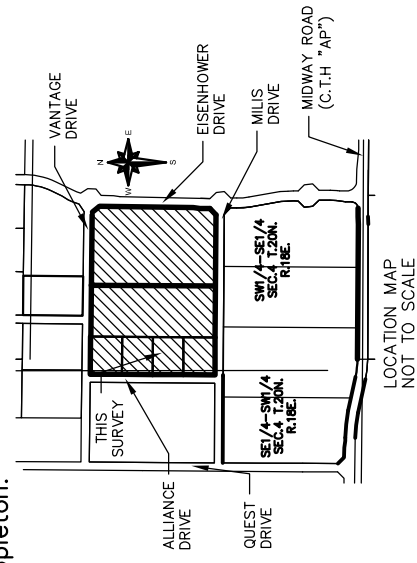
City of Appleton  
100 N. Appleton St.  
Appleton, WI 54911  
920-832-6443

### SUBDIVIDERS:

Hayden Properties LLC.  
1134 N. 9TH STREET, SUITE  
200  
MILWAUKEE, WI 53233  
414-315-3190

### PREPARED BY:

Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview  
Pkwy.  
Waukesha, WI 53188  
262-542-5733



**DRAFT**

John M. Schulz, P.L.S. 3253  
Dated this 25th day of July, 2023

 **Ruekert • Mielke**  
www.ruekertmielke.com

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (7/25/23)

SHEET 2 OF 4

**CERTIFIED SURVEY MAP - \_\_\_\_\_**

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**CORPORATE OWNER'S CERTIFICATE**

City of Appleton, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owners, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, and mapped, as represented on this plat.

Jacob A. Woodford, Mayor \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Kami Lynch, City Clerk \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

STATE OF WISCONSIN }  
\_\_\_\_\_ COUNTY } SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above named Jacob A. Woodford, and Kami Lynch, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin.

My Commission \_\_\_\_\_.

**OWNER:**  
City of Appleton  
100 N. Appleton St.  
Appleton, WI 54911  
920-832-6443

**SUBDIVIDERS:**  
Hayden Properties LLC.  
1134 N. 9TH STREET, SUITE  
200  
MILWAUKEE, WI 53233  
414-315-3190

**PREPARED BY:**  
Ruekert & Mielke, Inc.  
W233 N2080 Ridgerview  
Pkwy.  
Waukesha, WI 53188  
262-542-5733



John M. Schulz, P.L.S. 3253  
Dated this 25th day of July, 2023

**DRAFT**

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (7/25/23)

**CERTIFIED SURVEY MAP - \_\_\_\_\_**

Being all of Lot 1 of Certified Survey Map #3609, and all of Lots 26, 27, 28 and 29 of the Southpoint Commerce Park Plat No. 3, located in and being part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4, and part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

**APPLETON COMMON COUNCIL CERTIFICATE**

Resolved that this certified survey map located in the City of Appleton was hereby approved by Enactment Number \_\_\_\_\_, File ID Number \_\_\_\_\_, adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that said enactment further provided for the acceptance of those lands dedicated and rights conveyed by said Certified Survey Map to the City of Appleton for public use.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Kami Lynch, City Clerk  
City of Appleton, Calumet County Wisconsin

**CITY OF APPLETON PLAN COMMISSION CERTIFICATE**

Approved for recording per the Chairperson of the City of Appleton Plan Commission.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Jake Woodford, Chairperson of the Plan Commission

**CITY OF APPLETON TREASURER'S CERTIFICATE**

I, being the duly elected, qualified and acting treasurer, do hereby certify that there are no unredemmed tax sales, no unpaid taxes or unpaid special assessments on the lands included in this Certified Survey map as of:

\_\_\_\_\_  
City Treasurer

\_\_\_\_\_  
Date  
Calumet Treasurer

**CALUMET COUNTY TREASURER'S CERTIFICATE**

I, being the duly elected, qualified and acting treasurer, do hereby certify that there are no unredemmed tax sales, no unpaid taxes or unpaid special assessments on the lands included in this Certified Survey map as of:

\_\_\_\_\_  
Date

**OWNER:**

City of Appleton  
100 N. Appleton St.  
Appleton, WI 54911  
920--832--6443

**SUBDIVIDERS:**

Hayden Properties LLC.  
1134 N. 9TH STREET, SUITE  
200  
MILWAUKEE, WI 53233  
414--315--3190

**PREPARED BY:**

Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview  
Pkwy.  
Waukesha, WI 53188  
262--542--5733



THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (7/25/23)

**DRAFT**

John M. Schulz, P.L.S. 3253  
Dated this 25th day of July, 2023

SHEET 4 OF 4



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** August 9, 2023

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

Article II Definitions: Section 23-22

Article III General Provisions: Sections 23-43, 23-47 and 23-49

Article IV Administration: Section 23-66

Article V Residential Districts: Sections 23-91, 23-92, 23-93, 23-94, 23-95, 23-96, 23-100 and 23-101

Article VI Commercial Districts: Sections 23-111, 23-112, 23-113, 23-114 and 23-115

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

Article VIII Overlay Districts: Section 23-152

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

Article XIII Wireless Telecommunications Facilities: Sections 23-420-427

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

**Case Managers:** Don Harp, Principal Planner (Group A: Text amendments)  
Jessica Titel, Principal Planner (Group B & C: Text amendments)  
Lindsey Smith, Principal Planner (Group D: Text amendments)

### **PURPOSE OF THE CHAPTER 23 ZONING TEXT AMENDMENT BUNDLE 2023**

**GROUP A** Text Amendments (Pages 1 to 31): Mobile Service Support Structures and Facilities.

The following is a summary of the proposed recommended text amendments:

1. Repeal Article XIII. Wireless Telecommunication Facilities and create Section 23-66(h)(22) Mobile Service Support Structures and Facilities to be consistent with Section(s) 66.0404 and 66.0406 of the Wisconsin State Statutes related to Mobile Service Support Structures and Facilities.
2. List Mobile Service Support Structures and Facilities as principal permitted uses in all base zoning districts since the City does not have a great deal of discretion to deny a Special Use Permit application for Mobile Service Support Structures and Facilities. In addition, the state law outlines a standardized regulatory framework and mandatory application process pertaining to Mobile Service Support Structures and Facilities.
3. Approve new Mobile Service Support Structures and Facilities (Cell Towers) and Class 1 Collocations by administrative site plan approval. Administrative site plan approval requires notification to Alderperson of the district when staff receives a site plan application.

4. Amend the site plan application review fee from \$300.00 to \$3,000.00 for new cell towers and Class 1 collocations pursuant to the Wisconsin State Statutes. Delete the \$2,700 Special Use Permit fee.
5. Amend Section 23-66(h)(1), Electronic Tower landscaping and fencing requirements to be consistent with Mobile Service Support Structures and Facilities (Cell Towers).
6. Amend definitions terms for consistent administration of the Zoning Ordinance.

**GROUP B** Text Amendments (Pages 32 to 39): Refuse Container and Dumpster Enclosure Standards.

The following is a summary of the proposed recommended text amendments:

1. The existing standards for dumpster enclosures are antiquated and were adopted when the City collected trash on commercial and multi-family properties. The trash enclosure standards were written to accommodate City trash collection vehicles. The City no longer collects trash on commercial and multi-family properties; therefore, the specific design standards are no longer needed.
2. The amendments also update the location and setback standards for trash enclosures to reduce the number of variances that are being brought to the Board of Zoning Appeals.
3. The proposed amendments allow for more flexibility that better represent current development patterns, while also continuing to require the screening of dumpsters and maintaining the aesthetics of the City's commercial properties.

**GROUP C** Text Amendments (Pages 40 to 42): Drive Through Facilities.

The following is a summary of the proposed recommended text amendments:

1. The proposed amendments clarify the drive through requirements to ensure consistent application and straightforward standards.
2. The amendments update the location standards for the ordering stations, service windows and maneuvering lanes to reduce the number of variances that are being brought to the Board of Zoning Appeals.
3. The proposed amendments allow for more flexibility that better represent current development patterns, while also continuing to maintain efficient and safe drive through services.
4. The permitted principal use tables were updated in Section 23-114(b) to eliminate drive through facilities as an allowed use in the CBD Central Business District. The CBD is intended to be a pedestrian oriented district. The proposed amendment supports the shift away from auto-centric design in our downtown area. Existing drive throughs in these zoning districts can remain as legal non-conforming, but future drive throughs will not be a permitted use.
5. Because the C-2 General Commercial district is intended to provide more "suburban" like services and development, which are accessed typically in automobiles, the drive through location standard was removed from this section to allow additional options for site circulation and drive through facilities located in the C-2 district. The amendments also maintain pedestrian safety on the site.

6. The proposed amendments also create new minimum vehicle stacking standards based upon the type of drive through facility/use.

#### **GROUP D Text Amendments (Page 43): Off-Street Parking and Loading.**

The following is a summary of the proposed recommended text amendments:

1. The existing minimum off-street parking requirement for elementary, middle, and high school is based on classrooms, gymnasiums, and auditorium being occupied concurrently. During recent site plan reviews of the Appleton Area School District middle school additions, it was determined the existing parking requirements were excessive. The proposed amendment removes parking requirements based on gymnasium and auditorium capacity. The minimum parking requirements for elementary and middle schools will be based on the number of employees and additional stacking spaces for drop off. The proposed amendment for high schools will be based on number of employees plus classroom capacity and additional stacking spaces for drop off.
2. The amendment removes the minimum off-street parking requirement for personal storage facilities. If personal storage facilities have office space, parking stalls will be required based on the office parking requirements.
3. Off-street parking requirements for veterinarian clinic will be amended to mimic the personal service use, which is one space for each two hundred fifty square feet of gross floor area.
4. The text amendment is consistent with Appleton Comprehensive Plan 2010-2030: Objective 6.7.2 Review and revise as needed the minimum and maximum parking ratios by type of land use as found in the Zoning Ordinance.

#### **GENERAL INFORMATION**

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The Community and Economic Development staff collaborated with the City Attorney's Office on the draft Zoning Ordinance text amendments.

The attached draft Zoning Ordinance text amendments were discussed at the August 1, 2023 Technical Review Group meeting. No negative comments were received from participating departments.

#### **PROPOSED TEXT AMENDMENTS**

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Text amendments initiated directly by Plan Commission will be processed in accordance with Section 23-65(c), Zoning Text Amendments. This process would include future review and action by Plan Commission (after informal public hearing), as well as review and action by Common Council (after public hearing).

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strike through~~. Staff commentary is identified in *italics* to provide insight regarding that specific amendment/change. The proposed language can be modified upon direction of the Plan Commission.



## **RECOMMENDATION**

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Staff recommends the Plan Commission review the draft text amendments attached to this report, discuss and receive public input on the proposed changes, and direct staff to make any revisions and prepare the necessary public hearing notices for Zoning Ordinance text amendments to Sec. 23-22 Words and Terms Defined, Sec. 23-43 Accessory uses, buildings and structures, Sec. 23-47 Refuse containers and dumpster enclosure standards, Sec. 23-49 Drive through facility, Sec. 23-66 Special Use Permits, Sec. 23-91 AG Agricultural District, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, Sec. 23-96 R-3 Multifamily District, Sec. 23-100 P-I Public Institutional District, Sec. 23-101 NC Nature Conservancy District, Sec. 23-111 C-O Commercial Office District, Sec. 23-112 C-1 Neighborhood Commercial District, Sec. 23-113 C-2 General Commercial District, Sec. 23-114 CBD Central Business District, Sec. 23-115 P Parking District, Sec. 23-131 M-1 Industrial Park District, Sec. 23-132 M-2 General Industrial District, Sec. 23-152 TND Traditional Neighborhood Development Overlay District, Sec. 23-172 Off-Street Parking and Loading Standards, Sec. 23-570 Site Plan Review and Approval, and Article XII. Wireless Telecommunications Facilities Sec. 420-427.

## GROUP A

### PROPOSED TEXT AMENDMENTS

#### MOBILE SERVICE SUPPORT STRUCTURES AND FACILITIES

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#### ARTICLE XIII. WIRELESS TELECOMMUNICATIONS FACILITIES

#### ARTICLE IV. ADMINISTRATION

#### PROPOSED TEXT AMENDMENTS RELATED TO:

- *Proposing to Repeal Article XIII. Wireless Telecommunication Facilities and create Section 23-66 (h)(22) Mobile Service Support Structures and Facilities (Cell Towers) in order to comply with Wisconsin Act 20 that established a standardized regulatory framework for local governments to follow pertaining to the placement of new wireless telecommunication structures and class 1 collocations and class 2 collocation pursuant to Section 66.0404 and 66.0406 of the Wisconsin State Statutes.*
- *Proposing to amend Section 23-66(h)(1), Electronic Tower landscaping and fencing requirements consistent with Mobile Service Support Structures and Facilities (Cell Towers).*

#### HISTORY:

- *2013 Wisconsin Act. 20. AN ACT; relating to: state finances and appropriations, constituting the executive budget act of the 2013 legislature 66.0404 Mobile tower siting regulations.*
- *2013 Wisconsin Act. 173. AN ACT relating to: revising various provisions of the statutes to make corrections and reconcile conflicts (Correction Bill).*
- *2019 Wisconsin Act. 14. AN ACT to create 66.0404(4e) and 66.0414 of the statutes; relating to: limiting the authority of the state and political subdivisions to regulate certain wireless facilities and authorizing political subdivisions to impose setback requirements for certain mobile service support structures*
- *An ordinance that prohibits a mobile service support structure where the structure is not compatible with the adjacent land's current use does not violate sub. (4) (c). Eco-Site, LLC v. Town of Cedarburg, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18-0580.*
- *Denial of a conditional use permit on the basis of lost property values and the detrimental effect on public health and safety and general welfare does not equate to a denial based on aesthetic concerns, which is prohibited by sub. (4) (g) if it is the sole reason. Eco-Site, LLC v. Town of Cedarburg, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18-0580.*

*A summary of the law is available at:*

[https://docs.legis.wisconsin.gov/misc/lc/information\\_memos/2013/im\\_2013\\_14](https://docs.legis.wisconsin.gov/misc/lc/information_memos/2013/im_2013_14)

- *Limitations upon authority for Mobile Service Support Structures (Cell Towers) pursuant to current Wisconsin State Statutes.*

***Cannot adopted regulations that do the following:***

- (1) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.*
- (2) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.*
- (3) Enact an ordinance prohibiting the placement of a mobile service support structure in particular zoning districts within the City.*
- (4) Charge a mobile radio service provider any recurring fee for an activity.*
- (5) Disapprove an application to conduct an activity described based solely on aesthetic concerns.*
- (6) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.*
- (7) Prohibit the placement of emergency power systems.*
- (8) Require that a mobile service support structure be placed on property owned by the City.*
- (9) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.*
- (10) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the City at less than the market rate or to provide the City other services via the structure or facilities at less than the market rate.*
- (11) Limit the duration of any commercial communication structure permit that is granted.*
- (12) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in co-location.*

(13) *Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.*

(14) *Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the City's in connection with the City's exercise of its authority to approve the application.*

(15) *Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the City to place at or co-locate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, the City or an entity in which the City has a governance, competitive, economic, financial or other interest.*

### **ARTICLE XIII. RESERVED. WIRELESS TELECOMMUNICATIONS FACILITIES**

#### **Sec. 23-420. Purpose.**

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

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

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

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

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

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

#### **Sec. 23-421. Definitions.**

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

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

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

~~— **FAA** means the Federal Aviation Administration.~~

~~— **FCC** means the Federal Communications Commission.~~

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

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

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

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

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

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

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

**Sec. 23-422. Special use permit requirements.**

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

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

~~(1) Water towers or other municipally owned structures, provided a license or lease authorizing such antenna has been approved by the Common Council;~~

~~— (2) Structures in the Central Business District zoning in excess of four (4) stories (seventy (70) plus feet);~~

~~— (3) Pre-existing tower that was granted a special use permit prior to the effective date of this ordinance. (Ord 54-20, §1, 3-24-20)~~

**Sec. 23-423. Building permit requirements.**

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

~~(1) Except as provided below, all plans, calculations and specifications shall be prepared, signed and sealed by an architect or engineer registered in Wisconsin. Plans, calculations and specifications shall show compliance with all state and local codes. *Exception:* Plans, calculations and specifications may be prepared by an architect or engineer registered outside the State of Wisconsin provided (1) the plans, calculations and specifications shall bear the signature and seal or stamp of a registered architect or engineer; and~~

~~— (2) A certificate dated, signed and sealed by an architect or engineer registered in Wisconsin is attached to the plans, calculations and specifications. The certificate shall indicate the plans, calculations and specifications were prepared in a state other than Wisconsin by an architect or professional engineer registered in that state, describe the work performed by the Wisconsin registered architect or engineer,~~

~~and include statements to the effect that plans and specifications have been reviewed and comply with all applicable local and state building codes, and the reviewing architect or engineer will be responsible for the supervision of construction. (2) When antennas and supporting towers are submitted to the state for examination, two (2) sets of plans bearing the state approval stamp and copies of all approval correspondence shall be included with submittals to the Inspections Supervisor.~~

~~———— (3) Plan submittal shall include an intermodulation study that provides technical evaluation of existing and proposed transmissions and indicates all potential interference problems. No new telecommunications service shall interfere with public safety telecommunications.~~

~~———— (4) Construction or installation of antennas or supporting structures exceeding sixty (60) feet in height shall be supervised by a Wisconsin registered architect or engineer in the manner called out in the Wisconsin Building Code ILHR 50.10. A compliance statement shall be provided by the supervising professional upon completion of the project.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing.~~

~~— (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.~~

~~— (3) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.~~

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

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

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

#### **Sec. 23-425. Co-location requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

~~(Ord 80-97, §1, 9-17-97)~~

**Sec. 23-66. Special use permits and special regulations.**

(h) ***Special regulations.*** The following special regulations shall apply to uses listed below, whether listed a principal permitted use, special use or accessory use in this chapter. This subsection shall not be construed to conflict with or modify the provisions contained in Wisconsin Statutes §§66.0404 and 66.0406 (2021-22), as amended from time to time.

- (1) ***Electronic towers.*** Radio, television, broadcasting tower or station, microwave and other electronic transmission or receiving tower in excess of sixty (60) feet (from ground level) in height in any zone shall be subject to the following standards as illustrated on a site plan submitted with the application for special use permit. Electronic towers shall not include wireless telecommunication towers or facilities that are regulated in Article XIII, Wireless telecommunication facilities, of this zoning ordinance. Mobile Service Support Structures and Facilities pursuant to Section 23-66(h)(22).
  - a. Distance of each freestanding electronic tower base footing from any residentially zoned lot line shall have a horizontal distance equal to at least fifty percent (50%) of the height of the electronic tower, or fifty (50) feet, whichever is greater.
  - b. Distance of any guyed tower anchor shall be twenty-five (25) feet from an adjoining lot line, public property or street right-of-way line.
  - c. The applicant shall demonstrate that the location of the electronic tower will not cause electrical interference or health hazards to adjoining properties. If electrical interference occurs after the electronic tower begins operation or if interference is anticipated, the applicant shall provide appropriate steps to eliminate said interference.
  - d. All electronic towers and associated ground equipment shall be equipped with an anti-climbing device or fence to prevent unauthorized access shall be enclosed with a fence at least eight (8) feet in height with a locked gate to discourage trespass. No fence and gate including any anti-climbing fence shall exceed twelve (12) feet in height. The anti-climbing fence and gate may be equipped with barbed wire or some other appropriate anti-climbing product to keep people from climbing over the fence. Guy anchors of guyed towers shall be similarly protected with anti-climbing fence.
  - e. Minimum landscaping features for all tower sites when abutting residential properties shall consist of at least one (1) row of staggered evergreen trees or shrubs, at least four (4) feet high at the time



~~of planting, which are spaced not more than ten (10) feet apart and planted within twenty five (25) feet of the site boundary. All electronic towers and associated ground equipment shall be landscaped with plantings being placed outside and along the perimeter of the ground equipment compound fencing and shall consist of the following:~~

- ~~1. The landscaping buffer shall include a staggered row of mature landscaping to minimize the visual impact on adjacent properties and from public streets. For purposes of this subsection, "mature landscaping" shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet at the time of planting, which are spaced not more than eight (8) feet apart that will provide the appropriate level of visual screening immediately upon installation.~~
  - ~~2. The landscaping buffer shall consist of a landscaped strip at least ten (10) feet wide outside and along the perimeter of equipment compound fencing.~~
- f. The plans submitted for a building permit for tower construction shall be certified by a structural engineer licensed in Wisconsin.
- g. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

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

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

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

Substantial modification includes any of the following:

- i. For structures with an overall height of 200 feet or less, increases the overall height of the structure more than 20 feet.
- ii. For structures with an overall height of more than 200 feet, increases in the overall height of the structure by 10 percent or more.
- iii. Measured of the appurtenance add the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless the increase is necessary for collocation.
- iv. Increases the square footage of an existing equipment compound to a total area by more than 2,500 square feet.

2. Regulate by Building/Electrical Permits and Certificate of Occupancy for: (1) Class 2 collocation which involves the placement of a new mobile service facility on an existing support structure which does not require the need to construct a free standing support structure or engage is a substantial modification of an existing support structure and mobile service facilities.

b. **Intent.** The intent of this subsection is to:

1. Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high-quality telecommunications infrastructure, consistent with the Federal Telecommunications Act of 1996 and Wisconsin State Statutes §66.0404 is provided to serve the community, as well as serve as an important and effective part of the City's law enforcement, fire, rescue and emergency response network.

2. Provide a process for obtaining necessary permits for mobile service support structures and facilities while protecting the interests of City citizens.

**c. Definitions.** All definitions identified in Wisconsin Statutes §66.0404(1) and §66.0406(1) (2021-22), as amended from time to time, are hereby incorporated by reference.

**d. Exemptions.** The following are exempt from the provisions of this subsection. However, exemptions under this subsection are subject to all other applicable provisions of the Municipal Code.

1. Amateur radio antennas and towers licensed by the Federal Communications Commission (FCC).

2. Electronic towers, broadcast towers and broadcasting or receiving antennas and satellite dishes that are an accessory use to agricultural, residential, railroad, temporary, public institutional, commercial, or industrial uses.

3. Electronic towers, broadcast towers and broadcasting or receiving antennas and satellite dishes including the placement of equipment buildings, shelters or cabinets that are associated with a broadcast station.

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

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

1. Application Requirements. Applications for Site Plan Review (New Mobile Service Support Structures (cell tower) and Class 1 Collocation) must be completed by any applicant and submitted to the Community and Economic Development Department along with the application fee. The application materials must contain all of the following information:

i. The name and business address of, and the contact individual for, the property owner and applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

iv. All information contained on the application form(s) for Site Plan Review (New Mobile Service Support Structures (cell tower) and Class 1 Collocation) as prescribed by the City. The Community and Economic Development Director or their designee may require additional information in writing which is necessary for effective review of the application(s). Such required additional information may be issued at a pre-submittal meeting or at any time during the review process.

v. Construction of a new mobile service support structure (cell tower). If the application is to construct a new mobile service support structure (cell tower), a construction plan which describes the proposed mobile service support structure (cell tower) and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the new mobile service support structure (cell tower).

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

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

- i. The Community and Economic Development Director or their designee shall review the Site Plan Review application materials and determine whether the application is complete. If the application includes all of the information required under this subsection, the application shall be considered complete. If the Community and Economic Development Director or their designee finds the application is incomplete, the Community and Economic Development Director or their designee shall notify the applicant in writing, within 10 days from the date of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. The applicant may resubmit an application as often as necessary until it is complete.

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

- i. Limitations upon authority. The City review and action for siting and construction of any new mobile service support structure (cell tower) and facilities and Class 1 collocations shall be subject to the limitations imposed by Wisconsin Statutes §66.0404(4).
- ii. Within 90 days of its receipt of a complete application, the Community and Economic Development Director or their designee shall complete all of the following or the applicant may consider the site plan application materials approved, except that the applicant and the Community and Economic Development Director or their designee may agree in writing to an extension of the 90 day period:
  - 1. Make a final decision whether to approve, approve with conditions or deny the site plan application materials pursuant to the applicable regulations contained in the Municipal Code and this subsection.
  - 2. Review of Collocation Statement. The Community and Economic Development Director or their designee may deny site plan application materials if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described below:
    - *If an application is to construct a new mobile service support structure (cell tower), an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn*

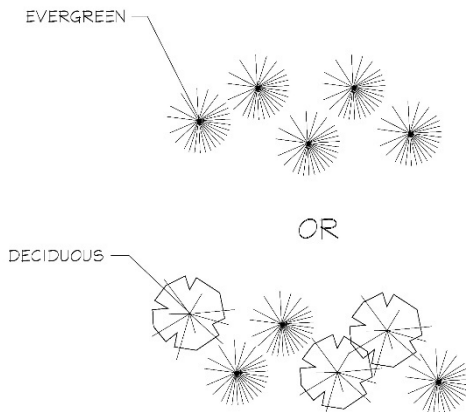
statement from an individual who has responsibility over the placement of the mobile service support structure (cell tower) attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is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

3. Review of Height and Setbacks. The Community and Economic Development Director or their designee shall not approve the site plan application materials unless the mobile service support structure (cell tower), including *substantial modifications (Class 1 Collocations)* complies with the following setback requirements:
    - a. Any mobile service support structure (cell tower) that is constructed on to or substantially modified on a parcel of land that *allows* a single-family detached dwelling as a permitted principal use shall be setback from the lot line(s) a distance that equals or exceeds the height of the cell tower;
    - b. Any mobile service support structure (cell tower) that is constructed or substantially modified on a parcel of land that is *adjacent* to a parcel of land that allows a single-family detached dwelling as permitted principal use shall be setback from the lot line(s) a distance that equals or exceeds the height of the cell tower;
    - c. Any mobile service support structure (cell tower) that is constructed on to or substantially modified on a parcel of land that *does not allow* a single-family detached dwelling as permitted principal shall be setback from lot lines a distance equal to the setback(s) of a principal building/structure pursuant to the underlying zoning district development standards;
    - d. Setback modification. Setbacks may be *reduced* to a lesser specified distance if the applicant submits a report stamped by a Wisconsin Registered Professional Engineer that certifies that the mobile service support structure (cell tower) is designed and engineered to collapse upon failure within the lesser specified distance unless the City has and provides the applicant with substantial evidence that the engineering certification is flawed.
  4. Notify the applicant, in writing, of the final decision.
  5. If the site plan materials are approved, provide the applicant with the approved site plan application materials.
  6. If the decision is to deny the site plan materials, include with the written notification substantial evidence which supports the decision.
- iii. The City may hire expert consultants to review any technical information submitted with the application. Costs incurred by the City will be billed to the applicant, except that applicant shall not be billed for any travel expenses incurred in the consultant's review of the application materials.
4. Appeal. A party who is aggrieved by the final decision of the Community and Economic Development Director or their designee may bring an action in the circuit court of the county in which the proposed development project is to be located.

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

- i. Federal Requirements. Each mobile service support structure (cell tower) and mobile service facility must meet or exceed all applicable regulations and standards of the Federal Aviation Administration, Federal Communications Commission, and any other federal agency with authority over the structure and facility that are in effect at the time the structure or facility is placed in service.
- ii. Fence Requirements. All mobile service support structures (cell tower) and mobile service facilities shall be enclosed with a fence at least eight (8) feet in height with a locked gate to discourage trespass on the equipment compound. No fence and gate including any anti-climbing fence shall exceed twelve (12) feet in height. The anti-climbing fence and gate may be equipped with barbed wire or some other appropriate anti-climbing product to keep people from climbing over the fence. Guy anchors of guyed towers shall be similarly protected with anti-climbing fence.
- iii. Landscaping Buffer Requirements. All mobile service support structures (cell towers) and mobile service facilities shall be landscaped with plantings being placed outside and along the perimeter of the equipment compound fencing and shall consist of the following:
  3. The landscaping buffer shall include a staggered row of mature landscaping to minimize the visual impact on adjacent properties and from public streets. For purposes of this subsection, “mature landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet at the time of planting, which are spaced not more than eight (8) feet apart that will provide the appropriate level of visual screening immediately upon installation.
  4. The landscaping buffer shall consist of a landscaped strip at least ten (10) feet wide outside and along the perimeter of equipment compound fencing.

STAGGERED PLANTINGS



- iv. Identification. Mobile service support structures (cell towers) and mobile service facilities may only display identifying information, such as call letters, frequencies, or

Federal Communications Commission registration numbers, if required by federal or state law, regulation, rule, or order.

- v. Generators. Back-up generators shall not be used as a primary electrical power source. Back-up generators shall only be operated during power outages or for testing and maintenance purposes.
- vi. Off-street parking and driveway access. Service vehicle parking areas for one (1) vehicle and driveway shall be concrete, asphalt, or another permeable hard surface.
- vii. Non-Interference. Mobile service facilities shall comply with all relevant Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) standards and shall not interfere with or obstruct existing or proposed public safety, fire protection and other city and private telecommunication operations and facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the City.
- viii. Other requirements. Mobile service support structures (cell towers) and mobile service facilities shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- ix. Abandonment and Removal. A mobile service facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the following shall apply:
  - 1. The owner of such mobile service facility or owner(s) of the property where the mobile service facility is located shall remove such structure(s) and foundations and restore the site to its original condition or a condition approved by the Zoning Administrator within ninety (90) days of receipt of an abandonment notice from the Inspections Division. If removal to the satisfaction of the Zoning Administrator does not occur within the ninety (90) days, the City may remove and salvage the mobile service facility at the property owner's expense. If there are two (2) or more users of a single mobile service support structure (cell tower), then this provision shall not become effective until all users cease using the mobile service support structure (cell tower) and mobile service facility.
  - 2. The recipient of a permit allowing a mobile service support structure (cell tower) and mobile service facility under this subsection, or current owner or operator, shall notify the Inspections Division and the Community and Economic Development Department within 45 days of the date when the mobile service facility is no longer in operation.
- x. Enforcement and Violations; penalty. Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this subsection shall be subject to penalty provisions as prescribed in §23-69 of this chapter. Enforcement of this subsection is prescribed in §23-69 of this chapter.

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

- 1. Applicability. A building and/or electrical permit is required for the placement and construction of the following:

- i. A Class 2 collocation which includes, the placement of a new equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and associated equipment on an existing support structure.
  - ii. Any other modification to a mobile service facility not classified as a substantial modification which includes any of the following:
    1. For structures with an overall height of 200 feet or less, increases the overall height of the structure up to 20 feet.
    2. For structures with an overall height of more than 200 feet, increases in the overall height of the structure by less than 10 percent.
    3. Measured of the appurtenance add the structure as a result of the modification, increases the width of the support structure by less than 20 feet.
    4. Increases the square footage of an existing equipment compound to a total area by 2,500 square feet or less.
  
2. Application Requirements. A building and/or electrical permit must be completed by the applicant and be submitted to the Inspections Division. In addition to the information required to be submitted for a building and/or electrical permit pursuant the Chapter 4 of the Municipal Code, the applications must contain the following information:
  - i. The name and business address of, and the contact individual for, the property owner and applicant.
  - ii. The location of the proposed or affected support structure.
  - iii. Construction and site plan drawing set pursuant to Chapter 4 of the Municipal Code. The site plan drawing set shall show the applicable information listed for Sheet 1. on the Site Plan Application. Site Plan Layout and elevations drawings showing the applicable information listed for Sheet 2. on the Site Plan Application. Exterior Elevation pursuant to the Application for Site Plan Review (New Mobile Service Support Structures (cell towers) and Class 1 Collocation).
  
3. **Response Required.** Determination of completeness within five (5) days of submittal.
  - i. The Inspections Supervisor or their designee shall review the application for a building and/or electrical permit and determine whether the application is complete. If the application includes all of the information required under this subsection, the application shall be consider complete. If the Inspection Supervisor or their designee finds the application is incomplete, the Inspection Supervisor or their designee shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. The applicant may resubmit an application as often as necessary until it is complete.
  
4. Authority of the Inspections Supervisor or their designee.

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



**ARTICLE V. RESIDENTIAL DISTRICTS**

**PROPOSED TEXT AMENDMENTS RELATED TO:**

- *Proposing to list Mobile Service Support Structures and Facilities as principal permitted uses the AG, R-1A, R-1B, R-1C, R-2, R-3, P-I and NC zoning district and reference where to find the special requirements pursuant to Section 23-66(h)(22) to be consistent with Wisconsin State Statute, Section 66.0404(4)(c). Section 66.0404(4)(c). states, the city may not enact an ordinance prohibiting the placement of a mobile service support structure in any particular zoning districts.*
- *The state law creates a standardized regulatory framework and mandatory application process pertaining to Mobile Service Support Structures and Facilities (cell towers). Since the City does not have a great deal of discretion to deny a Special Use Permit application for a new cell tower, staff is proposing list cell towers as a principal permitted use rather than by special use permit which requires newspaper and neighborhood notices and a public hearing. Staff approval would be pursuant to the Site Approval process, which requires notification to Alderperson of the District.*
- *Proposing to delete Tower or antenna for telecommunication services, pursuant to Article XIII as a Special Use in the P-I District.*

**Sec. 23-91. AG Agricultural district.**

(b) *Principal permitted uses.* The following uses are permitted as of right in the AG district:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Dwelling, single family, detached</li> </ul>	<ul style="list-style-type: none"> <li>• Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52</li> <li>• Governmental facilities</li> <li>• Public parks or playgrounds</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Community garden</li> <li>• Greenhouse or greenhouse nursery.</li> <li>• <u>Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</u></li> <li>• Nursery, orchards or tree farm</li> <li>• Urban farm pursuant to §23-66(h)(17)</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Dwelling, single family, detached</li> </ul>	<ul style="list-style-type: none"> <li>• Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52</li> <li>• Day care, adult; serving five (5) or fewer</li> </ul>	<ul style="list-style-type: none"> <li>• <del>None</del></li> <li>• <u>Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</u></li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
	<ul style="list-style-type: none"> <li>persons</li> <li>• Day care, family</li> <li>• Family home, adult (A) and (D), pursuant to §23-22</li> <li>• Family home, adult (B) and (C), pursuant to §23-52</li> <li>• Governmental facilities</li> </ul>	

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

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

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

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

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

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

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

(a) *Purpose.* The R-2 district is intended to provide for and maintain residential areas characterized by single-family detached and two- (2-) family dwelling units. Increased densities and the introduction of two- (2-) family housing types are intended to provide for greater housing options for owners and renters while maintaining the basic qualities of a moderately dense residential neighborhood.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• Dwelling, single-family, detached</li> <li>• Dwelling, two-family (duplex)</li> </ul>	<ul style="list-style-type: none"> <li>• Community living arrangements serving eight (8) or fewer persons,</li> </ul>	<ul style="list-style-type: none"> <li>• <del>None</del></li> </ul>

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

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

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

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

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

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Assisted living facility or retirement home</li> <li>• Nursing or convalescent home</li> </ul>	<ul style="list-style-type: none"> <li>• Community living arrangements serving one (1) or more persons, pursuant to §23-22 and §23-52</li> <li>• Educational institution; business, technical or vocational school</li> <li>• Educational institution; college or university</li> <li>• Educational institution; elementary</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</u></li> <li>• Multi-tenant buildings</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
	school, junior high school, or high school <ul style="list-style-type: none"> <li>• Family home, adult (A) and (D), pursuant to §23-22</li> <li>• Family home, adult (B) and (C), pursuant to §23-22 and §23-52</li> <li>• Governmental facility</li> <li>• Group housing</li> <li>• Hospital</li> <li>• Marina and/or boat landing</li> <li>• Museum</li> <li>• Place of worship</li> <li>• Public parks or playgrounds</li> <li>• Recreation facility, non-profit</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building</li> </ul>	

(e) *Special uses.* Special uses in the P-I district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery, including a mausoleum, provided that a mausoleum shall have a forty- (40-) foot setback from any lot line of the cemetery</li> <li>• Day care, group, when located and operated in an educational institution, place of worship or semi-public building</li> <li>• Essential services</li> <li>• Golf course. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure</li> </ul>	<ul style="list-style-type: none"> <li>• Circus or carnival. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7)</li> <li>• Community garden</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Helicopter landing pads pursuant to §23-66(h)(9)</li> <li>• Parking garage</li> <li>• Recycling collection point pursuant to §23-66(h)(14)</li> <li>• Recycling and waste recovery center pursuant to §23-66(h)(13)</li> <li>• Shelter facility</li> <li>• <del>Tower or antenna for telecommunication services, pursuant to Article XIII</del></li> <li>• Urban farms pursuant to §23-66(h)(17)</li> </ul>

**Sec. 23-101. NC nature conservancy district.**

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

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

	<ul style="list-style-type: none"> <li>• Management of forestry and fish</li> <li>• Public or private parks which provide passive recreation pursuits</li> <li>• Water pumping and storage facilities</li> </ul>	
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**ARTICLE VI. COMMERCIAL DISTRICTS**

**PROPOSED TEXT AMENDMENTS RELATED TO:**

- *Proposing to list Mobile Service Support Structures and Facilities as principal permitted uses the C-O, C-1, C-2, CBD, and P zoning district and reference where to find the special requirements pursuant to Section 23-66(h)(22) to be consistent with Wisconsin State Statute, Section 66.0404(4)(c). Section 66.0404(4)(c). states, the city may not enact an ordinance prohibiting the placement of a mobile service support structure in any particular zoning districts.*
- *The state law creates a standardized regulatory framework and mandatory application process pertaining to Mobile Service Support Structures and Facilities. Since the City does not have a great deal of discretion to deny a Special Use Permit application for a new cell tower, staff is proposing list cell towers as a principal permitted use rather than by special use permit which requires newspaper and neighborhood notices and a public hearing. Staff approval would be pursuant to the Site Approval process, which requires notification to Alderperson of the District.*
- *Proposing to delete Tower or antenna for telecommunication services, pursuant to Article XIII as a Special Use since Article XIII is proposed to be repealed pursuant the C-1, C-2, and CBD Districts.*
- *Proposing to correct and incorrect subsection number in the C-2 District for Painting/Craft studio with alcohol sales pursuant to §23-66(H) to (6).*

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

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs</li> <li>• Educational institutions; business, technical or vocational school</li> <li>• Educational institutions; college or university</li> <li>• Governmental facilities</li> <li>• Museums</li> <li>• Places of worship</li> <li>• Public parks or playgrounds</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</u></li> <li>• Multi-tenant building</li> <li>• Offices</li> <li>• Personal services</li> <li>• Professional services</li> <li>• Veterinarian clinics</li> </ul>

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school, or high school</li> <li>• Essential services</li> <li>• Golf courses. However the clubhouse, practice driving range, practice greens or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Helicopter landing pads pursuant to §23-66(h)(9)</li> <li>• Parking garages</li> <li>• Recycling collection point pursuant to §23-66(h)(14)</li> <li>• <del>Tower or antenna for telecommunication services, pursuant to Article XIII</del></li> </ul>

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

(a) **Purpose.** The C-1 district is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse.</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs</li> <li>• Day care, group</li> <li>• Governmental facilities</li> <li>• Museums</li> <li>• Places of worship</li> <li>• Public parks or playgrounds</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial entertainment; excluding sexually-oriented establishments</li> <li>• Hotel or motels</li> <li>• <u>Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</u></li> <li>• Multi-tenant building</li> <li>• Offices</li> <li>• Painting/Craft studio without alcohol sales</li> <li>• Personal services</li> <li>• Printing</li> <li>• Professional services</li> <li>• Restaurants (without alcohol)</li> <li>• Restaurants, fast foods</li> <li>• Retail businesses</li> <li>• Shopping centers</li> <li>• Urban farms pursuant to §23-66(h)(17)</li> <li>• Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight</li> </ul>

(e) *Special uses.* Special uses in the C-1 district may include:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school</li> <li>• Essential services</li> <li>• Recreation facilities, non-profit</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcade</li> <li>• Bar or Tavern pursuant to §23-66(h)(6)</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16)</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11)</li> <li>• Painting/Craft studio with alcohol pursuant to §23-66(h)(6)</li> <li>• Parking garages</li> <li>• Recycling collection points pursuant to §23-66(h)(14)</li> <li>• Research laboratories or testing facilities</li> <li>• Restaurants with alcohol pursuant to §23-66(h)(6)</li> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</li> <li>• <del>Tower or antenna for telecommunication services pursuant to Article XIII</del></li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Assisted living or retirement homes</li> <li>• Nursing or convalescent homes</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs</li> <li>• Day care, group</li> <li>• Educational institutions; business, technical or vocational school</li> <li>• Educational institutions; college or university</li> <li>• Governmental facilities</li> <li>• Hospitals</li> <li>• Marina or boat landings</li> <li>• Museums</li> <li>• Places of worship</li> <li>• Public parks or playground</li> <li>• Recreation facilities; non-profit</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops</li> <li>• Commercial entertainment; excluding sexually-oriented establishments</li> <li>• Drive through facilities pursuant to §23-49</li> <li>• Greenhouses or greenhouse nurseries</li> <li>• Hotel or motels</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16)</li> <li>• <u>Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</u></li> <li>• Multi-tenant building</li> <li>• Offices</li> <li>• Painting/Craft studio without alcohol sales</li> </ul>

		<ul style="list-style-type: none"> <li>• Parking lots</li> <li>• Personal services</li> <li>• Printing</li> <li>• Professional services</li> <li>• Restaurants (without alcohol)</li> <li>• Restaurants, fast food</li> <li>• Retail businesses</li> <li>• Shopping centers</li> <li>• Towing businesses pursuant to §23-66(h)(15)</li> <li>• Urban farms pursuant to 23-66(h)(17)</li> <li>• Veterinarian clinics</li> </ul>
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(e) *Special uses.* Special uses in the C-2 district may include:

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school</li> <li>• Essential services</li> <li>• Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcades</li> <li>• Any principal building that exceeds thirty-five (35) feet in height</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5)</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5)</li> <li>• Bar or taverns pursuant to §23-66(h)(6)</li> <li>• Body repair and/or paint shops pursuant to §23-66(h)(4)</li> <li>• Bus terminals</li> <li>• Car washes</li> <li>• Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7)</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Freight distribution and/or moving centers</li> <li>• Gasoline sales pursuant to §23-66(h)(8)</li> <li>• Helicopter landing pads pursuant to §23-66(h)(9)</li> <li>• Indoor kennels</li> <li>• Landscape business</li> <li>• Manufacturing, light</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Mobile home sales lots</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11)</li> <li>• Painting/Craft studio with alcohol sales pursuant to §23-66(11)(6)</li> <li>• Parking garages</li> </ul>



Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Recycling collection points pursuant to §23-66(h)(14)</li> <li>• Recycling and waste recovery centers pursuant to §23-66(h)(13)</li> <li>• Research laboratories or testing facilities</li> <li>• Restaurants with alcohol pursuant to §23-66(h)(6)</li> <li>• Sexually-oriented establishments pursuant to Article XII</li> <li>• Shelter facility</li> <li>• Tasting rooms pursuant to §23-66(H)(19, 20, 21, or 21)</li> <li>• <del>Towers or antennas for wireless telecommunication services, pursuant to Article XIII.</del></li> <li>• Wholesale facilities</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

**Sec. 23-114. CBD central business district.**

(b) *Principal permitted uses.* The following principal uses are permitted as of right in the CBD:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• Assisted living or retirement homes</li> <li>• Nursing or convalescent homes</li> <li>• Dwelling, multi-family and of three (3) or more units, apartment building, or townhouse; however, residential uses are prohibited on the ground floor for any lot with frontage on College Avenue or within 120 feet of College Avenue frontage.</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs</li> <li>• Day care, group</li> <li>• Educational institutions; college or university</li> <li>• Governmental facilities</li> <li>• Museums</li> <li>• Places of worship</li> <li>• Public park or playgrounds</li> <li>• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops</li> <li>• Commercial entertainment; excluding sexually-oriented establishments</li> <li>• Drive through facilities pursuant to §23-49</li> <li>• Hotel or motels</li> <li>• <u>Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</u></li> <li>• Multi-tenant building</li> <li>• Offices</li> <li>• Painting/Craft studio without alcohol sales</li> <li>• Personal services</li> <li>• Printing</li> <li>• Professional services</li> <li>• Restaurants (without alcohol)</li> <li>• Restaurant, fast foods</li> <li>• Retail businesses</li> <li>• Shopping centers</li> <li>• Urban farms pursuant to §23-66(h)(17)</li> <li>• Veterinarian clinics</li> </ul>

(e) *Special uses.* Special uses in the CBD district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institution; elementary school, junior high school or high school</li> <li>• Essential services</li> <li>• Hospital</li> <li>• Marina and/or boat landing</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcade</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot, new pursuant to §23-66(h)(5)</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot when including used vehicles pursuant to §23-66(h)(5)</li> <li>• Bar or Tavern pursuant to §23-66(h)(6)</li> <li>• Body repair and/or paint shop pursuant to §23-66(h)(4)</li> <li>• Bus terminal</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Gasoline sales pursuant to §23-66(h)(8)</li> <li>• Indoor kennel</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16).</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11)</li> <li>• Painting/Craft studio with alcohol sales pursuant to §23-66(h)(6)</li> <li>• Parking garage</li> <li>• Parking lot; however, surface lots are prohibited on lots fronting on College Avenue</li> <li>• Recycling collection point pursuant to §23-66(h)(14)</li> <li>• Research laboratories or testing facilities</li> <li>• Restaurant with alcohol pursuant to §23-66(h)(6)</li> <li>• Shelter facility</li> <li>• Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)</li> <li>• <del>Towers or antennas for wireless telecommunication services pursuant to Article XIII.</del></li> <li>• Wholesale facility</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

**Sec. 23-115. P parking district.**

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

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

**ARTICLE VII. INDUSTRIAL DISTRICTS**

**PROPOSED TEXT AMENDMENTS RELATED TO:**

- *Proposing to list Mobile Service Support Structures and Facilities as principal permitted uses the M-1 and M-2 zoning district and reference where to find the special requirements pursuant to Section 23-66(h)(22) to be consistent with Wisconsin State Statute, Section 66.0404(4)(c). Section 66.0404(4)(c). states, the city may not enact an ordinance prohibiting the placement of a mobile service support structure in any particular zoning districts.*
- *The state law creates a standardized regulatory framework and mandatory application process pertaining to Mobile Service Support Structures and Facilities. Since the City does not have a great deal of discretion to deny a Special Use Permit application for a new cell tower, staff is proposing list cell towers as a principal permitted use rather than by special use permit which requires newspaper and neighborhood notices and a public hearing. Staff approval would be pursuant to the Site Approval process, which requires notification to Alderperson of the District.*
- *Proposing to delete Tower or antenna for telecommunication services, pursuant to Article XIII as a Special Use since Article XIII is proposed to be repealed pursuant the M-1 and M-2 Districts.*

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

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

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

		<ul style="list-style-type: none"> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Offices</li> <li>• <u>Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</u></li> <li>• Multi-tenant buildings</li> <li>• Printing</li> <li>• Research laboratory or testing facilities</li> <li>• Urban farms pursuant to §23-66(h)(17)</li> <li>• Warehouses</li> <li>• Wholesale facilities</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>
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(e) *Special uses.* Special uses in the M-1 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Essential services</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Helicopter landing pads pursuant to §23-66(h)(9)</li> <li>• Manufacturing, heavy</li> <li>• Outdoor commercial entertainment pursuant to §23-66(h)(11)</li> <li>• Parking garages</li> <li>• Recycling centers</li> <li>• Recycling collection points pursuant to §23-66(h)(14)</li> <li>• Recycling and waste recovery centers pursuant to §23-66(h)(13)</li> <li>• Sexually-oriented establishments pursuant to Article XII</li> <li>• <del>Towers or antennas for wireless telecommunication services pursuant to Article XIII</del></li> </ul>

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

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Governmental facilities</li> <li>• Registered historic places open to the public and having retail space occupying not more than ten percent (10%) of the gross floor area of the building</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops</li> <li>• Body repair and/or paint shops pursuant to §23-66(h)(4)</li> <li>• Brewery pursuant to §23-66(h)(20)</li> <li>• Bus terminals</li> <li>• Commercial entertainment</li> <li>• Commercial truck body repair or paint shops</li> <li>• Commercial truck maintenance shops</li> <li>• Community garden</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Distillery pursuant to §23-66(h)(20)</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Freight distribution or moving centers</li> <li>• Landscape businesses</li> <li>• Manufacturing, light</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• <u>Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</u></li> <li>• Multi-tenant buildings</li> <li>• Offices</li> <li>• Personal storage facility (self storage/mini-warehouse), including outdoor storage areas for recreational vehicles pursuant to §23-66(h)(18)</li> <li>• Printing</li> <li>• Research laboratories or testing facilities</li> <li>• Towing businesses pursuant to §23-66(h)(15)</li> <li>• Truck or heavy equipment sales or rental</li> <li>• Urban farms pursuant to §23-66(h)(17)</li> <li>• Warehouses</li> <li>• Wholesale facilities</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Essential services</li> <li>• Marina or boat landing</li> </ul>	<ul style="list-style-type: none"> <li>• Asphalt plant</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot, new pursuant to §23-66(h)(5)</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot when including used vehicles only pursuant to §23-66(h)(5)</li> <li>• Bulk flammable or combustible liquid storage or distribution facility</li> <li>• Concrete mixing</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Gasoline sales, pursuant to §23-66(h)(8)</li> <li>• Manufacturing, heavy</li> <li>• Indoor or outdoor kennel pursuant to §23-66(h)(12)</li> <li>• Mobile home sales and display lot</li> <li>• Parking garage</li> <li>• Parking lot</li> <li>• Recycling collection point pursuant to §23-66(h)(14)</li> <li>• Recycling and waste recovery center pursuant to §23-66(h)(13)</li> <li>• Salvage yard or junk facility</li> <li>• Sexually-oriented establishments pursuant to Article XII</li> <li>• Towed vehicle storage</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• <del>Towers or antennas for wireless telecommunication services pursuant to Article XIII</del></li> </ul>

**ARTICLE VIII. OVERLAY DISTRICTS**

**PROPOSED TEXT AMENDMENTS RELATED TO:**

- *Proposing to delete the reference to Tower or antenna for telecommunication services, because Article XIII is proposed to be repealed.*

**Sec. 23-152. TND traditional neighborhood development overlay district.**

Sec 23-152 (h)(2) *Special uses.*

d. All C-O commercial office district special uses, except the following:

~~3. Towers or antennas for wireless telecommunication services, pursuant to Article XIII.~~

e. All C-1 neighborhood commercial district special uses, except the following:

~~2. Towers or antennas for wireless telecommunication services, pursuant to Article XIII.~~

f. All C-2 general commercial district special uses, except the following.

~~9. Towers or antennas for wireless telecommunication services, pursuant to Article XIII.~~

**ARTICLE XV. SITE PLAN REVIEW AND APPROVAL.**

**PROPOSED TEXT AMENDMENTS RELATE TO:**

- *Proposing to add language to allow administrative site plan approval for Mobile Service Support Structures and Facilities and Mobile Service Support Structures and Facilities Substantial modification (Class 1 Collocation).*

**Sec. 23-570 (c)(2)a. *Development subject to site plan review.***

5. Mobile Service Support Structures and Facilities and Mobile Service Support Structures and Facilities Substantial modification (Class 1 Collocation) pursuant to Section 23-66(h)(22).

## ARTICLE II. DEFINITIONS

### PROPOSED TEXT AMENDMENTS RELATE TO:

- *Proposing to add and delete definitions terms for consistent administration of the proposed zoning text amendments.*

#### Section 23-22 Definitions

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

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

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

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

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

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

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

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

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

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

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



**GROUP B**  
**PROPOSED TEXT AMENDMENTS**  
**REFUSE CONTAINER AND DUMPSTER ENCLOSURE STANDARDS**

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**Sec. 23-43. Accessory uses, buildings and structures.**

(d) *General regulations for accessory uses, buildings and structures.* All accessory uses, buildings and/or structures shall abide by the following general regulations:

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

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

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

(a) ~~Refuse containers and dumpster enclosures of appropriate size are required for all non-residential and multifamily properties. Refuse containers and dumpster enclosures are exempt from Section 23-43(d)(5) and Section 23-50(d)(4). These are required to be located outside of the street right of way and front yard. Refuse containers and dumpster enclosures shall be designed for front end loading trucks.~~

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

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

(1) Location:

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

(2) Setbacks:

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

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

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

~~(b) Refuse containers and dumpster enclosures shall be located at the rear or side of the building, screened from public view, and easily accessible for refuse pickup. A dumpster must have at least one (1) foot of separation from another dumpster. This distance must be measured from the outside of the pocket where the forks are inserted for dumpster pickup.~~

~~— (c) Enclosures shall be designed to the minimum dimensions as follows:~~

~~— (1) Option 1 — This preferred option does not include a gate and can only be used when the opening is not visible from the public right of way or from adjoining residential properties.~~

~~— (2) Option 2 — This option includes a gate with a one (1) foot vertical clearance, both gates to have the ability to be latched in the open position, and both gates to have the ability to be opened beyond ninety (90) degrees to at least a 145 degree angle.~~

~~— (3) The following is required for both options:~~

~~— a. — No overhead obstructions (wires, trees, roof overhangs, etc.) are permitted;~~

~~— b. — The height must be sufficient to screen the dumpster;~~

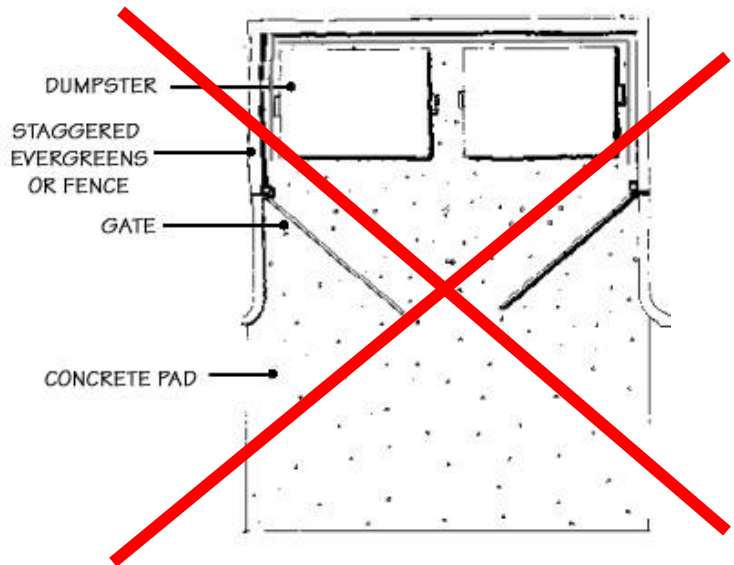
~~— c. — Materials used for screening the dumpster shall be alternating board on board fence, chain link fence with PDS slats or staggered evergreens. Such PDS slats shall complement the exterior color of the principal building;~~

~~— d. — The depth of the enclosure shall be two (2) feet greater than the size of the dumpster;~~

~~— e. — The concrete pad for the dumpster must be the same level as the lot and able to support the weight of a City front load truck; and~~

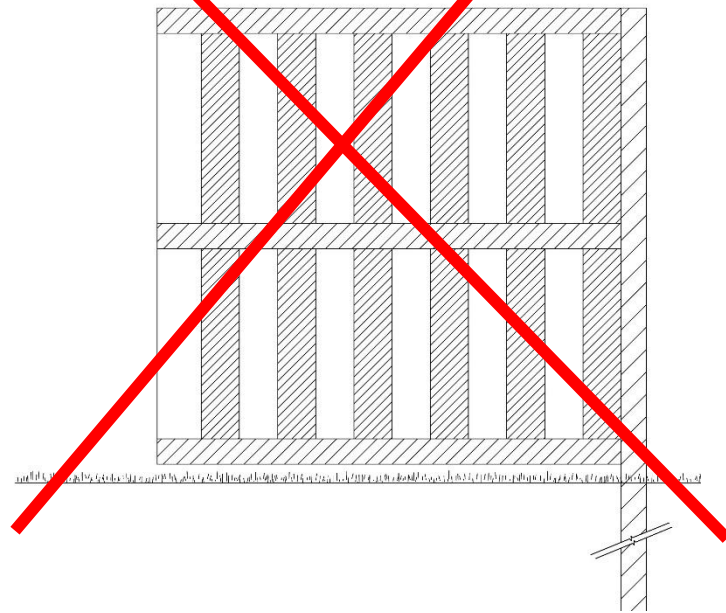
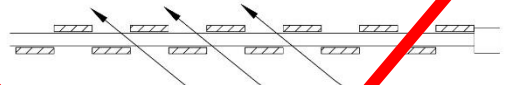
~~— f. — A minimum fifty (50) foot direct front access on the approach to the dumpster is needed.~~

*Dumpster Enclosure Graphic*



BOARD ON BOARD FENCE

INTERIOR VIEWING POSSIBLE AT ANGLE  
AS PER CITY ADOPTED CRIME PREVENTION  
THROUGH ENVIRONMENTAL DESIGN STANDARDS



**Sec. 23-91. AG Agricultural district.**

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

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the AG district.
- (2) Bed and breakfast establishments pursuant to §23-48.
- (3) Home occupation pursuant to §23-45.
- (4) Fences and walls pursuant to §23-44.
- (5) Refuse containers and dumpster enclosures pursuant to §23-47.

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

(c) Accessory uses. Accessory uses in the R-3 district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the R-3 district, except for boats or boat trailers greater than twenty-six (26) feet in length.
- (2) Bed and breakfast establishments pursuant to §23-48.
- (3) Home occupation pursuant to §23-45.
- (4) Fences and walls pursuant to §23-44.
- (5) Accessory dwelling units pursuant to §23-55.
- (6) Junior accessory dwelling units pursuant to §23-56.
- (7) Refuse containers and dumpster enclosures pursuant to §23-47.

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

(c) Accessory uses. Accessory uses in the P-I district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the P-I district.
- (2) Fences and walls pursuant to §23-44.
- (3) Refuse containers and dumpster enclosures pursuant to §23-47.

**Sec. 23-101. NC nature conservancy district.**

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

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

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

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

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

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

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

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

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

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

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

**Sec. 23-114. CBD central business district.**

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

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

**Sec. 23-115. P parking district.**

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

- (1) Earthen berm.
- (2) Fences and walls pursuant to §23-44.
- (3) Private drives.
- (4) ~~Refuse containers, which shall be screened from view from adjacent properties and the public street pursuant to §23-43 and §23-47.~~ Refuse containers and dumpster enclosures pursuant to §23-47.

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

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

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

(7) Fences and walls pursuant to §23-44.

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

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

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

(1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the M-2 district.

(2) Day care, group; occupying not more than twenty-five percent (25%) of the gross floor area of the building or structure.

(3) Drive through facility pursuant to §23-49.

(4) Outdoor display pursuant to §23-46.

(5) Outdoor storage pursuant to §23-46.

(6) Personal service; occupying not more than twenty-five percent (25%) of the gross floor area of the building or structure.

(7) Showrooms and incidental retail sales provided as follows, unless otherwise stated in this chapter:

a. Such showrooms and on-premises sales are limited in floor area to no more than twenty-five percent (25%) of the total gross floor area occupied by the permitted or special use and,

b. All goods being displayed or offered for sale are the same as those being manufactured and/or stored/distributed on the premises; and

c. The industrial character of the property is maintained.

(8) Fences and walls pursuant to §23-44.

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



## GROUP C

### PROPOSED TEXT AMENDMENTS

#### DRIVE THROUGH FACILITY

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

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

##### Sec. 23-49. Drive through facility.

~~(a) *Location.* Drive through facilities shall not be located in the front of the principal building~~

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

~~(1) A drive through facility shall not be provided a separate curb cut except as may be recommended as part of a site plan review recommendation. *Stacking and drive through lanes identified.* All stacking and drive through lanes shall be identified by asphalt or concrete curbing and/or paint striping.~~

~~(2) Maneuvering space for drive through facilities shall be provided to the side and rear of the principal building except as may be recommended as part of a site plan review recommendation.~~

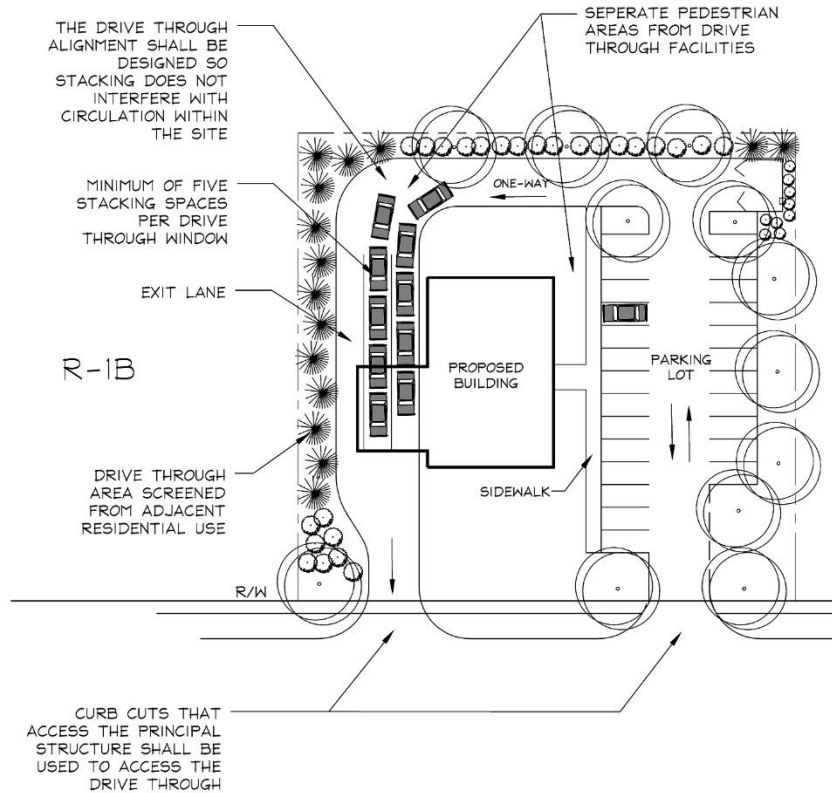
~~(2) The design of maneuvering and stacking aisles for the drive through shall not interfere with circulation or visibility for traffic either on or off site.~~

~~(4) A minimum of five (5) stacking spaces shall be provided for each drive through window.~~

~~(3) Where abutting residential districts, drive through facilities shall be fully screened from view. *Landscaping of stacking spaces.* When stacking spaces abut a residential zoning district, the entire length of the stacking spaces shall be fully screened. Screening materials shall consist of at least one row of staggered evergreen trees or shrubs, at least two (2) to three (3) feet high at the time of planting.~~

~~(4) A drive through facility shall not conflict with pedestrian circulation on site. *Pedestrian traffic.* Stacking spaces and stacking lanes should avoid conflicts with on-site pedestrian traffic between the parking lot and the building(s) entrances. When impractical to avoid, a marked crosswalk shall be provided. These crosswalks shall be delineated by paint striping, raised walkways, or alternative materials as approved by the City.~~

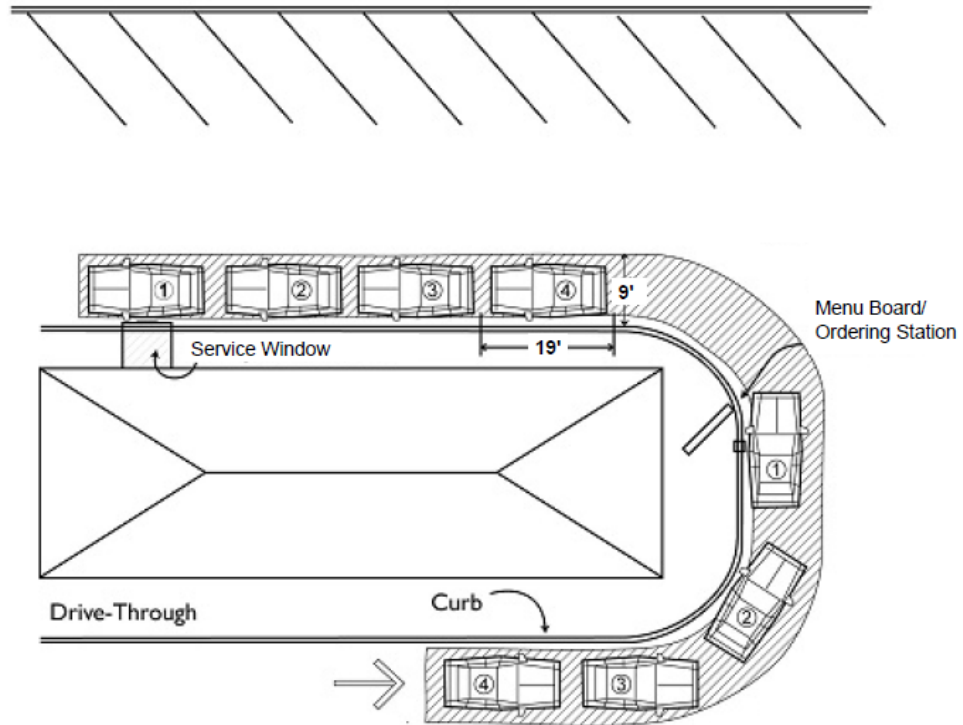
Drive Through Graphic **REMOVE THIS GRAPHIC**



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

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

*Drive through graphic*



**Sec. 23-114. CBD central business district.**

(b) *Principal permitted uses.* The following principal uses are permitted as of right in the CBD:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Drive through facilities pursuant to §23-49</li> </ul>

**ARTICLE IX. OFF-STREET PARKING AND LOADING**

**Sec. 23-172. Off-street parking and loading standards.**

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

<b>Use Type</b>	<b>Minimum Off-Street Parking Spaces Required</b>
<b>Public/Institutional</b>	
Educational institution; elementary school or middle school	<del>Classrooms</del> – One (1) space for each <u>employee classroom</u>
	<del>Gymnasiums/auditoriums</del> – One (1) space for every five (5) persons based on <u>maximum capacity</u>
	Stacking spaces – A minimum of two (2) stacking spaces shall be provided for busses and five (5) for automobiles in a designated drop off area
Educational institution; high school	<del>Classrooms</del> – <u>Three (3) spaces for each classroom One (1) space per employee plus 1 space per ten (10) students based on classroom capacity</u>
	<del>Gymnasiums/auditoriums</del> – One (1) space for every five (5) persons based on <u>maximum capacity</u>
	Stacking spaces – A minimum of two (2) stacking spaces shall be provided for busses and five (5) for automobiles in a designated drop off area

<b>Use Type</b>	<b>Minimum Off-Street Parking Spaces Required</b>
<b>Commercial</b>	
<del>Personal storage</del>	One (1) space for every five (5) <u>rental or leasable storage units</u>
Veterinarian clinic	One (1) space for each <del>examination room</del> plus one (1) space for each two hundred <u>fifty (2050)</u> square feet of gross floor area