



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

---

Wednesday, October 4, 2023

7:00 PM

Council Chambers

---

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[23-1142](#) Common Council Meeting Minutes of September 20, 2023

**Attachments:** [CC Minutes 9-20-23.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[23-1145](#) Proclamations

- Indigenous Peoples Day
- Mental Health Day
- Coming Out Day
- White Cane Awareness Day
- Fire Prevention Week
- Domestic Violence Awareness Month

**Attachments:** [Indigenous Peoples' Day Proclamation.pdf](#)

[Mental Health Day Proclamation.pdf](#)

[Coming Out Day Proclamation.pdf](#)

[White Cane Awareness Day Proclamation.pdf](#)

[Fire Prevention Week Proclamation.pdf](#)

[Domestic Violence Awareness Month Proclamation.pdf](#)

[23-1146](#) Presentation of Fire Department Civilian Awards

[23-1147](#) Corey Asimus Commendation of Service

[23-1144](#) CDBG Advisory Committee Appointment

**Attachments:** [CDBG Advisory Committee Appt Memo.pdf](#)

[23-1148](#) 2024 Executive Budget & Service Plan Presentation

## H. PUBLIC PARTICIPATION

## I. PUBLIC HEARINGS

[23-1079](#) Public Hearing for Rezoning #6-23 St. Elizabeth Hospital - 303 E. Fremont Street from PD/C-2 Planned Development Amendment #5-04/General Commercial District to R-1B Single-Family District

**Attachments:** [RZ #6-23 Notice of Public Hearing.pdf](#)

[23-1060](#) Public Hearing for Zoning Ordinance Text Amendments - Sections: 23-22; 23-43; 23-47; 23-49; 23-66; 23-91; 23-92; 23-93; 23-94; 23-95; 23-96; 23-100; 23-101; 23-111; 23-112; 23-113; 23-114; 23-115; 23-131; 23-132; 23-152; 23-172; and 23-570

**Attachments:** [TA 1-23 Notice of Public Hearing.pdf](#)

## J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

## L. COMMITTEE REPORTS

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[23-1128](#) Resolution #10-R-22, Alternate Lawe Street Truck Route.

**Attachments:** [2023.09.20\\_MSC Lawe Street Truck Route Memo.pdf](#)

[Lawe Street Attachments.pdf](#)

[10-R-22 Amended.pdf](#)

[AMENDED 10-R-22 Staff Memo.pdf](#)

[WisDOT functional class map appleton.pdf](#)

[10-R-22 Email Feedback 2023.09.25.pdf](#)

**Legislative History**

9/25/23	Municipal Services Committee	recommended for approval
---------	------------------------------	--------------------------

9/25/23      Municipal Services      amended  
 Committee  
*Meltzer/Siebers Motion to Amend adding additional criteria for staff to review.  
 3/2 passes.*

[23-1129](#)      Approve parking restriction change on the 700 block of E. Arnold Street.  
 Follow up to Six-Month Evaluation Period.

**Attachments:** [Arnold St \(post 6-month trial\).pdf](#)

**Legislative History**

9/25/23      Municipal Services      recommended for approval  
 Committee

**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[23-1130](#)      Police Department Sole Source Request for Flock Safety ALPR Cameras

**Attachments:** [Flock Sole Source-S&L.pdf](#)

[Sole Source Request.pdf](#)

**Legislative History**

9/27/23      Safety and Licensing      recommended for approval  
 Committee

[23-1119](#)      Cigarette License application for Rehan Grocery LLC d/b/a Halal  
 International Market, located at 2310 W College Ave Suite D.

**Attachments:** [Halal International Market S&L.pdf](#)

**Legislative History**

9/27/23      Safety and Licensing      recommended for approval  
 Committee

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

[23-1049](#)      Request to approve Rezoning #6-23 for the subject parcel located at 303  
 E. Fremont Street (Tax Id #31-4-0670-00), including to the centerline of the  
 adjacent right-of-way, as shown on the attached maps, from PD/C-2  
 Planned Development Overlay #5-04/General Commercial District to R-1B  
 Single-family District

**Attachments:** [StaffReport 303EFremontSt Rezoning For9-13-23.pdf](#)

**Legislative History**

9/13/23      City Plan Commission      recommended for approval  
*Proceeds to Council on October 4, 2023.*

[23-1051](#) Request to approve proposed 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, as identified in the attached document

**Attachments:** [StaffReport\\_ZOTextAmendments\\_2023Bundle\\_For9-13-23.pdf](#)

**Legislative History**

9/13/23 City Plan Commission recommended for approval  
*Proceeds to Council on October 4, 2023.*

[23-1052](#) Request to approve Resolution #2023-04 to update the land use applications fee schedule for the Community and Economic Development Department as described in the attached document (Associated with File #23-1051)

**Attachments:** [Resolution #2023-04 Update Land Use Application Fees.pdf](#)

**Legislative History**

9/13/23 City Plan Commission recommended for approval  
*Proceeds to Council on October 4, 2023.*

[23-1131](#) Request to approve the Fourth Addition to Clearwater Creek Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_4th Addn Clearwater Creek\\_FinalPlat\\_For9-27-23.pdf](#)

**Legislative History**

9/27/23 City Plan Commission recommended for approval

4. **MINUTES OF THE PARKS AND RECREATION COMMITTEE**
5. **MINUTES OF THE FINANCE COMMITTEE**
6. **MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

[23-1122](#)

Request to award a contract for consulting services related to the City of Appleton Housing Development Policy, Process and Stakeholder Engagement Services to Green Bicycle Co. in the amount of \$32,000

**Attachments:** [Recommendation to Award Housing Development Services 09/20/2023 Final.pdf](#)  
[Green Bicycle Co Housing Development Policy Guide 9-19-23.pdf](#)  
[RFPQ Housing Development Task Force Final Document 8-4-23.pdf](#)

**Legislative History**

9/27/23	Community & Economic Development Committee	recommended for approval
---------	---	--------------------------

**7. MINUTES OF THE UTILITIES COMMITTEE**

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

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

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

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

**O. ORDINANCES**

[23-1143](#)

Ordinances #90-23 to #152-23

**Attachments:** [Ordinances to Council 10-4-23.pdf](#)

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

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

**R. OTHER COUNCIL BUSINESS**

**S. ADJOURN**

Kami Lynch, City Clerk

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

*Remote meeting attendance may be permitted pursuant to Section 2-29 of the Appleton Municipal Code and Rules of Council.*





# City of Appleton

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

## Meeting Minutes - Final Common Council

---

Wednesday, September 20, 2023

7:00 PM

Council Chambers

---

A. CALL TO ORDER

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

B. INVOCATION

*The Invocation was offered by Alderperson Croatt.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 16 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt, Alderperson Chad Doran and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All departments were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[23-1095](#)

Common Council Meeting Minutes of September 6, 2023

**Attachments:** [CC Minutes 9-6-23.pdf](#)

**Alderperson Hartzheim moved, seconded by Alderperson Del Toro, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Abstained:** 2 - Alderperson Kristin Alfheim and Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[23-1115](#) Board Reappointments

**Attachments:** [Sept 20 CAB BZA ReAppt Memo.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Van Zeeland, that the Reappointments be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

H. PUBLIC PARTICIPATION

*The following spoke regarding Items 23-0934 & 23-0935 Clearwater Creek Rezoning and Preliminary Plat:*

*Michelle Mader, 275 E Spartan Dr.*

*Alaine Morgan, 5667 N Summerland Dr.*

*Patrick Dedoyard, 5667 N Summerland Dr.*

*Ben Alberts, 249 E Spartan Dr.*

*Kara Harbick, 5733 N Summerland Ct.*

*Abby Maslanka, representing Martenson & Eisele Engineering*

*Jennifer Sunstrom, representing REALTORS Association of Northeast Wisconsin*

*Jill Hendricks, representing Clearwater Creek Development*

*Kate Alberts, 249 E Spartan Dr.*

*Tom Rooney, representing Mark Winter Homes Inc.*

*Scott Harbick, 5733 N Summerland Ct.*

*The following spoke regarding Item 23-0994 Business Improvement District 2024 Operating Plan:*

*Jennifer Stephany, representing Appleton Downtown Inc.*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY



[23-1012](#)

Resolution #9-R-23 Mental Health Awareness & Services

**Attachments:** [#9-R-23 mental health awareness.pdf](#)

*This item was referred back by Alderperson Katie Van Zeeland.*

**This Resolution was referred to the Board of Health**

[23-1087](#)

Request from The Boldt Company for a permanent street occupancy permit for the Fox Commons City Center Plaza construction site perimeter fencing and staging on Oneida Street south of Washington Street (from E Washington Street to N. Appleton Street) for a period ending on December 31, 2023.

**Attachments:** [Boldt City Center Perm Road Closure Permit.pdf](#)

**Alderperson Fenton moved, seconded by Alderperson Van Zeeland, that the Street Occupancy Permit be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

[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](#)

[Email to Ald Hayden with Responses 8-25-23.pdf](#)

[Resident Handout-Clearwater Creek 9-6-23.pdf](#)

[Resident Opposition Handout- Clearwater Creek 9-6-23.pdf](#)

[Jill Hendricks Response 9-12-23.pdf](#)

[Resident Handout - Clearwater Creek 9-20-23.pdf](#)

**Alderperson Firkus moved, seconded by Alderperson Hartzheim, that the Rezoning be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Joss Thyssen, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Nay:** 3 - Alderperson Israel Del Toro, Alderperson Patrick Hayden and Alderperson Alex Schultz

**Abstained:** 1 - Mayor Jake 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](#)  
[Email to Ald Hayden with Responses 8-25-23.pdf](#)  
[Resident Handout-Clearwater Creek 9-6-23.pdf](#)  
[Resident Opposition Handout- Clearwater Creek 9-6-23.pdf](#)  
[Jill Hendricks Response 9-12-23.pdf](#)  
[Resident Handout - Clearwater Creek 9-20-23.pdf](#)

**Alderperson Croatt moved, seconded by Alderperson Hartzheim, that the Preliminary Plat be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Joss Thyssen, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Nay:** 4 - Alderperson Vered Meltzer, Alderperson Israel Del Toro, Alderperson Patrick Hayden and Alderperson Alex Schultz

**Abstained:** 1 - Mayor Jake Woodford

[23-0994](#)

**\*\*CRITICAL TIMING\*\*** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2024 Operating Plan

**Attachments:** [StaffReport\\_2024BIDOperatingPlan\\_For09-13-23.pdf](#)  
[2024 BID Operational Plan.pdf](#)  
[2022 BID Annual Report.pdf](#)  
[2022 BID Audit - Financial Statements.pdf](#)

**Alderperson Hartzheim moved, seconded by Alderperson Firkus, that the Downtown Appleton BID 2024 Operating Plan be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

[23-1086](#)

2024 City Clerk's Office License Fee Changes

**Attachments:** [2024 City Clerk Fee Schedule Updates.pdf](#)  
[Alcohol + Amusement Fee Data for 2024 Updates.pdf](#)

**Alderperson Croatt moved, seconded by Alderperson Van Zeeland, that the fee changes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Joss Thyssen, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Nay:** 3 - Alderperson William Siebers, Alderperson Israel Del Toro and Alderperson Alex Schultz

**Abstained:** 1 - Mayor Jake Woodford

[23-1085](#)

Appleton Municipal Code, Chapter 6 Revisions for the Fire Department  
-09-07-23\_Ch\_6\_Ordinance\_Memo  
-09-07-23\_Ch\_6\_Fire\_2023\_Revisions  
-09-07-23\_AFD\_Fee\_Schedule

**Attachments:** [09-07-23\\_AFD\\_Fee\\_Schedule.pdf](#)  
[09-07-23\\_Ch\\_6\\_Fire\\_2023\\_Revisions.pdf](#)  
[09-07-23\\_Ch\\_6\\_Ordinance\\_Memo.pdf](#)

**Alderperson Croatt moved, seconded by Alderperson Fenton, that the Municipal Code Revisions be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Nay:** 1 - Alderperson William Siebers

**Abstained:** 1 - Mayor Jake Woodford

[23-1013](#)

## Resolution #10-R-23 Allocation of State Shared Revenue Aid

**Attachments:** [#10-R-23 Allocation of State Shared Revenue Aid.pdf](#)

**Alderson Fenton moved, seconded by Alderson Van Zeeland, that the recommendation to deny the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Joss Thyssen, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim and Alderson Nate Wolff

**Nay:** 4 - Alderson William Siebers, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

[23-0664](#)

## Resolution #6-R-23, Addition of Bird Safe Glass requirements to Appleton Municipal Code

**Attachments:** [#6-R-23 Bird Safe Glass Resolution-Final.pdf](#)  
[Resolution 6-R-23 Bird Friendly Glass Response.pdf](#)  
[Email re Stop the Fallout Campaign-Resolution 6-R-23 Bird Safe Glass.pdf](#)  
[#6-R-23 AMENDED Bird Safe Glass Resolution.pdf](#)

*Amendment to:*

- Strike "Addition of" from the Resolution name.
- Strike "requirements to Appleton Municipal Code" from the Resolution name and replace with "recommendations".
- Strike the summary paragraph in its entirety.
- Strike "and" at the end of the second to last paragraph.
- Strike the final Be It Resolved clause in its entirety.

**Alderson Hartzheim moved, seconded by Alderson Croatt, that the Resolution be amended. Roll Call. Motion failed by the following vote:**

**Aye:** 5 - Alderson Brad Firkus, Alderson Kristin Alfheim, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

**Nay:** 10 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Joss Thyssen, Alderson Alex Schultz, Alderson Vaya Jones and Alderson Nate Wolff

**Abstained:** 1 - Mayor Jake Woodford

*Amendment to strike the summary paragraph in its entirety.*

**Alderson Schultz moved, seconded by Alderson Meltzer, that the Resolution be amended. Roll Call. Motion carried by the following vote:**

**Aye:** 10 - Alderperson Vered Meltzer, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff and Alderperson Christopher Croatt

**Nay:** 5 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Vaya Jones, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

**Alderperson Schultz moved, seconded by Alderperson Del Toro, that the Resolution be approved as amended. Roll Call. Motion failed by the following vote:**

**Aye:** 5 - Alderperson Vered Meltzer, Alderperson Israel Del Toro, Alderperson Joss Thyssen, Alderperson Alex Schultz and Alderperson Nate Wolff

**Nay:** 10 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

**L. COMMITTEE REPORTS**

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

**Alderperson Hartzheim moved, Alderperson Van Zeeland seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

**1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[23-1065](#)

Class "B" Beer and "Class C" Wine License application for Off The Vine Woodfire Pizza Co LLC d/b/a Broken Tree Pizza, Keith Schreiner, Agent, located at 201 S Riverheath Way Suite 1100, contingent upon approval from the Police department.

**Attachments:** [Broken Tree Pizza 2023-2024.pdf](#)

**This Report Action Item was approved.**

[23-1082](#)

Class "B" Beer and "Class C" Wine License application for A&V Custom Creations LLC d/b/a Board & Brush Creative Studio Appleton, Vanessa Schoen, Agent, located at 109 N Durkee St, contingent upon approval from Community Development, Health and Police departments.

**Attachments:** [Board and Brush Creative Studio Appleton.pdf](#)

This Report Action Item was approved.

[23-1068](#)

Class "B" Beer and "Class B" Liquor License Permanent Premise Amendment for Two Bucks Only II LLC d/b/a Maritime Bar, Daniel Burton, Agent, located at 336 W Wisconsin Ave, contingent upon approval from all departments.

**Attachments:** [Maritime Bar S&L.pdf](#)

This Report Action Item was approved.

### 3. MINUTES OF THE CITY PLAN COMMISSION

[23-1047](#)

Request to approve Special Use Permit #10-23 for a restaurant with alcohol sales and consumption use located at 1619 W. College Avenue, Suite A (Tax Id #31-3-0049-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_1619WCollegeAv\\_SUP\\_For9-13-23.pdf](#)

This Report Action Item was approved.

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

### 5. MINUTES OF THE FINANCE COMMITTEE

[23-1092](#)

Request to approve Change Order #3 to contract 72-22 for Unit H-21 Redundant Raw Water Line to increase for unanticipated site conditions in the amount of \$200,000 resulting in a decrease to contingency from \$444,549.71 to \$244,549.71. No change to overall contract amount.

**Attachments:** [H-21 Change Order 3 memo.pdf](#)  
[Unit H-21 Change Order No 3.pdf](#)

This Report Action Item was approved.

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

**7. MINUTES OF THE UTILITIES COMMITTEE**

[23-1084](#)

Amend 2021D Stormwater Consulting Services Contract for Lightning Drive Extension Final Design with raSmith by an increase of \$27,500 for a total contract amount not to exceed \$159,500.

**Attachments:** [2021D Lightning Drive raSmith Amend Memo 09-12-23 Util Cmte FINAL\\_r1.pdf](#)

This Report Action Item was approved.

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

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

[23-1072](#)

Authorization to Purchase Office Furniture

**Attachments:** [Whitman Office Furniture Purchase.pdf](#)

This Report Action Item was approved.

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

[23-1042](#)

Policy AHD001\_Creation and Maintenance of Policies

**Attachments:** [AHD001\\_Creation and Maintenance of Policies\\_09.06.2023.pdf](#)

This Report Action Item was approved.

[23-1043](#)

Proposed City Ordinance Update: Chapter 11, Manufactured and Mobile Homes and Mobile Home Communities

**Attachments:** [0884 - BoH Memo.pdf](#)  
[Chapter 11 Manufactured Homes Ordinance Update.pdf](#)

This Report Action Item was approved.

[23-1044](#)

Proposed City Ordinance Update: Chapter 9, Article XVIII. Tattoo and Body Piercing Establishments

**Attachments:** [Article XVIII Tattoo and Body Piercing Establishments Memo.pdf](#)  
[Article XVIII Tattoo and Body Piercing Establishments Ordinance Change Proposal.pdf](#)

This Report Action Item was approved.

[23-1054](#)

Noise Variance: Madison Middle School Construction

**Attachments:** [2023-2024 Conditional Noise Variance Request Boldt.pdf](#)

**This Report Action Item was approved.**

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[23-1094](#)

Ordinances #86-23 and #89-23

**Attachments:** [Ordinances to Council 9-20-23.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Van Zeeland, that the Ordinances be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Aldersperson Hartzheim moved, seconded by Aldersperson Siebers, that the meeting be adjourned at 9:28 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 16 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt, Aldersperson Chad Doran and Mayor Jake Woodford



Kami Lynch, City Clerk

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, Indigenous Peoples' Day honors the invaluable contributions of all Native Americans and commemorates their shared history and culture; and

**WHEREAS**, the territory where the City of Appleton is today was traditionally occupied by the Ho-Chunk and the Menominee Indians; and

**WHEREAS**, the Menominee Nation ceded this territory to the United States in the Treaty of the Cedars in 1836, with Chief Oshkosh representing the Menominee; and

**WHEREAS**, Appleton recognizes the fact that the City was built on the homelands and villages of the Indigenous Peoples of the region; and

**WHEREAS**, the City values social, economic, and cultural contributions they make to our community; and

**WHEREAS**, Indigenous Peoples' Day was first proposed in 1977 by the International Conference on Discrimination Against the Indigenous Population in the Americas, a delegation sponsored by First Nations leaders in the United States.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 9, 2023, as

## Indigenous Peoples' Day

in Appleton and urge residents to celebrate and value the Indigenous Peoples of Appleton, participate in the annual celebrations and activities, encourage the teaching of their history, encourage businesses, organizations, and public institutions to recognize this day, and promote the well-being of Appleton's Indigenous community.

Signed and sealed this 28<sup>th</sup> day of September 2023.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, mental health is an important component for overall health, including emotional, psychological, and social well-being affecting how we think, feel, and act, and poor mental health increases the risk for many types of physical health problems such as diabetes, heart disease, and stroke; and

**WHEREAS**, more than 50% of people in the United States will be diagnosed with a mental illness or disorder at some point in their lifetime, and more than half of people struggling with mental illness have not received treatment despite the presence of illness for more than 12 months; and

**WHEREAS**, unaddressed mental health issues can have a negative influence on many facets of individual and community life, including homelessness, poverty, employment, safety, and the local economy; and

**WHEREAS**, because the COVID-19 pandemic adversely affected mental health for many people and services to treat mental health issues were significantly disrupted, new strategies have been developed for how mental health is understood and addressed in our communities, from support and training, to improved access to care, to building healthy environments that promote mental health; and

**WHEREAS**, Mental Health Day provides an opportunity to destigmatize the need for mental health care, and for all those working on mental health issues to talk about their work and what more needs to be done to make mental health care a reality for all people.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 10, 2023, as

## Mental Health Day

in Appleton and remind residents of available community resources to help take care of their own mental health and provide support to others.

Signed and sealed this 27<sup>th</sup> day of September 2023.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the City of Appleton is committed to being a place that is accepting and supportive of all individuals, families, and communities; and

**WHEREAS**, Coming Out Day honors the invaluable contributions of LGBTQ+ individuals to our community and those involved in the October 11, 1987, March on Washington for Lesbian and Gay Rights, which helped establish lesbian and gay rights as a fundamental issue of civil rights; and

**WHEREAS**, Coming Out Day supports LGBTQ+ individuals to live truthfully and openly and is a reminder that public expression of LGBTQ+ identity is supported and that the underlying universal ideals of honesty, acceptance, and commitment to equality must be shared by all individuals; and

**WHEREAS**, in 2013, Appleton adopted an ordinance prohibiting housing discrimination based on gender identity; and

**WHEREAS**, in 2014, Appleton's Common Council became the first in the State of Wisconsin to have an openly transgender elected official.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 11, 2023\* as

## Coming Out Day

in Appleton and urge all citizens to honor, celebrate, and promote equal rights to all regardless of sexual orientation or gender identity.



Signed and sealed this 27<sup>th</sup> day of September 2023.

**JACOB A. WOODFORD**  
MAYOR OF APPLETON

\*Pursuant to this Proclamation and in accordance with the Special Flag Policy, a special flag will be flown at City Hall on Wednesday, October 11, 2023.

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the white cane, which every blind resident of Appleton has the right to carry, demonstrates and symbolizes the ability to achieve a full and independent life and the capacity to work productively in competitive employment; and

**WHEREAS**, the white cane, by allowing every blind person to move freely and safely from place to place, makes it possible for the blind and visually impaired to fully participate in and contribute to our society and to live the lives they want; and

**WHEREAS**, every citizen should be aware that the law requires that motorists and cyclists exercise appropriate caution when approaching a blind person carrying a white cane; and

**WHEREAS**, the law also calls upon employers, both public and private, to be aware of and utilize the employment skills of our blind citizens by recognizing their worth as individuals and their productive capacities.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 15, 2023, as

## White Cane Awareness Day

in Appleton and remind residents to recognize the white cane as a tool of independence for blind pedestrians in our community.



Signed and sealed this 27<sup>th</sup> day of September 2023.

**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the City of Appleton is committed to ensuring the safety and security of all those living in and visiting our city, and our first responders are dedicated to reducing the number of home fires and home fire injuries through prevention and protection education; and

**WHEREAS**, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at the greatest risk from fire where home fires killed more than 2,800 people in the United States in 2021, and fire departments in the United States responded to 338,000 home fires; and

**WHEREAS**, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020, and two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

**WHEREAS**, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves, and children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

**WHEREAS**, Appleton residents should turn pot handles toward the back of the stove, always keep a lid nearby when cooking, keep a three-foot kid-free zone around the stove, oven, and other things that could get hot, watch what they heat, and set a timer to remind them that they are cooking; and

**WHEREAS**, residents who have planned and practiced a home fire escape plan are more prepared and will be more likely to survive a fire and working smoke alarms cut the risk of dying in reported home fires almost in half.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 8-14, 2023, as

## Fire Prevention Week

and I encourage residents to support public education measures and take steps to increase their safety from fire, especially in their homes, and the 2023 Fire Prevention Week™ theme, "Cooking safety starts with YOU. Pay attention to fire prevention™," effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

Signed and sealed this 27<sup>th</sup> day of September 2023.

  
**JACOB A. WOODFORD**  
MAYOR OF APPLETON



# PROCLAMATION



## Office of the Mayor

**WHEREAS**, Domestic Violence Awareness Month evolved from the “Day of Unity” in October 1981 observed by the National Coalition Against Domestic Violence; and

**WHEREAS**, domestic violence perpetrators cause significant and long-lasting trauma to countless individuals of every religion, identity, culture, and socioeconomic status, as domestic abuse survivors often endure physical and emotional abuse; and

**WHEREAS**, by observing Domestic Violence Awareness Month, we seek to increase awareness of incidents of violence in the home, focusing on the victims of domestic violence and their children, who have suffered emotional and physical abuse; and

**WHEREAS**, through the inspiration, courage, and persistence of survivors of domestic abuse and violence, their children and advocates, legislation has been enacted to provide protection and services for future victims and their children; and

**WHEREAS**, the achievements of those working to end domestic violence throughout the city, state, and nation, together with the continuing efforts of local agencies to assist victims of domestic violence and to prevent future violence in our communities, are to be commended; and

**WHEREAS**, Harbor House Domestic Abuse Programs will conduct its 5<sup>th</sup> Annual Purple Porch Project, encouraging homeowners and businesses to participate in the Purple Porch Contest by incorporating purple-colored décor and outdoor lights during October.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 2023 as

## Domestic Violence Awareness Month

in Appleton and encourage residents to participate in activities that mourn those who have died as a result of domestic violence, celebrate those who have survived, and connect those who work to end violence.

Signed and sealed this 27<sup>th</sup> day of September 2023.




**JACOB A. WOODFORD**  
MAYOR OF APPLETON



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

---

**OFFICE OF THE MAYOR**  
Jacob A. Woodford  
100 North Appleton Street  
Appleton, Wisconsin 54911-4799  
Phone: (920) 832-6400  
Email: Mayor@Appleton.org

**TO:** Members of the Common Council  
**FROM:** Mayor Jacob A. Woodford   
**DATE:** September 29, 2023  
**RE:** Confirmation of Committee Appointment

---

It is with pleasure that I present the following recommendation for your confirmation at the October 4, 2023, Common Council meeting.

**CDBG ADVISORY COMMITTEE**– Appointment

Joss Thyssen

Term Ends April 2024



## NOTICE OF PUBLIC HEARING

#6-23

### RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on Wednesday, October 4, 2023, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #6-23:** A zoning map amendment (rezoning) request has been initiated by St. Elizabeth Hospital, Inc. n/k/a Ascension NE Wisconsin, Inc., owner, and Andrew Harlos, Attorney, Office of General Counsel, applicant, pursuant to Section 23-65(b)(2) of the Appleton Municipal Code for the following-described real estate. The owner/applicant is requesting to rezone the above-referenced parcel from PD/C-2 Planned Development Overlay #5-04 General Commercial District to R-1B Single-family District.

**Purpose of the Request:** The request is to remove the parcel from the hospital's Planned Development Overlay District classification in order to sell the existing residence.

**Legal Description:**

EDW WESTS PLAT 4WD LOT 5 BLK 30, including to the centerline of the adjacent road right-of-way. (Tax Parcel No. 31-4-0670-00)  
September 14, 2023

RUN: September 19, 2023  
September 26, 2023

**KAMI LYNCH**  
City Clerk

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

**NOTICE IS HEREBY GIVEN** of a Public Hearing to be held before the Appleton Common Council in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, October 4, 2023 at 7:00 P.M., or as soon thereafter as can be heard, for the purpose of the following proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code:

The City of Appleton is considering amending Sec. 23-22 Words and Terms Defined, Sec. 23-43 Accessory Uses, Buildings and Structures, Sec. 23-47 Refuse Container and Dumpster Enclosure Standards, Sec. 23-49 Drive Through Facility, Sec. 23-66 Special Use Permits and Special Regulations, 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 Mixed Use 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 Repealing Article XIII. Wireless Telecommunications Facilities of Chapter 23 Zoning Ordinance of the Municipal Code.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Common Council members via written letter, email, or phone call.

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

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

KAMI LYNCH  
CITY CLERK

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



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

DEPARTMENT OF PUBLIC WORKS  
Engineering Division  
100 North Appleton Street  
Appleton, WI 54911  
TEL (920) 832-6474

**To:** Municipal Services Committee  
**From:** Danielle Block, Director of Public Works  
**Date:** September 20, 2023  
**Re:** Staff Report – Resolution #10-R-22 Lawe Street Truck Route Analysis

Department of Public Works and Community and Economic Development staff have reviewed and discussed the various elements included in Resolution #10-R-22 submitted by Alderperson Meltzer, District 2 and Alderperson Del Toro, District 4. A copy of the Resolution is included in the attachments (Exhibit 1).

Lawe Street from Wisconsin Avenue to College Avenue is proposed to be reconstructed in 2026, utility reconstruction in 2025. During the initial scoping discussions of the upcoming Lawe Street reconstruction project, the exploration of removing the Truck Route designation from Lawe Street between College Avenue and Hancock Street occurred. Further discussion on potential alternate routes also occurred. The future design of Lawe Street is being completed by Ayres Associates, an external engineering consultant. This design work and future construction work is being completed under the Wisconsin Department of Transportation (WisDOT) STP-Urban Bipartisan Infrastructure Law (BIL) program. Under this program, the project is being funded by the Federal, State and local governments through a State Municipal Agreement. A copy of the agreement is included (Exhibit 2).

Preliminary study of the corridor included a review of existing road and traffic conditions, proposed improvement requirements under WisDOT STP-Urban BIL program, City-wide truck route network, community listening session specific to the truck route, coordination with industrial and commercial carriers, and long-range City comprehensive plans.

### **Existing Roadway Conditions**

- Collector Street and Designated Truck Route
- Roadway Typical Section
  - 60-ft right of way
  - 32-ft total roadway width
    - 11-ft travel lanes
    - 5-ft paved shoulder and curb & gutter
    - 8.5-ft grass terraces
    - 5-ft sidewalks
  - No Parking
  - No Bike Lanes
- Pavement Condition
  - Poor
- Tree Canopy Survey
  - 78 total trees
  - Approximately 47% *may* be removed due to species (Ash), condition (poor) or location (under power lines). Further design details are required to finalize the required tree removals.
  - Street Terrace Tree plantings will be part of the reconstruction project once the pavement and restoration are complete.

## **Existing Traffic Conditions**

- Speed
  - Posted 25 mph.
  - Speed study indicated the 85<sup>th</sup> percentile speed is 30 mph. Which is below the citywide average for Collectors.
- ADT (Average Daily Traffic): 6,000 - 8,300, depending on the block.
- Truck %'s (≥15,000 GVW)
  - 3.1% Large Trucks or 279/day
- Crash History: 38 reportable crashes 2018-2022
- School Zone: Crossing at North St – Edison Elementary School

## **Proposed Improvement Requirements**

- 32-ft roadway width (no widening)
  - 10-ft travel lanes
  - 6-ft bike lanes
  - 8.5-ft grass terraces
  - 5-ft sidewalks
- Pedestrian Accommodations and Traffic Calming
  - Currently investigating the feasibility of developing pedestrian enhancement features at select intersections. Design details and cost analysis pending.
    - Features could include side street curb extensions, median islands for refuge, etc.
  - Traffic Calming features being considered include modifications to the width of the roadway, signage, lighting, etc. These features do not include vertical installations (i.e., raised intersections or crosswalks) in order to minimize traffic noise from vibrations.
- Placemaking Opportunities
  - Pending funding resources and design within parameters of City Streetscape Guidelines:
    - Stamped and Colored Concrete
    - Decorative Lighting
    - Bus Stop Enhancements

## **Lawe Street Truck Route Community Listening Session Feedback**

- Listening Session was held on the evening of August 2, 2023. Invitations were sent to residents and businesses along the project corridor. The goal of the listening session was to gather feedback specifically related to the truck route. Public Works provided a brief project update and Community Development facilitated an interactive discussion to generate input from residents and businesses along the project corridor.
- A summary of the listening session comments is attached (Exhibit 3).

## **Industrial and Commercial Carrier Coordination**

- Number of Trips and Destination
  - Appvion currently takes approximately 16 round trips per day. 32 total trips per day along Lawe Street.
  - The 32 trips currently take place any time of day as ordering is placed by the distribution center. Trips also occur all days of the week, not just weekdays.
  - Appvion has been utilizing the Kensington Distribution Center for over 30 years, with a similar trucking pattern.
- Additional Mileage and Environmental Impacts
  - To reroute Appvion truck traffic along HWY 441, the mileage would increase by at least 50%. This would create an increase in CO2 emissions of 109 metric tons per year. This is an estimate related to Appvion trucks only. Other industries and trucking traffic would likely have increases as well.
  - See the attached Greenhouse Gas Equivalencies Calculator for a description of the CO2 emissions impact (Exhibit 4).

- Alternative Route – HWY 441 Hazards
  - Industry has expressed concerns related to the use of HWY 441 via Northland Avenue. The entrance ramp to the highway is uphill, making it difficult to enter and merge with highway traffic. Further, the reverse is true when exiting HWY 441 the downward incline onto College Avenue is also not ideal for truck traffic.
  - The industry expressed the local truck route being preferred from a driver and traffic safety standpoint based on the geometry of HWY 441.
- Compromise
  - During the month of August, leadership from Appvion approached City staff with a potential compromise. The compromise would restrict industrial and commercial truck traffic from utilizing the Lawe Street corridor from 10pm to 5am daily. This compromise would apply to the entirety of Lawe Street from Wisconsin Avenue south to College Avenue. Offering a positive benefit to those residents located north of Hancock Street that, under the Resolution language, would still have a Truck Route designation.
  - A letter regarding this topic is included (Exhibit 5).

### **Truck Route Network**

- The existing City Truck Route Network map is attached (Exhibit 6).
- Alternative Route Discussion
  - Staff does not recommend a new alternative truck route to replace Lawe Street.
    - Efficiency and Cost – an alternative truck route could disrupt the efficiency of our transportation system, leading to increased travel time, congestion and additional fuel costs.
    - Safety Concerns – the existing truck route network has been designed with safety in mind and appropriate truck turning accommodations.
    - Community Impact – implementation of an alternative route could have a negative impact on a corridor that historically has not experienced measurable trucking volumes.
    - Environmental Considerations – a modification to the truck route will likely have increased emission levels and travel time.
  - Based on these factors, staff does not recommend any alternative truck routes.

### **City of Appleton Long Range Plan**

It is worth noting the discussion of Truck Routes and Transportation planning within the City’s Comprehensive Plan. The City of Appleton has designated truck routes to discourage heavy vehicle traffic on neighborhood streets and other roads where these vehicles may present conflicts. In general, these include state and county trunk highways passing through the city, along with local streets in industrial districts or business parks in the community (COA Comp Plan 2010-2030, pg. 77). Lawe Street is a designated Collector Street. The Future Land Use Map within the Comprehensive Plan indicates most of the area north of Atlantic Street as future multi-family residential, mixed use, commercial, and industrial land use.

### **Truck Route Summary**

The specific authority of a city to regulate heavy traffic is contained within Wis. Stat. 349.17 and City Municipal Code Sec. 19-136. Heavy trucks/commercial vehicles equal to or over 15,000 pounds shall drive on marked truck routes. Heavy trucks are allowed to deviate from the marked truck routes for the purpose of making pickups or deliveries as long as they leave and re-enter the designated route at points closest to their immediate destinations. There are exemptions to the types of trucks (i.e., municipal vehicles, emergency vehicles, buses).

For future consideration by the Committee, based on the analysis completed, staff does not recommend the removal of the Lawe Street Truck Route designation. This north-south connection is a historic and critical truck route to sustain the viability of strong economic anchors at the northern end of the project limits. Appvion alone has 350 employees to operate and manage their Appleton location. This industry has been a stable business in the Appleton community for over 115 years.

Staff does not recommend the designation of an alternative route in lieu of Lawe Street. Richmond Street and HWY 441 are the closest truck routes if Lawe Street is eliminated.

Staff anticipates recommending a compromise to the operational hours of the Lawe Street truck route. Based on feedback from industry, staff anticipates introducing an agreement limiting the hours truck travel along the entirety of Lawe Street from Wisconsin Avenue to College Avenue from 5am to 10pm. Trucks would not be scheduled to travel along Lawe Street from 10pm to 5am. This compromise could be memorialized in a Memorandum of Understanding between the industries and the City of Appleton at a subsequent meeting.

**10-R-22 Recommendation**

The pertinent portion of the Resolution asked "... that when the redesign comes up prior to Lawe Street's reconstruction, staff will explore removing the Truck Route designation from Lawe Street between College Avenue and Hancock Street and finding an alternate route for truck traffic to travel north and south."

This resolution is referred to Council via the Municipal Services Committee. **Based on the fact that Staff has explored the designation and alternate routes and presented its recommendation through this Memo, Staff's recommendation is to approve the resolution at this time.**

# Exhibit 1

**#10-R-22**

## **Alternate Lawe Street Truck Route**

*Date:* August 3, 2022

*Submitted By:* Ald. Meltzer, District 2, & Ald. Del Toro, District 4

*Referred To:* Department of Public Works

Whereas large commercial trucks on Lawe Street have long been a problem for the neighborhood both as a nuisance and a safety issue, causing damage to road conditions and home infrastructure; and


Whereas amenities, such as bike lanes, and safe walkable street crossings add value to neighborhoods, but inner city truck routes, impose a burden on neighborhoods; and

Whereas Lawe Street is scheduled for surface reconstruction in 2025, underground work in 2024, and design and planning 2023; and

Whereas large commercial truck traffic will have to be re-routed during the reconstruction work on Lawe Street, this provides an opportunity to make permanent changes as well as explore options to save on cost of materials;

THEREFORE BE IT RESOLVED that when the redesign comes up prior to Lawe Street's reconstruction, staff will explore removing the Truck Route designation from Lawe Street between College Avenue and Hancock Street, and finding an alternate route for truck traffic to travel north and south.

# Exhibit 2

 <p style="text-align: center;"><b>1<sup>st</sup> Revision</b> <b>STATE/MUNICIPAL AGREEMENT</b> <b>FOR A STATE- LET URBANIZED</b> <b>AREA STP-URBAN PROGRAM</b> <b>PROJECT</b></p> <p style="text-align: center;"><i>This agreement supersedes the agreement signed by the Municipality on June 22, 2022 and signed by the DOT on June 23, 2022.</i></p> <p><b>Program Name: STP-Urban</b> <b>Population Group: 200,000-500,000</b> <b>Sub-program #: 206</b> <b>Cycle: BIL 2023-2026</b></p>	<p>Revised Date: <b>August 15, 2023</b></p> <p>Date: <b>January 25, 2023</b></p> <p>I.D.: <b>4984-24-74/75</b></p> <p>Roadway Name: <b>Lawe Street</b></p> <p>Limits: <b>College Avenue to Wisconsin Avenue</b></p> <p>County: <b>Outagamie</b></p> <p>Roadway Length: <b>0.8 MILES</b></p> <p>Functional Classification: <b>Collector</b></p> <p>Project Sponsor: <b>City of Appleton</b></p>
--	--

The signatory, **City of Appleton**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility - Describe and give reason for request: **The year of last improvement is 1973. The road consists of an urban cross section with two lanes of concrete pavement. The pavement has a rating of 1 and is cracking and experiencing joint failure. The road has curb and gutter and existing sidewalk. The existing pavement is cracked and deteriorated to a point that requires complete reconstruction. There is a railroad facility at the north end of the project.**

Proposed Improvement - Nature of work: **The proposed improvement is an urban reconstruction for 0.65 miles of concrete pavement with a pavement width of 42 feet. The proposed roadway is to include bike lanes on the street, curb and gutter, street lighting, pavement marking, signing and 5-foot sidewalks on both sides of the road. There will be extensive grading, and less than ½ acre of strip right-of-way will be acquired. Railroad crossing improvements to be determined.**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable federal requirements: **Maintenance and repair of haul roads, adjustments to water main and sanitary sewer facilities (if applicable) and roadway widths exceeding WisDOT standards.**



The Municipality agrees to the following **BIL 2023-2026** Urbanized Area project funding conditions:

Project ID **4984-24-74** design costs are funded with up to 80% federal funding up to a funding limit of **\$364,907**. The Municipality agrees to provide the remaining 20% and any funds in excess of the **\$364,907** federal funding limit.

Non-participating design costs which include real estate, railroad and compensable utility costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

Project ID **4984-24-75** construction costs are funded with up to 80% federal funding up to a funding limit of **\$2,454,193**. The Municipality agrees to provide the remaining 20% and any funds in excess of the **\$2,454,193** federal funding limit.

Non-participating construction costs which include, but is not limited to, relocation/adjustments to water and sanitary sewer facilities and maintenance and repair of haul roads are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year **2026**. Sunset date: **June 30, 2031**.

Sunset Date is determined based on the date a project is scheduled to be authorized. Sunset date is calculated as six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled.

Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary of Costs Table below are estimates. The final Municipal share is dependent on the final federal participation, and actual costs will be used in the final division of cost for billing and reimbursement. In no event shall federal or State funding exceed the estimate of **\$2,819,100** in the Summary of Costs Table, unless such increase is approved in writing by the State through the State's Change Management Policy prior to the Municipality incurring the increased costs.

### SUMMARY OF COSTS

PHASE	Total Est. Project Cost	Federal / State Funds	%	Municipal Funds	%
<b>ID 4984-24-74</b>					
Design	\$ 439,934	\$ 351,947	80%*	\$ 87,987	20% + BAL
State Review	\$ 16,200	\$ 12,960	80%*	\$ 3,240	20% + BAL
<i>Project total</i>	\$ 456,134	\$ 364,907		\$ 91,227	
<b>ID 4984-24-75</b>					
Participating Construction	\$ 3,297,087	\$ 2,168,083	80%*	\$ 1,129,004	20% + BAL
Construction Engineering	\$ 414,698	\$ 272,695	80%*	\$ 142,003	20% + BAL
Non-Participating Construction	\$ 20,500		0%	\$ 20,500	100%
State Review	\$ 20,400	\$ 13,415	80%*	\$ 6,985	20% + BAL
<i>Project total</i>	\$ 3,752,685	\$ 2,454,193		\$ 1,298,492	
<b>Total Est. Cost Distribution</b>	<b>\$ 4,208,819</b>	<b>\$ 2,819,100</b>		<b>\$ 1,389,719</b>	

\*Design ID **4984-24-74** federal/state funding is limited to \$ **364,907**

\*Construction ID **4984-24-75** federal/state funding is limited to \$ **2,454,193**

This request is subject to the terms and conditions that follow (pages 3 – 8) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signatures certify the content has not been altered by the municipality. Signed for and in behalf of: <b>City of Appleton</b> (please sign in blue ink.)		
Name	<i>Mark A. Labay</i>	Title <i>Assistant City Engineer</i> Date <i>8/23/23</i>
Signed for and in behalf of the <b>State</b> :		
Name	<i>Scott A. Nelson P.E.</i>	Title <i>NE Region Systems, Planning, and Operations Manager</i> Date <i>08/24/2023</i>

**GENERAL TERMS AND CONDITIONS:**

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
  - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
  - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
  - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113.
  - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
  - e. Competitive bidding and confidentiality requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06. This includes the sharing of financial data prior to the conclusion of the competitive bid period.
  - f. All applicable Disadvantaged Business Enterprise (DBE) requirements that the State specifies.
  - g. Federal statutes that govern the Surface Transportation Program (STP), including but not limited to 23 U.S.C. 133.
  - h. General requirements for administering federal and state aid set forth in Wis. Stat. 84.03.

#### STATE RESPONSIBILITIES AND REQUIREMENTS:

4. Funding of each project phase is subject to inclusion in Wisconsin's approved BIL 2023-2026 Urbanized Area STP-Urban program. Federal funding will be limited to participation in the costs of the following items, as applicable to the project:
  - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
  - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
  - c. Storm sewer mains necessary for the surface water drainage.
  - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
  - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
  - f. Signing and pavement marking.
  - g. New installations or alteration of street lighting and traffic signals or devices.
  - h. Landscaping.
  - i. Preliminary engineering and design.
  - j. State review services.
5. The work will be administered by the State and may include items not eligible for federal participation.
6. As the work progresses, the State will bill the Municipality for work completed which is not chargeable to federal funds. Upon completion of the project, a final audit will be made to determine the final division of costs subject to project funding limits in the Summary of Costs Table. If reviews or audits show any of the work to be ineligible for federal funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

#### MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

7. Work necessary to complete the BIL 2023-2026 Urbanized Area STP-Urban improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
  - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
  - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
  - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
  - d. Conditioning, if required and maintenance of detour routes.
  - e. Real estate for the improvement.
  - f. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.

- g. All work related to underground storage tanks and contaminated soils.
  - h. Street and bridge width in excess of standards, in accordance with the current *WisDOT Facilities Development Manual*.
8. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
  9. Work to be performed by the Municipality without federal funding participation necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
  10. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
  11. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat. 51.01 (5), sexual orientation as defined in Wis. Stat. 111.32 (13m), or national origin.
  12. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed federal financing commitments or are ineligible for federal financing. To guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
  13. In accordance with the State's sunset policy for STP Program projects, the subject FFY 2023-2026 STP Program improvement must be constructed and in final acceptance within six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled. Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.
  14. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
  15. The Municipality will at its own cost and expense:
    - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance in a manner consistent with reasonable industry standards, and will make ample provision for such maintenance each year.
    - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during construction.
    - c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
    - d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
    - e. Provide complete plans, specifications, and estimates to State upon request.
    - f. Provide relocation orders and real estate plats to State upon request.

- g. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
- h. Provide maintenance and energy for lighting.
- i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.

16. It is further agreed by the Municipality that:

- a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.
- b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse State if State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such *Manual of Uniform Traffic Control Devices* as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred with by the Federal Highway Administration.
- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under federal aid highway regulations, posters, billboards, roadside stands, or other private installations prohibited by Federal or State highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the Federal Highway Administration, and that no such installations will be permitted to be erected or maintained in the future.
- f. The Municipality is responsible for any damage caused by legally hauled loads, including permitted oversize and overweight loads. The contractor is responsible for any damage caused to haul roads if they do not obey size and weight laws, use properly equipped and maintained vehicles, and do not prevent spilling of materials onto the haul road (*WisDOT Standard Specifications* 618.1, 108.7, 107.8). The local maintaining authority can impose special or seasonal weight limitations as defined in Wis. Stat. 349.16, but this should not be used for the sole purpose of preventing hauling on the road.

The bid item 618.0100 Maintenance and Repair of Haul Roads (project) is ineligible for federal funding on local program projects as per the State/Municipal Agreement. The repair of damages as a result of hauling materials for the project is the responsibility of the Municipality as specified in the State/Municipal Agreement Terms and Conditions under Municipal Responsibilities and Requirements.

## LEGAL RELATIONSHIPS:

17. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
18. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.
19. Contract modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of either this State/Municipal Agreement or any of its attachments may be changed, waived or terminated orally.
20. Binding effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
21. Choice of law and forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

## PROJECT FUNDING CONDITIONS

22. Non-appropriation of funds: With respect to any payment required to be made by the State under this State/Municipal Agreement, the parties acknowledge the State's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the Legislature. If such funds are not so appropriated, either the Municipality or the State may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.
23. Maintenance of Records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Municipality, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the Department. The Department reserves the right to audit and inspect such records and accounts at any time. The Municipality shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

24. The Municipality agrees to the following BIL 2023-2026 Urbanized Area STP-Urban project funding conditions:
  - a. ID 4984-24-74: Design is funded with 80% federal funding up to a funding limit of **\$364,907**, where applicable when the Municipality agrees to provide the remaining 20% and any funds in excess of the **\$364,907** state/federal funding limit. This phase includes plan development and state review. The work includes project review, approval of required reports and documents and processing the final Plan, Specification & Estimate (PS&E) document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality.

- b. Real estate is funded 100% by the Municipality. Real estate acquisition is 100% the responsibility of the Municipality.
- c. Utility items are funded 100% by the Municipality.
- d. ID **4984-24-75**: Construction:
  - i. Costs for items such as grading, gravel, asphalt, curb & gutter, sidewalk, traffic control, etc. are funded with 80% federal funding up to a funding limit of **\$2,454,193**, when the Municipality agrees to provide the remaining 20%, and any funds in excess of the **\$2,454,193** federal funding limit.
  - ii. Non-participating costs for water and sanitary facilities, utilities, maintenance and repair of haul roads and detours are funded 100% by the Municipality. Costs include construction delivery.
  - iii. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality.

[End of Document]

# Exhibit 3

## Lawe Street Truck Route Community Listening Session

August 2, 2023 5-6pm

### Session Summary

- Presentation by Public Works staff, then a workshop lead by Community Development staff.
- Map of the corridor was available to enter comments and locate corridor comments and concerns.
- Two questions were posed to the attendees:
  - **What about the truck route impacts you the most?**
    - Excessive noise and vibration in homes. Concerned with foundation and windows.
    - Experience excessive speeding.
    - Difficulty crossing the streets, including school crossing safety.
    - Deteriorating road conditions.
    - Industry has concerns that rerouting will increase travel times, fuel usage and negatively affect business operations.
    - Industry has concerns regarding HWY 441, the ability to merge uphill and enter traffic safely. The interchange at College Avenue is difficult for trucks to maneuver.
    - Dirt and dust caused by trucks along the corridor.
    - Maintaining the character of the neighborhood and view the trucks as determinantal to the character.
    - Concerns regarding potential widening of the roadway, if needed would impact the trees.
    - Overall perception of a negative impact on property value.
  - **Are there features that could mitigate your concerns about the truck route?**
    - Installation of traffic control at intersections: stop signs, pedestrian crossing signs and/or lights, etc.
    - Rerouting of the truck traffic.
    - Do not widen the street.
    - No bike lanes.
    - Different speed limits for trucks.
    - Reinforced roads.
    - Different routes depending on whether or not the truck is loaded.
    - Improved railroad crossing.
    - Reduced speed limits.
    - Enforcement for speed.



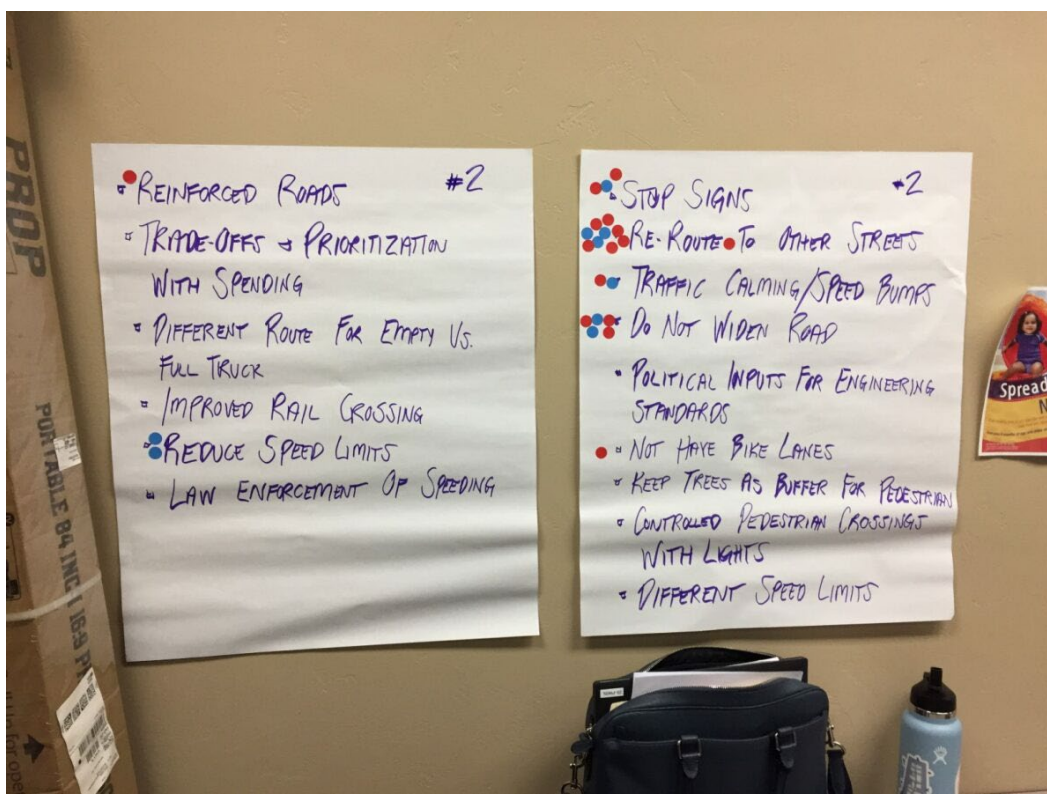
- EXCESSIVE SPEED (NOT JUST TRUCKS)
- HOMES SHAKE — FOUNDATION (CONCERN + WINDOWS)
- TRUCKS OVERLOADED
- PEDESTRIAN/BIKE SAFETY
- SCHOOL CROSSING SAFETY
- FRANKLIN/LANE + WASH/LANE
- NOISE

- #1 • DIRT/DUST
- CHARACTER OF NEIGHBORHOOD
- WIDENING STREET + LOSS OF TREES / INCREASED SPEED
- Safety

- #1 • ROAD CONDITIONS
- EMPLOYERS VERY RELIANT ON TRUCK ROUTE
- REMOVAL OF TRUCK ROUTE WOULD HAVE MAJOR IMPACT ON BUSINESSES
- PROPERTY VALUE
- ON-RAMP/OFF-RAMP SAFETY CONCERNS WITH TRUCKS MERGING ON HWY 441
- COLLEGE/LANE INTERSECTION
- ELDERLY SAFETY
- ACCESS TO BUS LIKE JACOBS

- #2 • REINFORCED ROADS
- TRADE-OFFS → PRIORITIZATION WITH SPENDING
- DIFFERENT ROUTE FOR EMPTY VS. FULL TRUCK
- IMPROVED RAIL CROSSING
- REDUCE SPEED LIMITS
- LAW ENFORCEMENT OF SPEEDING

- #2 • STOP SIGNS
- RE-ROUTE TO OTHER STREETS
- TRAFFIC CALMING / SPEED BUMPS
- DO NOT WIDEN ROAD
- POLITICAL INPUTS FOR ENGINEERING STANDARDS
- NOT HAVE BIKE LANES
- KEEP TREES AS BUFFER FOR PEDESTRIANS
- CONTROLLED PEDESTRIAN CROSSINGS WITH LIGHTS
- DIFFERENT SPEED LIMITS



109 Metric Tons  of Carbon Dioxide (CO<sub>2</sub>) equivalent


## Exhibit 4

This is equivalent to greenhouse gas emissions from:

**24.3** gasoline-powered passenger vehicles driven for one year 

<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#vehicles>




**279,427** miles driven by an average gasoline-powered passenger vehicle 

<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#miles>



This is equivalent to CO<sub>2</sub> emissions from:

**12,265** gallons of gasoline consumed 

<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#gasoline>



**10,707 gallons of diesel consumed** 

[<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#diesel>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#diesel)




**122,097 pounds of coal burned** 

[<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#lbscoal>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#lbscoal)




**1.4 tanker trucks' worth of gasoline**


 [<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#tankers>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#tankers)




**13.7 homes' energy use for one year**

 [<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#houseenergy>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#houseenergy)




**21.2**      **homes' electricity use for one**  
**year**  <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#houseelec>




**0.601**      **railcars' worth of coal burned**   
<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#railcars>




**252**      **barrels of oil consumed**   
<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#oil>




**5,007**      **propane cylinders used for home**  
**barbeques**  <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#propane>




**0** **coal-fired power plants in one**  
**year**  [<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#coalplant>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#coalplant)




**0.0003** **natural gas-fired power plants in**  
**one year**  [<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#gasplant>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#gasplant)



**13,259,048** **number of smartphones charged**  
 [<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#smartphones>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#smartphones)







**This is equivalent to greenhouse gas emissions avoided by:**



**37.7** **tons of waste recycled instead of**  
**landfilled**  [<https://epa.gov/energy/greenhouse-gases-](https://epa.gov/energy/greenhouse-gases-)





equivalencies-calculator-calculations-and-references#recycle>

**5.4**      **garbage trucks of waste recycled**  
**instead of landfilled**  <<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#gtrucks>> 

**4,718**      **trash bags of waste recycled**  
**instead of landfilled**  <<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#trash>> 

**0.03**      **wind turbines running for a year**  
 <<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#wind>> 

**4,131**      **incandescent lamps switched to**  
**LEDs**  <<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#leds>> 

calculator-calculations-and-references#lights>



### This is equivalent to carbon sequestered by:

**1,802 tree seedlings grown for 10 years**

[? <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#seedlings>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#seedlings)



**130 acres of U.S. forests in one year**

[? <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#pineforests>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#pineforests)



**0.723 acres of U.S. forests preserved from conversion to cropland in one year**

[? <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#deforestation>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#deforestation)



# Exhibit 5

September 14, 2023

To: Danielle Block  
Director of Public Works, City of Appleton

From: Graeme Hodson  
COO, M2S Group (Appvion, Nekoosa, and Decorative Films)

Dani,

Thanks again for including us in the Community Listening event on Wednesday August 2<sup>nd</sup> at City Hall. It was a great opportunity to understand the construction and upgrade plans for Lawe Street and more importantly hear the concerns and feedback of our local residents regarding the “truck route” designation.

Appvion has been manufacturing here in Appleton for over 115 years and as part of our operations we have been utilizing WSI warehousing in the Radio Road/College Avenue vicinity for more than 30 years. Given our limited warehousing in our manufacturing buildings around Meade Street and Wisconsin Avenue, we store the majority of our incoming raw materials and outgoing finished goods in offsite warehousing and use VS Midwest to shuttle materials back and forth. The most direct and cost-effective truck route utilizes Lawe Street.

As we explained when we visited City Hall on August 15<sup>th</sup>, if the Lawe Street truck route designation is removed Appvion has two alternatives. The next best alternative would be to use Richmond Street and College Avenue, resulting in all our truck traffic traveling through Downtown Appleton. Alternatively, we could utilize Ballard Road, Northland Avenue, and 441. In discussions with our shuttle service provider, we have safety concerns with trucks utilizing the inclined ramps and short entry lanes entering and exiting 441, especially around peak traffic times.

Utilizing 441 would result in an additional 33,792 miles per year and an additional 751 driver hours an increase of 97% and 44% respectively. These impacts will result in increased operating costs (fuel, wear & tear, tires, vehicle maintenance costs, and driver hours) along with increased capital requirements (semi-trucks and trailers). From an environmental impact perspective, based on industry standards for semi-trucks, we would generate an additional 109.4 Metric Tons of CO<sub>2</sub> (Greenhouse Gas Emissions) annually.

Our current operating schedule (7 days/24 hours) requires ~16 round trip shuttles per day between the warehouse and our manufacturing site. Our facility layout requires the two loops around our properties (Lawe Street, Meade Street, Wisconsin Avenue, E Hancock Street, E Commercial Street, and N Rankin Street) to remain truck routes in order to access our loading



docks and move materials in and out of our buildings. Therefore, the focus is really on the 0.5-mile stretch between E Hancock Street and College Avenue.

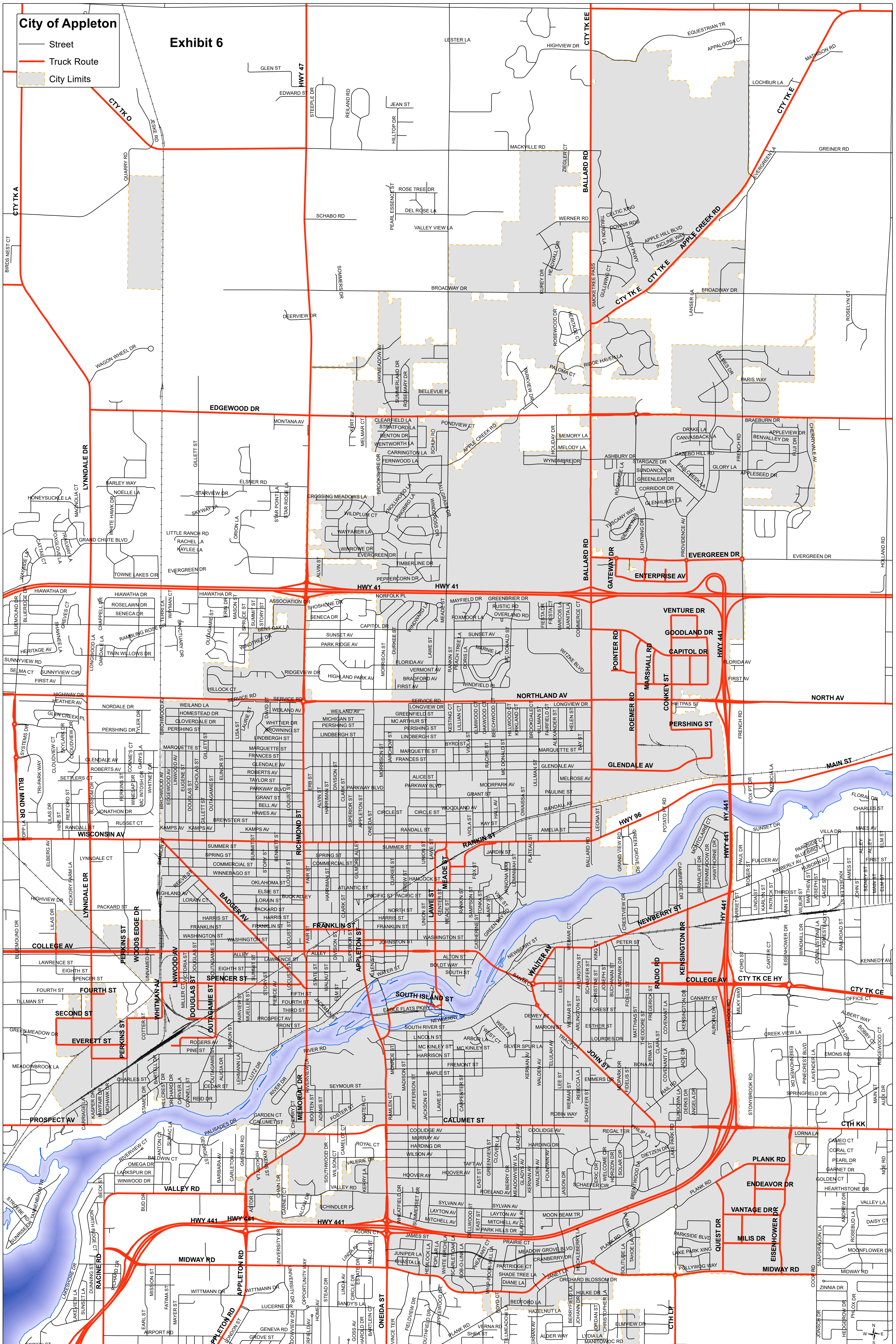
A key takeaway from the Community Listening event was the impact to our neighboring residents from trucks using Lawe Street at night. Since the event, our team has been focused on what changes we can make that might be a positive for the area residents. After discussing options internally and meeting with our carrier, VS Midwest, we can commit to eliminate the use of our shuttle between 10pm and 5am daily. This would provide for some quiet time overnight and be a benefit to not only those living on Lawe Street, but also the loops around our facilities. If for some reason, we had to run an emergency shuttle we would utilize an alternative route. However, based on our planning we expect this to be a highly unlikely need.

Appvion is committed to finding a balanced solution for both the residents in the areas neighboring our facilities and our business needs. Our operations in Appleton provide a significant economic benefit to the City of Appleton and the surrounding communities. We employ approximately 350 people with wages totaling over \$30MM annually. In addition, we pay around \$400K in Real Estate and purchase more than \$10MM from local businesses.

City of Appleton

Exhibit 6

- Street
- Truck Route
- City Limits



**#10-R-22**

**Amended**

**Alternate Lawe Street Truck Route**

*Date:* August 3, 2022

*Submitted By:* Ald. Meltzer, District 2, & Ald. Del Toro, District 4

*Referred To:* Department of Public Works

***Amended: September 25, 2023 at Municipal Services Committee***

Whereas large commercial trucks on Lawe Street have long been a problem for the neighborhood both as a nuisance and a safety issue, causing damage to road conditions and home infrastructure; and

Whereas amenities, such as bike lanes, and safe walkable street crossings add value to neighborhoods, but inner city truck routes, impose a burden on neighborhoods; and

Whereas Lawe Street is scheduled for surface reconstruction in 2025, underground work in 2024, and design and planning 2023; and

Whereas large commercial truck traffic will have to be re-routed during the reconstruction work on Lawe Street, this provides an opportunity to make permanent changes as well as explore options to save on cost of materials;

THEREFORE BE IT RESOLVED that when the redesign comes up prior to Lawe Street's reconstruction, staff will explore removing the Truck Route designation from Lawe Street between College Avenue and Hancock Street, and finding an alternate route for truck traffic to travel north and south. Specifically, staff will conduct a Lawe Street (from College Avenue to Hancock Street) corridor study that includes: an analysis of deterioration of terrace habitat and trees due to trucks, cost benefit analysis of construction, origin/destination study, traffic volume report, specific traffic speed reduction efforts, and an environmental impact assessment to include truck particulate matter emissions and a heavy metal analysis that are being deposited into the roadway. This study will be completed by March 2024.



DEPARTMENT OF PUBLIC WORKS  
Engineering Division  
100 North Appleton Street  
Appleton, WI 54911  
TEL (920) 832-6474

**To:** Municipal Services Committee and Common Council  
**From:** Danielle Block, Director of Public Works  
**Date:** September 27, 2023  
**Re:** Resolution #10-R-22 Lawe Street Truck Route Analysis - **AMENDED**

## **10-R-22 Amendment Considerations**

### **Proposed Research**

#### *Timeline*

Portions of the requested research would need to be outsourced. Through the solicitation and selection process, discussions with the consultants would need to include the feasibility of completing the analysis by March 2024. The scope of services and proposals would likely include additional fees to complete the work at an expedited schedule. It is worth considering extending the deadline to avoid such fees. Of note, the process to complete a traffic origin destination study and environmental impact assessment related to truck particulate matter emissions and heavy metal deposition would likely extend past the March 2024 deadline.

Note the proposed additional research is not a requirement of the State & Federal Funding, there is no air quality analysis or noise analysis requirement under the environmental documentation based on the project type (reconstruction). However, Environmental Document items that are required by Federal and State agreement and already included in the consultant contract are as follows:

- Disclosure Statement as required by 40 CRFR 1506.5(c)
- Categorical Exclusion Checklist Environmental Document as specified in Trans 400, Wisconsin Administrative Code
- Historical and Archaeological Reviews: Area of Potential Effect identification - an archaeological and historical reconnaissance and evaluation study
- Hazardous Materials/Contamination Assessments, a Phase 1 investigation
- Native American Coordination
- Section 401 and 402 Certifications in accordance with the Clean Water Act
- US Fish and Wildlife Service for potential impacts to endangered and threatened species
- Soil and Subsurface investigation to include 8 borings to a depth of 10 feet below the existing grade to determine existing pavement structure, including base courses.

### **Cost Benefit Analysis – Roadway Construction**

For cost estimating purposes there are no basic design elements that will change based on the designation of truck route. The following elements will remain the same:

- Pavement Thickness
- Lane Width
- Pedestrian Accommodations
- Streetscape Elements

There are traffic calming features that would likely be eliminated based on the traffic volumes and truck route designation:

- Raised Crosswalks
- Raised Intersections

## **Safety**

Safety was referenced in the resolution and community listening session feedback. The Traffic Engineering Division prepared the following crash history information comparing similar corridors and all crashes versus crashes involving a commercial motor vehicle.

A commercial motor vehicle (CMV) means a motor vehicle having one or more the following characteristics:

1. The vehicle over 26,000 pounds.
2. The vehicle is over 26,000 pounds inclusive of a towed unit or actual gross weight of more than 10,000 pounds.
3. The vehicle is designed to transport the driver and 15 or more passengers.
4. The vehicle is transporting hazardous materials.

In short, the Commercial Motor Vehicle crash and safety information is specific to heavy trucks in excess of 26,000 pounds.

A corridor crash rate analysis is included with this memo. Crash data records were gathered from the WisPortal System, through the Wisconsin Traffic Operations and Safety Laboratory. Crashes are documented using the KABCO scale, as defined by the guidelines established by the Model Minimum Uniform Crash Criteria and is a functional measure of the injury severity for any person involved in the crash. When reading the attached crash information, the scale abbreviations as follows:

K = Fatal Injury

A = Suspected Serious Injury

B = Suspected Minor Injury

C = Possible Injury

O = No Apparent Injury

This analysis includes data from 2018-2022 using WisDOT Facilities Design Manual (FDM) standards. The data compares Lawe Street versus similar truck routes within the City of Appleton. **See Exhibit 1.**

Visual representations of the data within the table on Exhibit 1 is included within the pages of **Exhibit 2.**

The data illustrates there have been zero KAB CMV Crashes, or serious injury crashes involving a commercial motor vehicle.

## **STP-Urban BIL Funding Requirements**

It is most important to note the following items regarding the consideration of amended 10-R-22. These items relate to the WisDOT grant funding applied for and awarded to the City of Appleton. Deviation from representations made in the application process put the City at risk of losing the STP-Urban Funding. Total grant funding for the Lawe Street project is \$2.8M, keep in mind the total City Capital Infrastructure Projects budget is \$4M annually.

### ***Roadway Classification***

STP-Urban Funding must be awarded to highways within urban areas on roads functionally classified as major collector or higher, not a local residential street. Major collectors circulate traffic and provide access to local businesses or homes. They distribute trips between local roads and arterials over greater distances than minor collectors. Lawe Street is classified by the Wisconsin Department of Transportation (WisDOT) as a minor arterial roadway. Minor arterials connect and support the system of Principal Arterials, serving trips of moderate length. In urban areas minor arterials often support transportation modes such as bus travel. All minor arterials provide opportunities for direct access to adjacent land uses. A modification in the truck route designation along Lawe Street could have consequences on the functional classification of the roadway resulting in the loss of funding. The current funding grant is \$364,907 (80%) for the design of Lawe Street and \$2,454,193 (65%) for the reconstruction of Lawe Street.

More information regarding WisDOT Functional Classification along with Criteria and Procedures can be found here: <https://wisconsindot.gov/Pages/projects/data-plan/plan-res/function.aspx#urban>

***Sunset Date***

The project is currently scheduled for construction during State Fiscal Year 2026. The sunset date, or expiration date, is June 30, 2031. The sunset date is determined based on the date a project is scheduled to be authorized. Sunset date is calculated as six years from the beginning of the state fiscal year in which the project is initially scheduled. A modification in the construction date due to design delays could result in the loss of funding as well. Additionally, delays in the design of the Lawe Street roadway would likely result in construction price escalation. Funding on the project is capped per the State Municipal Agreement and would not be adjusted due to inflation. Funding allocation each fiscal year is dependent upon approval of the State budget, delay of the project is not recommended.

# Exhibit 1

## Corridor Crash Rate

2018-2022

FDM Methodology

On	From	To	Length	ADT	Mi Traveled	100M Mi Traveled	All Reportable Crashes		KAB Crashes		All CMV Crashes		CMV KAB Crashes	
							Crashes	Crashes/HMVMT	Crashes	Crashes/HMVMT	Crashes	Crashes/HMVMT	Crashes	Crashes/HMVMT
Lawe	Washington	Summer	0.77	6650	9,398,698	0.094	41	436	3	32	1	11	0	0
Badger	College	Wisconsin	0.92	5600	9,410,917	0.094	43	457	7	74	3	32	0	0
Newberry/Walter	College	STH 441	1.57	5250	15,042,563	0.150	25	166	2	13	3	20	0	0
John	College	Calumet	1.31	7250	17,332,938	0.173	42	242	4	23	1	6	0	0
WisDOT 2-Lane ≤40mph								290		35				

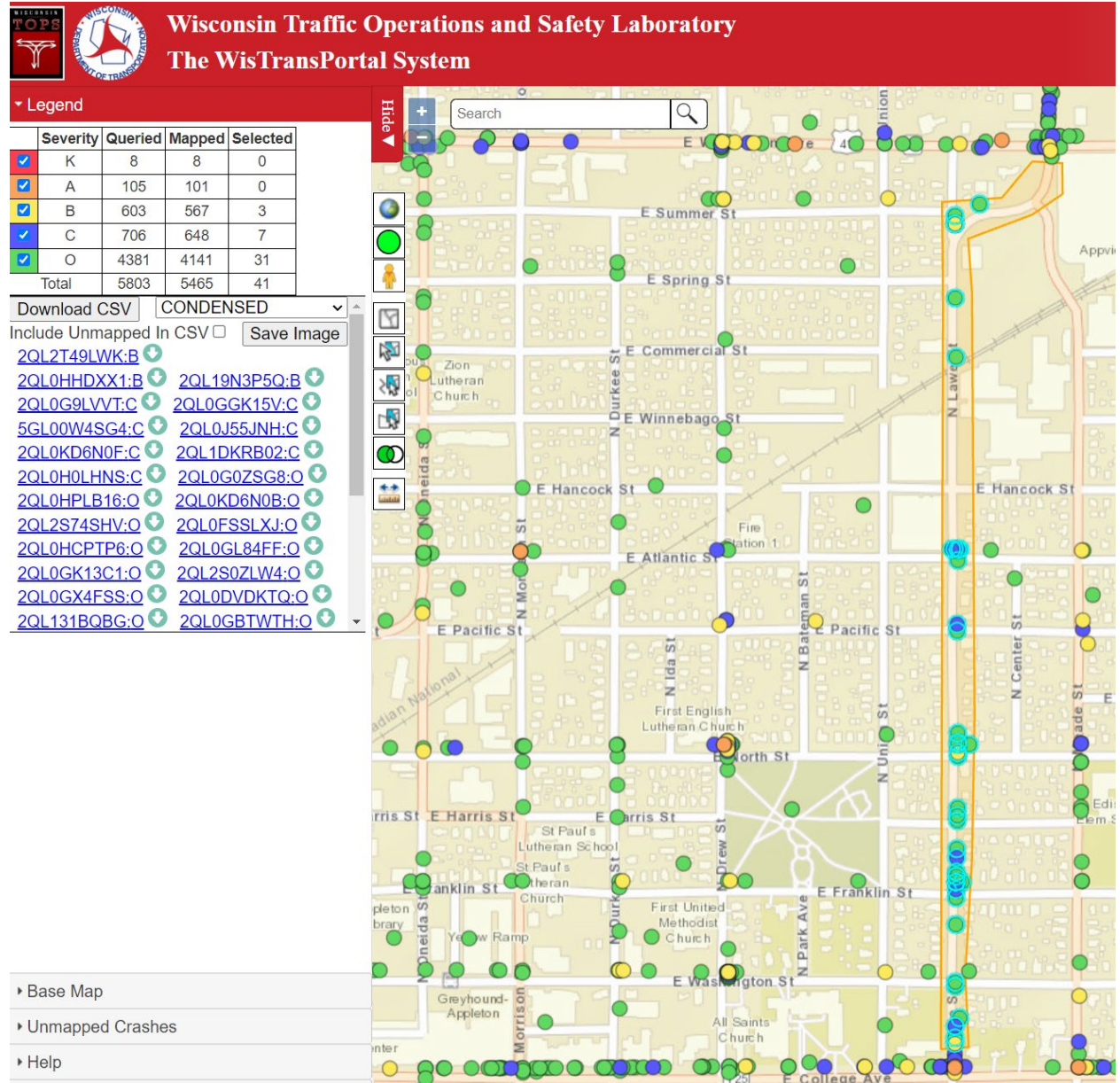
Table 1: 2016-2020 Statewide Average Crash Rates, KAB Crash Rates, and UCLs for State Highways

Meta-Manager Peer Group	Total Crash Rate (crashes per HMVMT)		KAB Crash Rate (crashes per HMVMT)	
	Average	UCL	Average	UCL
110 6-lane Freeways with AADT ≤ 90,300 vpd	69.89	$= 69.89 + 523.42 \sqrt{\frac{69.89}{AADT * L * Y}}$	8.64	$= 8.64 + 523.42 \sqrt{\frac{8.64}{AADT * L * Y}}$
120 6-lane Freeways with AADT > 90,300 vpd	100.33	$= 100.33 + 523.42 \sqrt{\frac{100.33}{AADT * L * Y}}$	9.42	$= 9.42 + 523.42 \sqrt{\frac{9.42}{AADT * L * Y}}$
130 4-lane Freeways	52.11	$= 52.11 + 523.42 \sqrt{\frac{52.11}{AADT * L * Y}}$	7.15	$= 7.15 + 523.42 \sqrt{\frac{7.15}{AADT * L * Y}}$
210 65 mph Expressways*	46.59	$= 46.59 + 523.42 \sqrt{\frac{46.59}{AADT * L * Y}}$	9.75	$= 9.75 + 523.42 \sqrt{\frac{9.75}{AADT * L * Y}}$
220 55 mph Expressways*	71.81	$= 71.81 + 523.42 \sqrt{\frac{71.81}{AADT * L * Y}}$	12.25	$= 12.25 + 523.42 \sqrt{\frac{12.25}{AADT * L * Y}}$
310 Multilane Divided Highways Posted at 45 mph or higher	204.68	$= 204.68 + 523.42 \sqrt{\frac{204.68}{AADT * L * Y}}$	26.15	$= 26.15 + 523.42 \sqrt{\frac{26.15}{AADT * L * Y}}$
320 Multilane Divided Highways Posted at 40 mph or lower	432.91	$= 432.91 + 523.42 \sqrt{\frac{432.91}{AADT * L * Y}}$	54.47	$= 54.47 + 523.42 \sqrt{\frac{54.47}{AADT * L * Y}}$
330 Multilane Undivided and One-Way Highways	465.24	$= 465.24 + 523.42 \sqrt{\frac{465.24}{AADT * L * Y}}$	59.5	$= 59.5 + 523.42 \sqrt{\frac{59.5}{AADT * L * Y}}$
410 Rural 2-lane Highways with AADT ≤ 2,000	98.89	$= 98.89 + 523.42 \sqrt{\frac{98.89}{AADT * L * Y}}$	24.86	$= 24.86 + 523.42 \sqrt{\frac{24.86}{AADT * L * Y}}$
420 Rural 2-lane Highways with 2,000 < AADT < 7,000	77.35	$= 77.35 + 523.42 \sqrt{\frac{77.35}{AADT * L * Y}}$	18.24	$= 18.24 + 523.42 \sqrt{\frac{18.24}{AADT * L * Y}}$
430 Rural 2-lane Highways with AADT ≥ 7,000	90.98	$= 90.98 + 523.42 \sqrt{\frac{90.98}{AADT * L * Y}}$	19.23	$= 19.23 + 523.42 \sqrt{\frac{19.23}{AADT * L * Y}}$
440 2-Lane Highways Posted at 40 mph or lower	290.29	$= 290.29 + 523.42 \sqrt{\frac{290.29}{AADT * L * Y}}$	35.07	$= 35.07 + 523.42 \sqrt{\frac{35.07}{AADT * L * Y}}$

AADT = Average Annual Daily Traffic (vehicles per day) L = Segment Length (miles) Y = Years  
 HMVMT = 100 million vehicle miles traveled

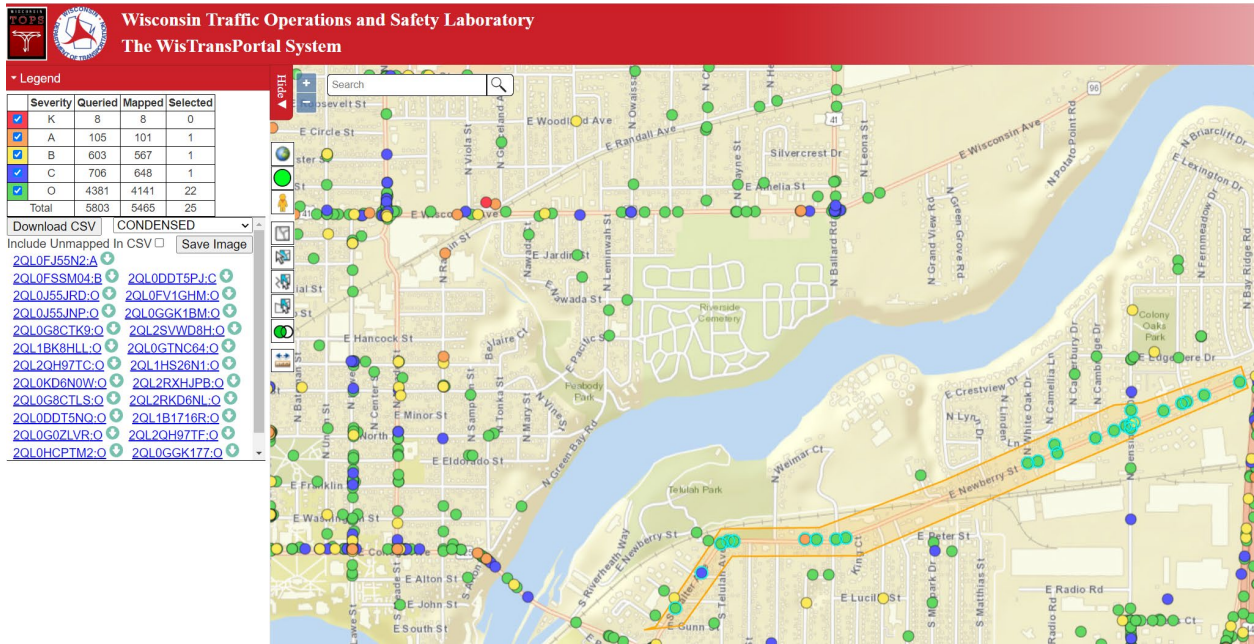
# Exhibit 2

## 2018-2022 All Reportable Crashes (Lawe St from College Av to Wisconsin Av)

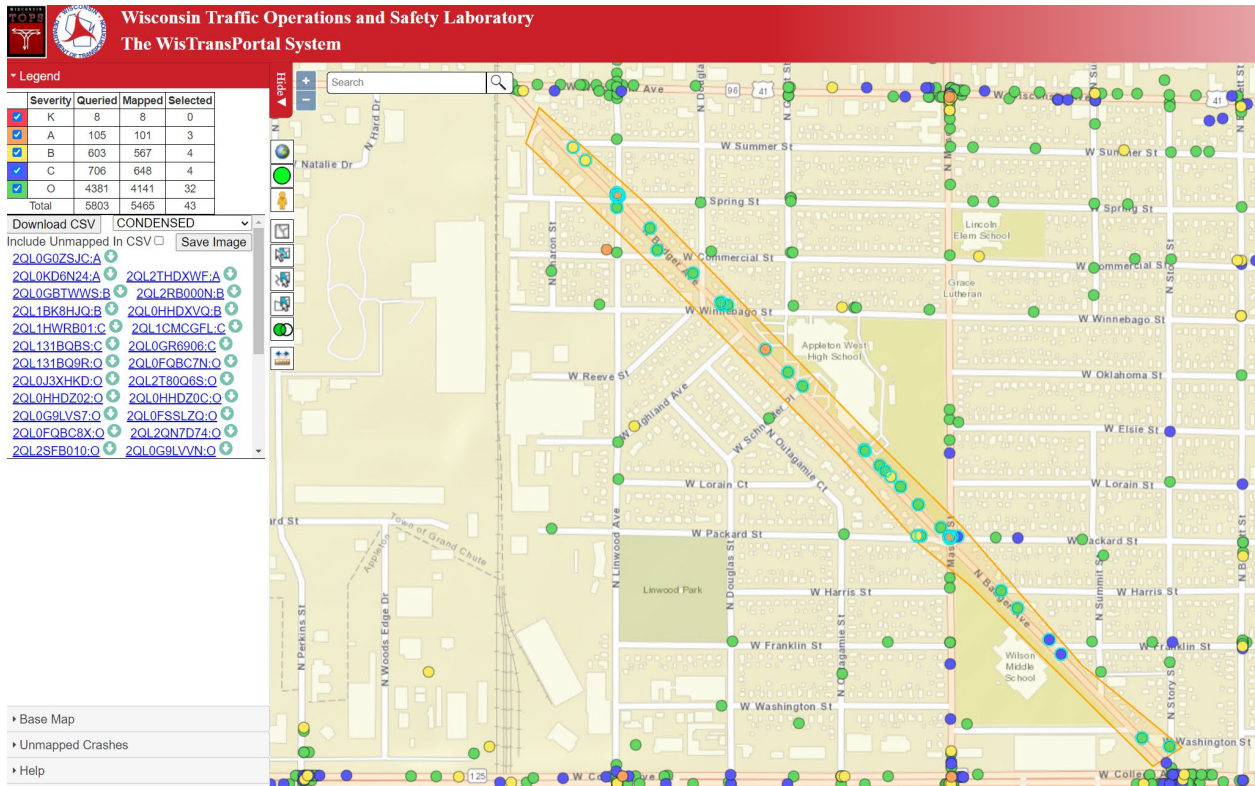




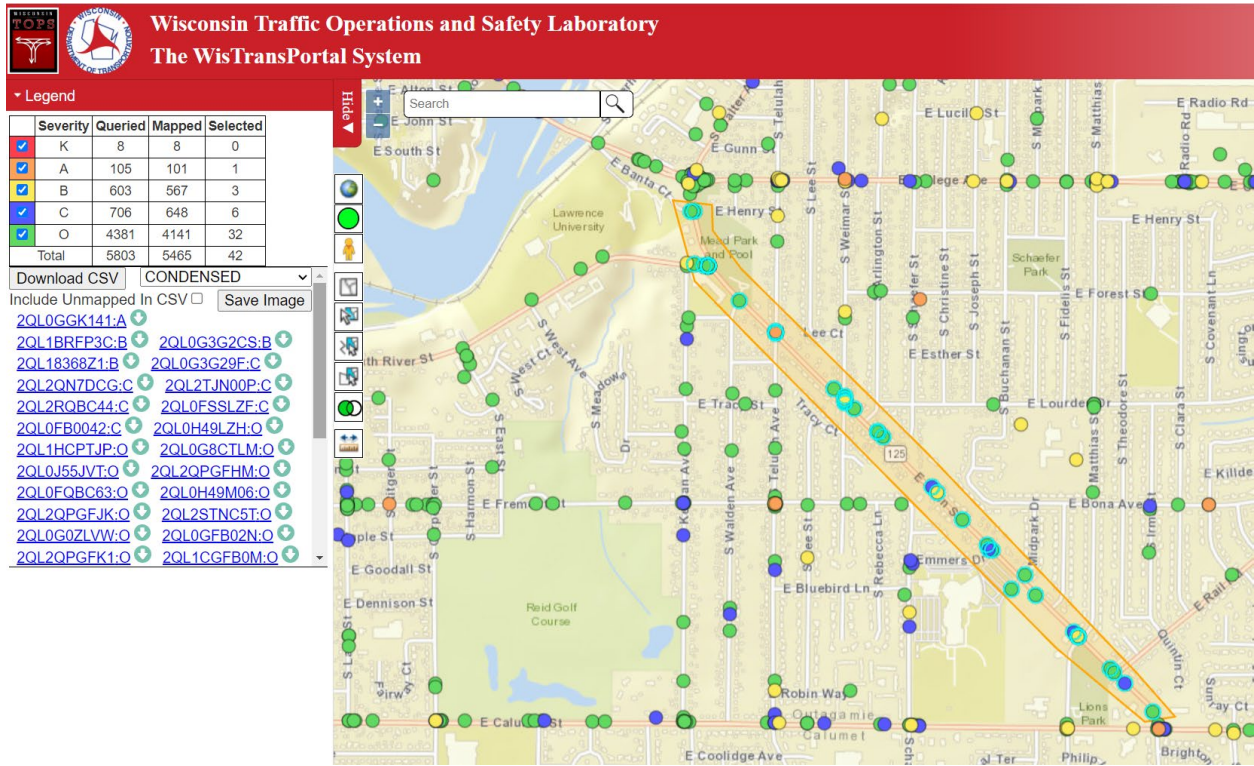
**2018-2022 All Reportable Crashes (Newberry St / Walter Av from College Av to STH 441)**



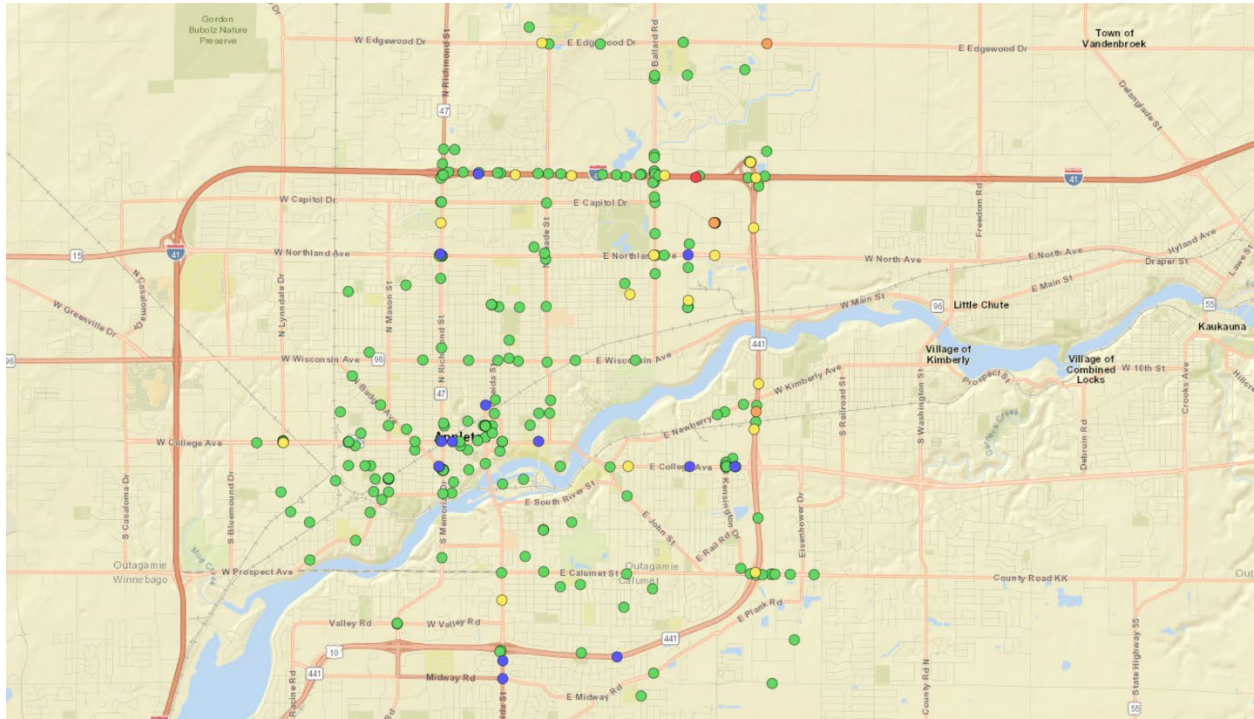
## 2018-2022 All Reportable Crashes (Badger Av from College Av to Wisconsin Av)



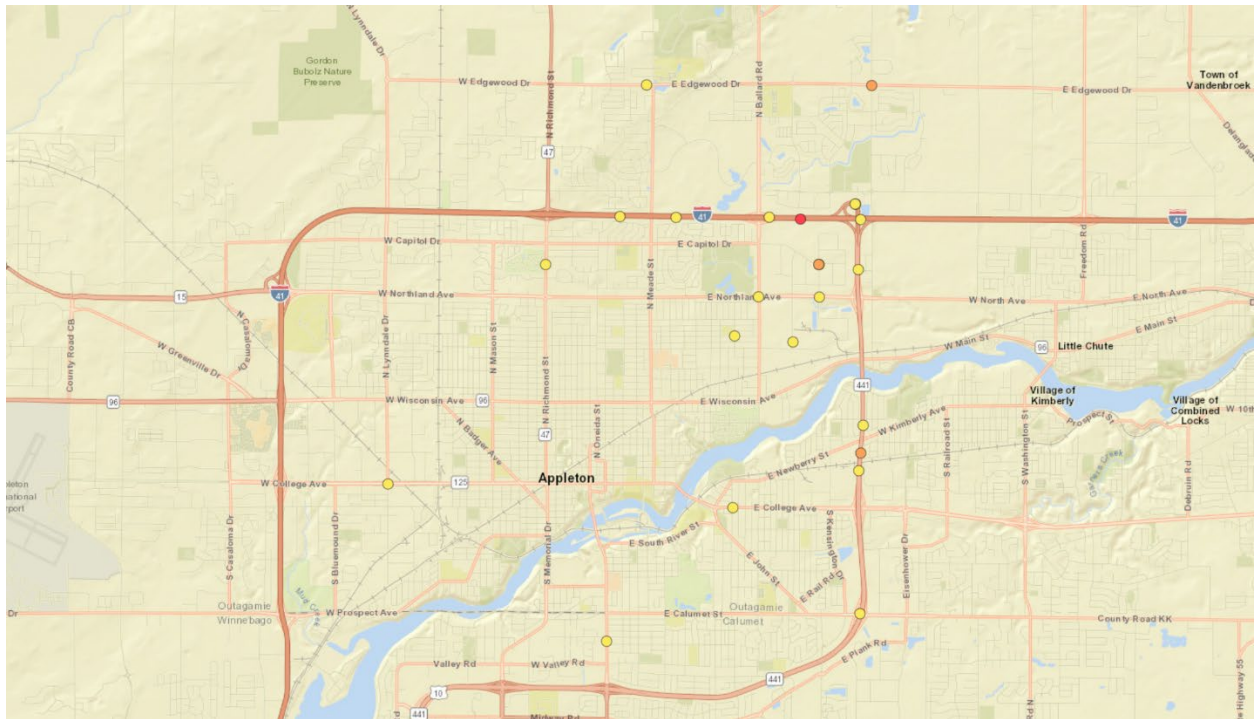
**2018-2022 All Reportable Crashes (John St from College Av to Calumet St)**



**2018-2022 Commercial Motor Vehicle Crashes (citywide)**



**2018-2022 Commercial Motor Vehicle Crashes involving KAB Injuries (citywide)**

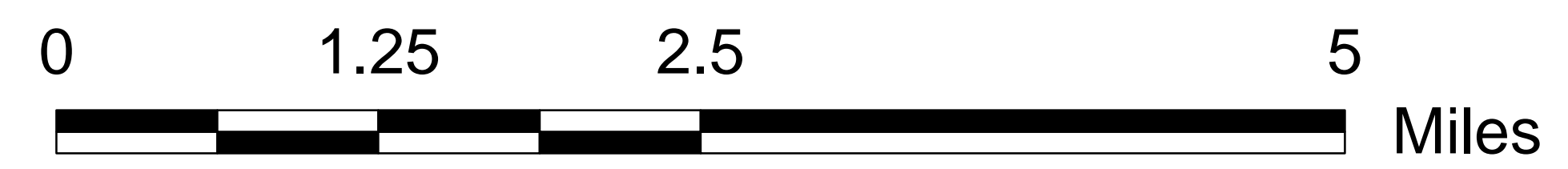
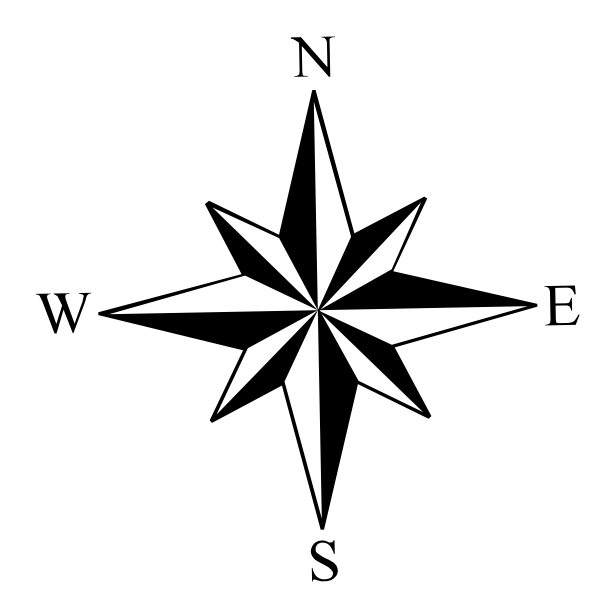
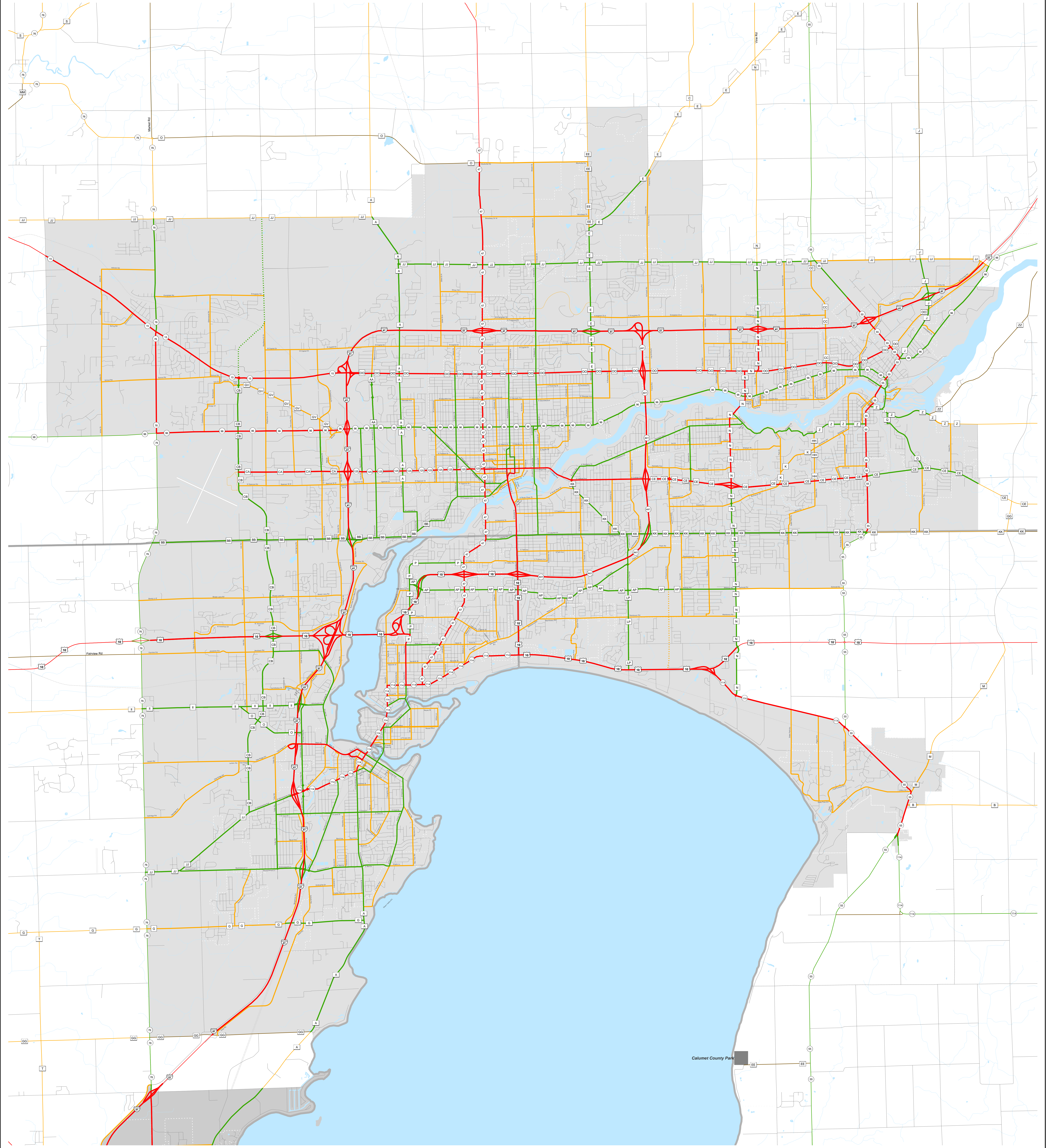


# APPLETON

Functional Classification

08/11/2016

APPLETON



**addendum to Legend**

MA	WISLR certified
MA	non-WISLR certified (not eligible for STP-U funding)
COL	WISLR certified
COL	non-WISLR certified (not eligible for STP-U funding)
LOC	WISLR certified
LOC	non-WISLR certified

**Legend**

Existing	Planned*	Other
Principal Arterial	Principal Arterial	Railroads
Minor Arterial	Minor Arterial	Lakes, Rivers, Streams
Collector	Collector	City/Village Boundary
Local	Local	Urban(ized) Area
		Other surrounding urban(ized) area
		Rural Area
		County Boundary

\* NOTE:  
All planned route locations are approximations only.

The information on these maps and produced from these maps was created for the official use of the Wisconsin Department of Transportation (WisDOT). Any other use, while not prohibited, is the sole responsibility of the user. WisDOT expressly disclaims all liability regarding fitness of use of the information for other than official WisDOT business.

# APPLETON

## Existing function detail maps for planned routes

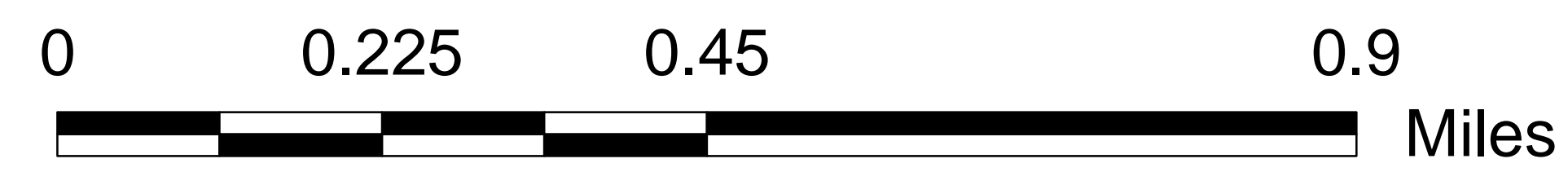
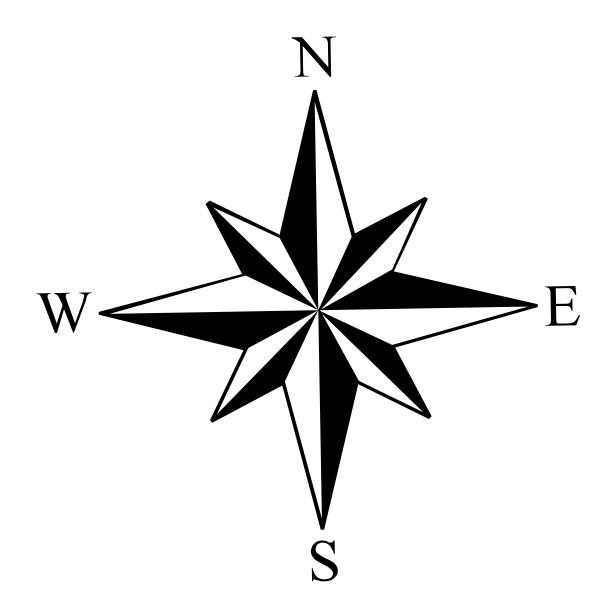
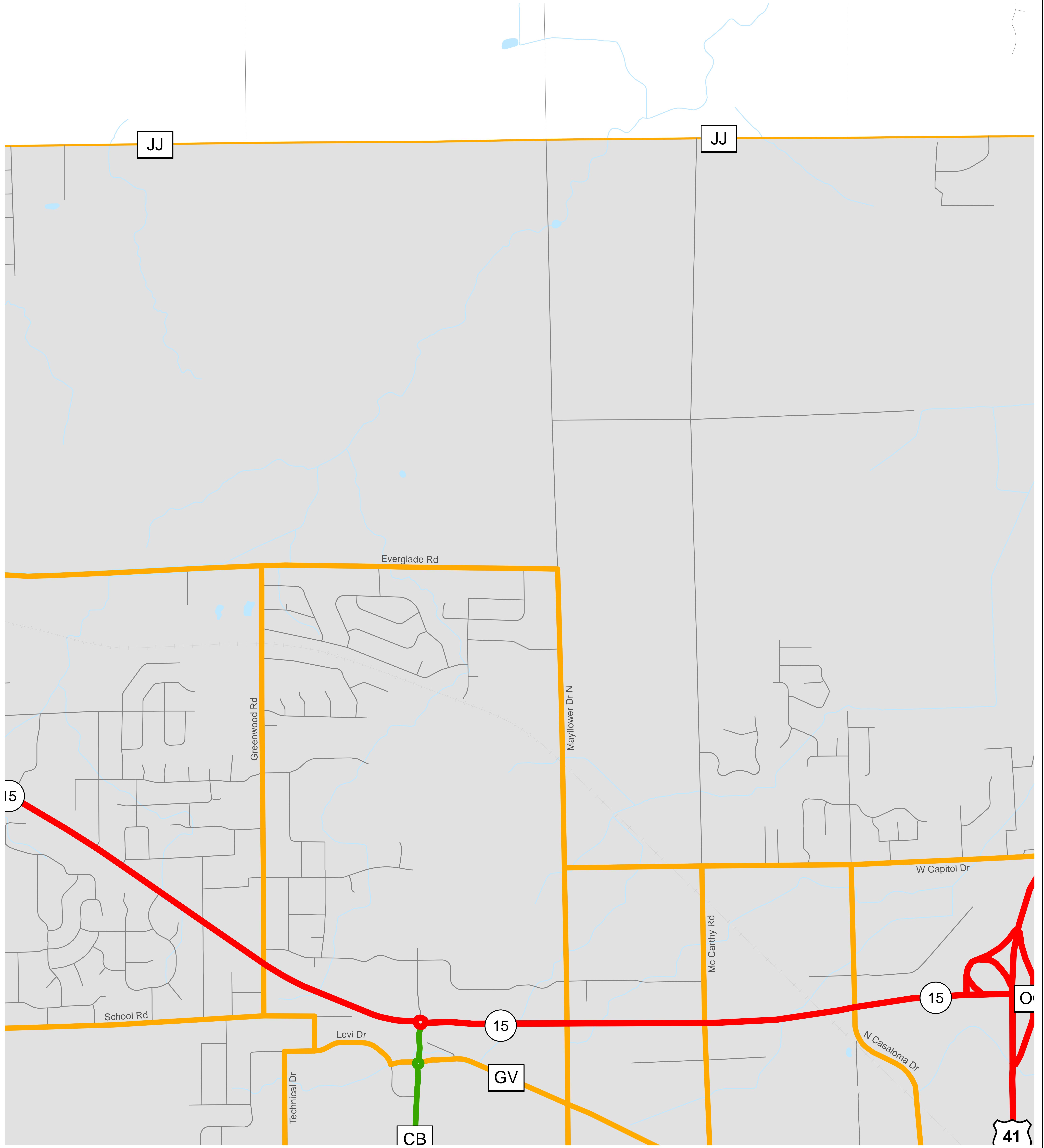
### Page

- 3 CTH CB extension
- 4 S Eisenhower Dr extension

# APPLETON (existing function detail: CTH CB extension)

Functional Classification 08/11/2016

APPLETON (existing function detail: CTH CB extension)



Legend		Other	
Existing	Planned*		
			Railroads
			Lakes, Rivers, Streams
			City/Village Boundary
			Urban(ized) Area
			Other surrounding urban(ized) area
			Rural Area
			County Boundary

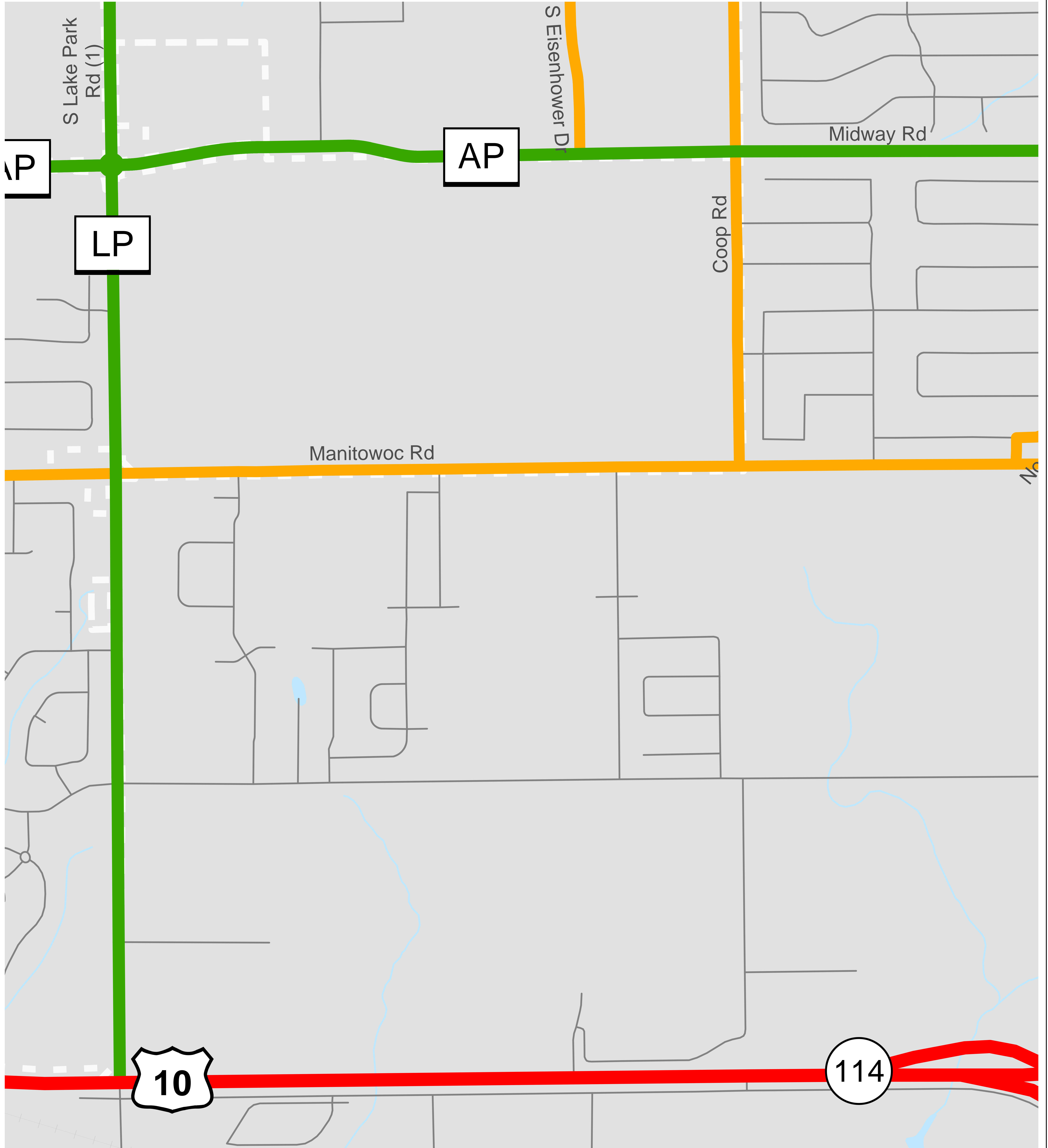
\* NOTE: All planned route locations are approximations only.

The information on these maps and produced from these maps was created for the official use of the Wisconsin Department of Transportation (WisDOT). Any other use, while not prohibited, is the sole responsibility of the user. WisDOT expressly disclaims all liability regarding fitness of use of the information for other than official WisDOT business.

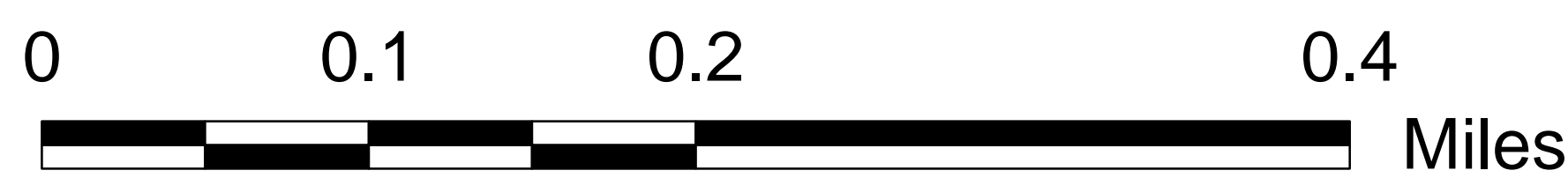
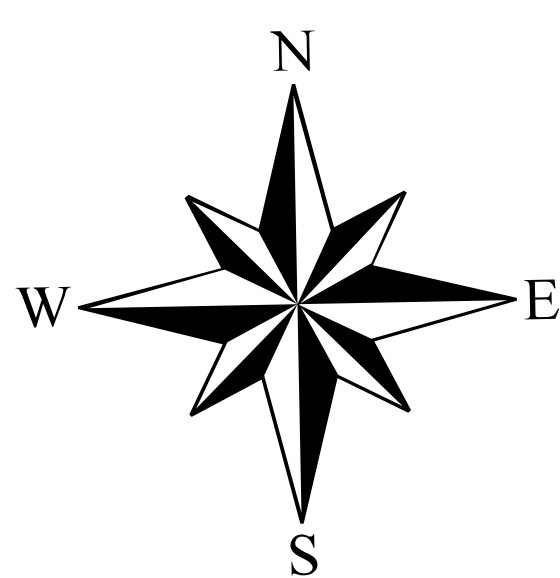
# APPLETON (existing function detail: S Eisenhower Dr extension)

Functional Classification

08/11/2016



APPLETON (existing function detail: S Eisenhower Dr extension)



Legend	
Existing Planned*	
	Principal Arterial
	Minor Arterial
	Collector
	Local
Other	
	Railroads
	Lakes, Rivers, Streams
	City/Village Boundary
	Urban(ized) Area
	Other surrounding urban(ized) area
	Rural Area
	County Boundary

\* NOTE: All planned route locations are approximations only.



## ATTACHMENT Feedback Received via email as of 9/25/2024 5pm

Constituent input on the Lawe Street Truck Route.

Thank you!

Vered Meltzer

Aldersperson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
facebook.com/votevered

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** Barb Weyenberg <[weyengrif@charter.net](mailto:weyengrif@charter.net)>  
**Sent:** Wednesday, September 13, 2023 9:39 AM  
**To:** Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)>  
**Subject:** Re: Lawe Street Truck Route - Upcoming Meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for this opportunity to comment. I recommend no trucks south of Wisconsin Ave. in this neighborhood. I recommend removing the truck route designation IF it is not simply moved to Meade, Rankin or some other location south of Wisconsin Ave. That would not be acceptable. The noise carries all over this area and the trucks tear up the roads requiring continuous repair and cost to taxpayers. Trucks can go down Wisconsin Ave or OO and catch the 441 interchange near Little Chute to access the highway. Semi trucks in a residential area not good. These semi trucks are a hazard in nearby roundabouts in residential areas also. Barb Weyenberg

Sent from my iPad

On Sep 13, 2023, at 9:16 AM, Vered Meltzer <[District2@appleton.org](mailto:District2@appleton.org)> wrote:

Greetings, District 2!

The Lawe Street truck route question will be reviewed at the Municipal Services Committee on September 25th at 4:30pm. Staff will bring forward a recommendation on whether or not to remove the truck route designation, and the committee will vote on that recommendation. This meeting is open to the public and there will be an opportunity for members of the public to speak. If you are unable to attend, please share your comments with me so that I can pass them along to staff and the committee.

Thank you!

Vered Meltzer  
Aldersperson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
[facebook.com/votevered](https://www.facebook.com/votevered)

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure. Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

More constituent feedback. Thank you!

Vered Meltzer  
Alderson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
facebook.com/votevered

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** Timothy Watson <[timandpete@gmail.com](mailto:timandpete@gmail.com)>  
**Sent:** Wednesday, September 13, 2023 10:16 AM  
**To:** Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)>  
**Subject:** Re: Lawe Street Truck Route - Upcoming Meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you, Vered,

I will be out of town at the time of this meeting, but please note that I am in favor of removing the truck route designation from N Lawe Street, and making it more pedestrian and bicycle friendly.

Tim

Tim Watson  
11 Bellaire Ct, Appleton, WI 54911  
[timandpete@gmail.com](mailto:timandpete@gmail.com)

On Wed, Sep 13, 2023 at 9:16 AM Vered Meltzer <[District2@appleton.org](mailto:District2@appleton.org)> wrote:  
Greetings, District 2!

The Lawe Street truck route question will be reviewed at the Municipal Services Committee on September 25th at 4:30pm. Staff will bring forward a recommendation on whether or not to remove the truck route designation, and the committee will vote on that recommendation. This meeting is open to the public and there will be an opportunity for members of the public to speak. If you are unable to attend, please share your comments with me so that I can pass them along to staff and the committee.

Thank you!

Vered Meltzer  
Alderson, Appleton District 2

(Pronouns: he, him, his)  
920-809-6669  
[facebook.com/votevered](https://www.facebook.com/votevered)

**Please note:** Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.  
Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

Constituent feedback on the Lawe Street Truck Route. Thank you!

Vered Meltzer  
Aldersperson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
[facebook.com/votevered](https://www.facebook.com/votevered)

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** Barbara Agness <[babettebarbie@gmail.com](mailto:babettebarbie@gmail.com)>  
**Sent:** Wednesday, September 13, 2023 10:25 AM  
**To:** Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)>  
**Subject:** Re: Lawe Street Truck Route - Upcoming Meeting

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.  
I should think that they could make the truck route, Wisconsin Ave and Richmond street. The little jog off of Wisconsin Ave, to Meade to the businesses that use trucks could be OK.

Thanks, Barb

On Sep 13, 2023, at 9:06 AM, Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)> wrote:

Greetings, District 2!

The Lawe Street truck route question will be reviewed at the Municipal Services Committee on September 25th at 4:30pm. Staff will bring forward a recommendation on whether or not to remove the truck route designation, and the committee will vote on that recommendation. This meeting is open to the public and there will be an opportunity for members of the public to speak. If you are unable to attend, please share your comments with me so that I can pass them along to staff and the committee.

Thank you!

Vered Meltzer  
Aldersperson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
[facebook.com/votevered](https://www.facebook.com/votevered)

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

Lawe Street input.

Thank you!

Vered Meltzer

Aldersperson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
facebook.com/votevered

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** [webmaster@appleton.org](mailto:webmaster@appleton.org) <[webmaster@appleton.org](mailto:webmaster@appleton.org)>

**Sent:** Saturday, September 23, 2023 5:29 PM

**To:** Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)>

**Subject:** Appleton, WI: Contact Your Alderspersons email

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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

**Form Name:** Contact US - Dist2  
**Date & Time:** 09/23/2023 6:29 PM  
**Response #:** 189  
**Submitter ID:** 66696  
**IP address:** 134.215.0.243  
**Time to complete:** 10 min. , 41 sec.

---

#### Survey Details

<b>Page 1</b>
<b>Email Address:</b> <a href="mailto:vancen@gmail.com">vancen@gmail.com</a>
<b>First Name:</b> Natalie
<b>Last Name:</b> Lewellyn
<b>Address:</b> 608 E Pacific St

**City:**

Appleton

**State/Province:**

Wisconsin

**Zip Code:**

54911

**Phone Number:**

(415) 816-3547

**Fax Number:**

Not answered

**Comments/Questions:**

Problem: there are too many cars and trucks going by on Lawe Street and they do not stop to let pedestrians cross. It is also hard for cars to cross that street.

Potential solutions: bump out the curbs at key intersections to slow traffic (like on Meade St), have the Appvion trucks go elsewhere, add stop signs at two intersections (just one intersection would make problems for that street), add crossing lights (like the ones for Lawrence across college) or actually do a campaign city-wide where people get tickets for not stopping to let pedestrians cross at crosswalks.

I would prefer to have there be fewer trucks on Lawe (make it not a trucking route). I think widening the street would cause people to go faster, even if the widening was adding a bike lane, and would make the problems worse. Narrowing the street at certain points by bumping the curb out would slow traffic.

Thank you,

Natalie Lewellyn

**The Appleton Common Council consists of 15 elected Alderpersons. Currently the Council president is Alderperson Matthew Reed and vice-president is Alderperson Katie Van Zeeland. The Common Council meets the 1st and 3rd WEDNESDAY of the month at 7:00 p.m. in Council Chambers. If you wish to see a current week's schedule of meetings for the Council and its Committees, Commissions and Boards you can find that [here](#).**

**Weekly Aldermanic packets that are supplied to Alderpersons each Friday can be found [here](#).**

**To view a list of committees in the City of Appleton please click [here](#).**

**View [Council Attendance](#) information**

Thank you,  
**Appleton, WI**



---

**This is an automated message generated by Granicus. Please do not reply directly to this email.**

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

More input on the truck route. Dani, can these emails that came in over the weekend be included in the packet for the committee on Monday?

Thank you!

Vered Meltzer  
Aldersperson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
facebook.com/votevered

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** Janet Scheibe <[janetplannet1552@gmail.com](mailto:janetplannet1552@gmail.com)>  
**Sent:** Friday, September 22, 2023 3:39 PM  
**To:** Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)>  
**Subject:** Re: Lawe Street Truck Route Update

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The proposed change in hours does not change any of the concerns expressed by citizens except for noise at night. The rights of private citizens should FAR outweigh those of Apvion. Is Apvion going to pay to repair the (ongoing) damage to the homes on Lawe Street? No. This is NOT acceptable. JL SCHEIBE

On Fri, Sep 22, 2023 at 12:18 PM Vered Meltzer <[District2@appleton.org](mailto:District2@appleton.org)> wrote:  
Greetings!

As you know, the Municipal Services Committee will be taking up the Lawe Street Truck Route question on Monday, Sept 25<sup>th</sup> at 4:30pm. (This meeting will be about the truck route only, not other design elements of the Lawe Street reconstruction. There will be future meetings on the design and reconstruction.)

I am attaching the materials that will be part of the agenda on Monday. There is a staff memo with a recommendation to approve the resolution with a compromise in the form of restricting the hours in which the trucks will use Lawe Street. There is a collection of relevant documents including a map of all the current truck routes. Finally, the input captured at the Listening Session is attached as well.

Please review these materials and let me know if you have any questions, or comments that you want shared with the Municipal Services Committee.

Thank you!

Vered Meltzer  
Aldersperson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
[facebook.com/votevered](https://www.facebook.com/votevered)

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.  
Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

More Lawe Street input, but this is on the design, not the truck route.

Thank you!

Vered Meltzer

Aldersperson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
facebook.com/votevered

Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

---

**From:** Jane Parish Yang <[jane.p.yang@lawrence.edu](mailto:jane.p.yang@lawrence.edu)>  
**Sent:** Friday, September 22, 2023 12:49 PM  
**To:** Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)>  
**Subject:** Re: Lawe Street Truck Route Update

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Vered,

I appreciate your keeping your constituents informed about the progress of this project and your working with Aldersperson Del Toro on behalf of the neighborhood around Lawe Street.

I hope the street is not widened and that viable trees can be saved. It is not important to designate such a high traffic street as a bike route-in fact, quite foolish to think every street needs this designation. There are safer streets nearby that can work for bike riders.

With thanks,  
Jane Parish Yang,  
1212 East Pacific Street

Get [Outlook for iOS](#)

---

**From:** Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)>  
**Sent:** Friday, September 22, 2023 12:12:55 PM  
**To:** Vered Meltzer <[District2@Appleton.org](mailto:District2@Appleton.org)>  
**Subject:** Lawe Street Truck Route Update

Greetings!

As you know, the Municipal Services Committee will be taking up the Lawe Street Truck Route question on Monday, Sept 25<sup>th</sup> at 4:30pm. (This meeting will be about the truck route only, not other design elements of the Lawe Street reconstruction. There will be future meetings on the design and reconstruction.)

I am attaching the materials that will be part of the agenda on Monday. There is a staff memo with a recommendation to approve the resolution with a compromise in the form of restricting the hours in which the trucks will use Lawe Street. There is a collection of relevant documents including a map of all the current truck routes. Finally, the input captured at the Listening Session is attached as well.

Please review these materials and let me know if you have any questions, or comments that you want shared with the Municipal Services Committee.

Thank you!

Vered Meltzer  
Alderson, Appleton District 2  
(Pronouns: he, him, his)  
920-809-6669  
[facebook.com/votevered](https://www.facebook.com/votevered)

FYI - Lawe Street!

## Andy Anaam

Communications & Public Engagement Manager  
Office of the Mayor, City of Appleton  
Phone: (920) 832-5814  
Email: [anindita.anaam@appleton.org](mailto:anindita.anaam@appleton.org)  
<https://www.appleton.org/>



**From:** Kimberly Dickson <[kimberly.dickson@lawrence.edu](mailto:kimberly.dickson@lawrence.edu)>  
**Sent:** Monday, September 25, 2023 7:38 AM  
**To:** Mayor <[Mayor@Appleton.org](mailto:Mayor@Appleton.org)>  
**Subject:** Lawe St truck route

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Municipal Services Committee and Mayor Woodford,

I am a resident of Appleton and live at 610 E. Eldorado St. I am writing today to express my deep concern about the plans to develop Lawe St into a truck route *plus* a bike route. These plans for Lawe Street prioritize a corporation over the health, safety, and beauty of a historic Appleton neighborhood and its residents. Under no circumstances is a bike route combined with a truck route appropriate for a residential neighborhood.

As a parent, Lawe St. never felt like a safe street for my child to cross. Walking from our house to Edison School for basketball or to a friend's house was always a concern for me. Traffic is heavy, drivers are inattentive, and there is no way one of those massive trucks could stop in time if a child were to accidentally enter the road in front of it. Biking through the neighborhood requires strict adult supervision as well, especially for kids living around City Park and in the narrow strip of the neighborhood flanked by Drew and Lawe Streets. In other Appleton neighborhoods, I see young children riding their bikes through the streets during summer. They're protected from the main thoroughfares like Ballard Rd or College Ave. Our kids have not been so lucky – my daughter had to be much older to navigate the streets in our neighborhood. **Keeping the truck route through the City Park Neighborhood prioritizes a business over hundreds of residents and their families.**

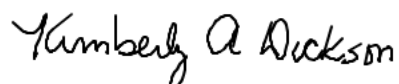
The construction proposed on Lawe St would not only continue to fracture the neighborhood and perpetuate a major safety concern, but would also come at an environmental and aesthetic cost. Removal of the trees along Lawe St to widen the road would cause homes to lose shade and noise reduction, and Appleton would lose 100+-year old beautiful oxygen-generating carbon sinks (aka, trees). While there are environmental concerns with either re-routing trucks (emissions) or with re-building a truck route (terrace and tree loss, massive use of concrete and greenhouse gas emission), only the Lawe

St. route brings semi trucks through a residential neighborhood. The aesthetic cost to the Lawe St. corridor is more severe. Picture yourself driving down the concrete jungle of Wisconsin Avenue. Lawe St will have a similar look when large established trees and green terraces are replaced with more concrete and small trees like the service berry trees planted on Eldorado St when it was redone ~6 years ago. **Property values will be harmed and the aesthetic of our historic downtown will be harmed if the truck route remains in place.** The Lawe St. corridor deserves better.

Finally, I'm not sure why adding a bike lane to Lawe St, and one with such potentially dangerous design, is necessary at all. I am an experienced cyclist and a regular bike commuter on the Drew St bike lane. Even though that street is not a truck route, I often feel unsafe on Drew St because of drivers on cell phones swerving into the bike lane. Lawe St would feel even more dangerous than Drew because of the trucks. Hitting a pothole and falling off my bike could cost me my life. I've ridden my bike down Franklin St hundreds of times, and I always fear the stretch of road near the bus depot. Some buses swing a little extra wide while making turns in to the bus station, and even when they don't there's barely enough room for the bike lane. It's very scary to navigate that stretch of road. Why one earth should anyone want to ride a bike next to a semi, and how would this provide a safe environment for children in the neighborhood?

While I understand that businesses are important to Appleton's ability to thrive, I also think that this a big opportunity to improve our city and make downtown an even more attractive place to live. Paper executives and this big corporation can afford to change and adapt to a new trucking route. They should support efforts to preserve the beauty and vibrancy of our neighborhood. In this time of a housing shortage, and influx of people to the Midwest in general, prioritizing the City Park neighborhood and Lawe St. corridor is a great forward-thinking investment. Please give our residents an even better place to live, maybe with a bike lane without trucks that could improve the quality of life (and attractiveness to new buyers). **I urge you to please OPPOSE the resolution to retain the Lawe St. truck route and refer the issue back to the City for a more thorough analysis.**

Thank you for your time.  
Sincerely,



Kimberly Dickson  
610 E. Eldorado St.

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. Block,

I am unable to attend tonight's meeting - I have been ill. However, I wrote my thoughts out a couple weeks ago in hopes between Lawe Street issues and the block of Lawrence homes decaying in the block south of City Park - well, that we might take prudent steps now to avoid urban 'core of city' decay and preserve and build up our historic, shared, definitive urban center instead - while we can.

Thank you very much!

Yours,

Anne Baruth

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

## Lawe Street Issues

### Anne Baruth

### August 2, 2023

Good afternoon. Thank you for this opportunity to voice observations and concerns regarding the City Park area and Lawe Street's truck traffic issues in particular.

We have lived in the City Park District since 1989. There are some key things that put our unique, core area of common history, community gathering, and city identity at risk. This includes the main truck thoroughfare along narrow, pedestrian rich, neighborhood-lined Lawe Street.

In 1989, my children were in late grade school at Edison Elementary. We were renting 217 North Union as we completed our Lawrence degrees. I remember the ongoing concern we had for our children who had to cross busy, nonstop Lawe Street to and from school every day. Add to that, they would visit friends east of Lawe.

Our concerns were heightened when a middle school friend of theirs was killed – turned into a flat pancake while on her bicycle - by a large truck near College and John Streets – an intersection of public concern that remained unheeded until the



tragedy. I say this to note areas of traffic concern can become areas of tragic reality.

While our children were young, the intersection on Lawe they most often frequented was Franklin. In winter it was sometimes too cold to readily go to the East North Street crossing guard corner.

In 2000, we moved to 507 E. Pacific Street and became well aware of the risks and concerns on the intersection of Lawe and Pacific.

Pedestrian traffic here includes Jacob's Market, Edison School, City Park, downtown, and many weekly and annual city events. Let me cite a few examples that demonstrate the need for review and long needed adjustment.

A former aging neighbor, always hunched over, had difficulty navigating the journey to Jacob's Market. Currently an older neighbor with a disabled husband awaits hip replacement. A heavy truck stopping in time – summer or winter – could imperil this woman.

While at Jacob's Market not long ago, a cheerful, middle-aged cashier, June, groceries in her arm, escorted an elderly customer very mindfully across Lawe Street to his car. Mind you, these things happen sleet or shine.

Just the other day we saw a car still angled off of Lawe Street stopped cold about two feet from hitting a very young child chasing a ball on Pacific Street. It is a crowded, bustling neighborhood anyway!

Personally, there have been numerous times when I've been delayed from crossing to Jacob's Market due to truck and truck enhanced traffic. The large trucks really do barrel down the street.

Our son and his children live two doors west of Lawe on Pacific. Noise is a problem as well.

Additionally, the heavy truck traffic makes that section of our core historic district undesirable. Houses lose value, get run down, other problems emerge.

My overall heart's desire for our district is that it would become a focus of positive, fortifying civic interest before it is too late.

We have the decaying infrastructure of irreplaceable historic homes south of City Park, increasing homeless issues in and around the park, and the safety and other concerns truck traffic on Lawe Street creates.

Will we be the next rotted out city (from the inner city out) as we grow? ... or will our community and leaders rise to this George Bailey (It's a Wonderful Life) moment to save what is of far greater worth than the extra mile profit of one large business?

Perhaps today we can step back, look at the big picture future, begin to work toward that greater good and better purpose ...



## MEMORANDUM

TO: Municipal Services Committee  
FROM: Andrew Dane, Lawrence-City Park Neighborhood Association  
DATE: September 22, 2023  
RE: Staff Report – Resolution #10-R-22 Lawe Street Truck Route Analysis

**The purpose of this memo is to express concern regarding the conclusions reached in the DPW Staff Report – Resolution #10-R-22 Lawe Street Truck Route Analysis (Truck Route Analysis) dated September 20, 2023. The resolution called for staff to “explore removing the Truck Route designation between College Avenue and Hancock Street and finding an alternate route for truck traffic to travel north and south.”**

The memo states that **“Staff does not recommend a new alternative truck route to replace Lawe Street”** and cites the following as evidence for drawing their conclusion:

- **Efficiency and Cost** – an alternative truck route could disrupt the efficiency of our transportation system, leading to increased travel time, congestion and additional fuel costs.
- **Safety Concerns** – the existing truck route network has been designed with safety in mind and appropriate truck turning accommodations.
- **Community Impact** – implementation of an alternative route could have a negative impact on a corridor that historically has not experienced measurable trucking volumes.
- **Environmental Considerations** – a modification to the truck route will likely have increased emission levels and travel time.

Most reasonable people would not take issue with the findings bulleted above. There are always significant **cons** associated with moving away from the status quo. However, a better analysis of an alternate route would include the **pros and cons of the status quo as well as the alternate route**, rather than be based primarily on the actual/perceived costs to Appvion (and the broader community) of **removing** the truck route. To put it bluntly we need to quantify the costs and benefits to the neighborhood of removing truck traffic in order to make an informed decision.

**Therefore, please consider OPPOSING the resolution and referring the truck route analysis back to City staff for a more comprehensive estimate of the true costs and benefits of this decision.**

Below is an attempt to present a useful framework for evaluating an alternate route. It should be noted that under the current logic, the items listed under CONS (red) are implicitly valued at less than \$205/day!

	PROS	CONS
STATUS QUO (Keep truck route as is)	+ lower fuel costs + less wear and tear on trucks + lower labor costs	-parents afraid to let their kids walk to City Park / Edison -pedestrian safety concerns including concentration of low to moderate income households and older residents -depressed property values -vehicle emissions -continued deterioration of City Park Historic District -inability to implement bike plan and safe routes to school without deliberately (and unnecessarily) mixing bicyclists, kids, and semi-trucks
*441 ALTERNATE (remove one short segment from the City's current truck route)	+ improved pedestrian safety + lower vehicle emissions + less vehicular pollution + enhance historic character of neighborhood + safely implement bike and safe routes to school plans	-Costs Appvion an additional \$75K/Year. (\$205/day)  -Labor (\$37,550) -Fuel (\$18,195) -Wear (\$22,134)

\*441 Alternate (Wisconson>Ballard>Northland>441)

\*\* Assumptions:

1. 11,680 1-way trips (memo)
2. 33,792 additional miles (memo)
3. 751 additional hours driving time (memo)
4. \$50/HR truck driver salary
5. 6.5 MPG Average Semi fuel economy
6. \$3.50 per gallon diesel
7. \$.65/mile (wear & tear)

**From:** Israel Del Toro <[District4@Appleton.org](mailto:District4@Appleton.org)>  
**Sent:** Saturday, September 23, 2023 7:08:51 PM  
**To:** Katie Van Zeeland <[District5@Appleton.org](mailto:District5@Appleton.org)>  
**Subject:** Lawe St. Resolution

Ald. Van Zeeland,

The municipal services committee will consider the recommendations of city staff regarding the redevelopment of Lawe street in the coming years. A major point of contention is the staff's recommendation in retaining the truck route on Lawe street. See the attached letter from Mr. Dane regarding the rebuttal of citizens from the City Park neighborhood.

I have my own rebuttal that highlights the overwhelming sentiment of the citizens whom I represent. We are thankful for city staff that made the effort and took the time to hold a genuine community listening lesson, where it was clear that the majority of constituents expressed opposition to retaining truck traffic on Lawe street. Notable concerns by constituents included damage to property caused by heavy truck traffic. Noise, speed and structural integrity concerns are the most alarming. As trucks use Lawe street their weight and speed results in noise and vibrations that affect constituents home siding, glass and foundations. A local real estate group estimates that Lawe street homeowner sale-prices can be affected as much as \$10,000, compared to similar properties because of their location along the truck route.

Recently we as a council used the city's comprehensive plan to delineate appropriate land use. In this instance I am hopeful that we can do the same in an effort to keep commercial traffic along commercial and industrial sectors of the city and away from residential neighborhoods. The current route taken by trucks travels along a 90% residential area. By shifting the truck route north to Wisconsin Ave, Ballard and Northland, the route will follow an 80% commercial route and interfere with far fewer residential lots. Lets keep the businesses on commercial routes and protect the residents of District 2, 3 and 4.

Further I find the suggestion of regulating a private business greenhouse gas (GHG) emissions as an inappropriate argument. I can think of no other business where is the city of Appleton is responsible for managing GHG emissions of a private industry. I commend these businesses for being aware of their GHG emissions but it is their private responsibility to regulate and offset it internally.

The final argument regards safe driving alternatives. The northbound alternative presented above is a safer, albeit longer alternative. According to the Federal Transportation Administration, left hand turns are responsible for the vast majority of turning accidents on the road, nationwide (accounting for 1 in 4 crashes nationwide). [Here's an interesting read in Popular Mechanics detailing this logic.](#) The current route consists of seven individual left-hand turns, while the proposed alternative reduces this number to only two.

In summary staff recommendation to not change this truck route includes these following points. My concerns are follow each statement

♣ Efficiency and Cost – an alternative truck route could disrupt the efficiency of our transportation system, leading to increased travel time, congestion and additional fuel costs.

There has been no formal analysis or data associated with this statement. I encourage the committee to request this formal traffic analysis to evaluate if congestion would actually increase along proposed alternative truck routes.

♣ Safety Concerns – the existing truck route network has been designed with safety in mind and appropriate truck turning accommodations.

As mentioned above the current truck route already has more safety concerns compared to the proposed north-bound route.

♣ Community Impact – implementation of an alternative route could have a negative impact on a corridor that historically has not experienced measurable trucking volumes.

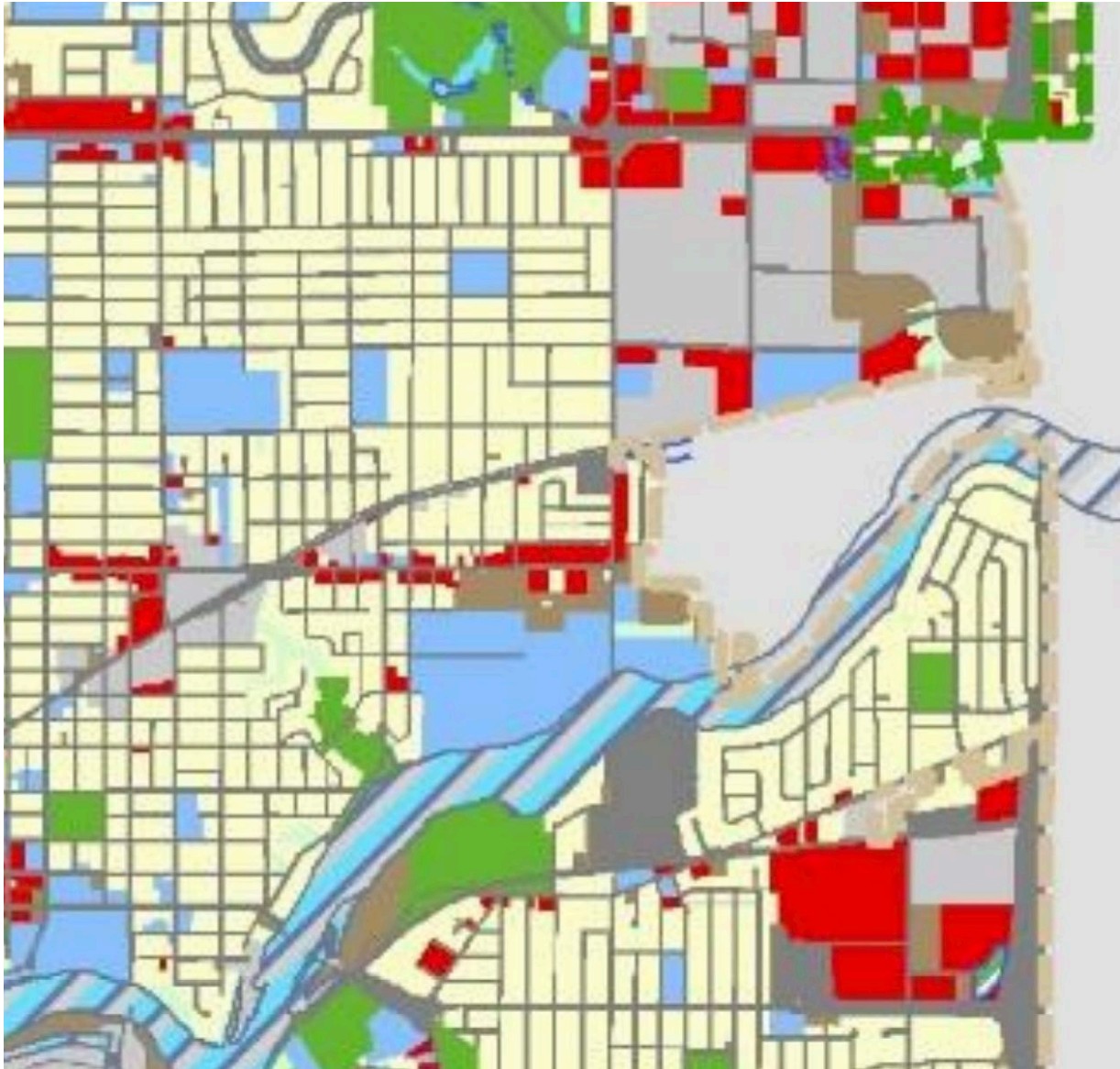
The continued use of Lawe by heavy trucks on a regular basis is what led to the deteriorating conditions in a residential neighborhood in the first place. The proposed alternative is largely designed for commercial and industrial use and moves traffic into more appropriate spaces. Again a formal traffic analysis should be conducted to fully address the statement above.

♣ Environmental Considerations – a modification to the truck route will likely have increased emission levels and travel time. o Based on these factors, staff does not recommend any alternative truck routes.

It is not the job of the city to implement GHG emissions mitigation strategies for private companies. This is the company's responsibility.

I am happy to continue the discussion about this resolution and my constituent's concerns.

Best,  
Israel Del Toro  
D4





“... meeting community needs ... enhancing quality of life.”

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

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** September 18, 2023  
**Re:** Proposed parking change on Arnold Street (700E)  
*Follow-Up to Evaluation Period*

In response to concerns raised by residents, the City’s Traffic Section assessed the possibility of removing the existing two-hour parking restriction (7 a.m. to 5 p.m. except Sat/Sun/Hol) on both sides of Arnold Street, from Lawe Street to Meade Street. Many of the Arnold Street residents felt that the restriction was no longer needed.

Property owners on this block were surveyed by mail and, based on the feedback received, the existing two-hour parking restriction was removed for an evaluation period.

We have not received any feedback from the community, and the lack of the two-hour restriction has not raised any concerns by DPW staff. Based on this, we recommend the changes be made permanent.

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

1. **Repeal Ord. 20-03:** “Parking be restricted to two hours from 7:00m a.m. to 5:00 p.m., except Saturdays, Sundays and Holidays, on Arnold Street from Lawe Street to Meade Street.”





## POLICE DEPARTMENT

---

222 South Walnut Street • Appleton, WI 54911-5899  
(920) 832-5500 • Fax (920) 832-5553  
<http://www.appleton.org/police>

TO: Alderperson Croatt – Chairperson Safety & Licensing Committee

FROM: Chief Polly Olson

DATE: September 27, 2023

RE: Sole Source Memo for Flock Safety ALPR Cameras

The Police Department is requesting to purchase the automated license plate readers (ALPR) cameras through Flock Safety that we have been testing for the past year. The ALPR's promote public safety as an investigative tool providing real-time license plate information that is compared to a national database. Flock Safety is the sole source provider of the comprehensive technology that integrates with other national databases and Axon technology. The pilot program included 29 cameras placed in various locations throughout the city to determine the success of the systems and to select the best locations. Based on our evaluation of the pilot program, we are requesting to maintain 19 cameras through Flock Safety for \$36,150.

### Advantages of Flock Safety ALPR

- Analyze vehicle license plate, vehicle color, and vehicle make.
- Cloud storage of footage and access to Flock national data.
- Web based footage retrieval tool with filtering capabilities.
- Real-time information.
- Integration with Axon.
- Built-in LTE cellular connectivity.



## SOLE SOURCE REQUEST

The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation is in the best interests of the City.

- Unique, proprietary, or one-of-a-kind:** Specific commodity/service is required and available from only one source, giving the City a superior and necessary benefit that cannot be obtained from other sources.
- Inadequate competition:** Purchasing solicitation (bid, proposal, or quote) did not result in any qualified vendor responses and competition is determined to be inadequate.
- Health or Safety Concern:** When a health or safety concern exists that is *not* an immediate threat but needs to be addressed in a period that does not allow for formal competitive procurement procedures.
- Continuity of design:** Consistency with current commodity or service.
- Emergency procurement:** A risk of human suffering or substantial damage to real or personal property exists requiring immediate attention.
- Cooperative purchase:** Purchase from another governmental unit contract or state approved purchasing association.
- Other:** Description provided below

Completed successful pilot program that began in April 2022

PROPOSED DETAILS
Requesting dept: Police
Product/service: Automated License Plate Readers
Vendor name: Flock Safety
Total cost: \$36,150

Justification and price quotation provided by the department, for the items to be considered and approved as a sole source purchase attached for review.

*Jenifer Huss*

*09/18/2023*

\_\_\_\_\_  
Purchasing Manager

\_\_\_\_\_  
Date

9-18-23  
Rec # 5635-2  
\$100

# Application for Cigarette and Tobacco Products Retail License

Submit to municipal clerk.

MUNICIPAL USE ONLY

Applicant's Wisconsin 15-digit Sales Tax Account Number  
**REDACTED**

← This must be issued in the same Legal Name of the licensee below.

License Number	<b>REDACTED</b>
Period Covered	7/1/23 - 6/30/24
Date of Issuance	

Legal Name (corporation, limited liability company, partnership or sole proprietorship) <b>REHAN GROCERY LLC</b>	Federal Employer Identification No. (FEIN) <b>REDACTED</b>
Trade or Business Name (if different than Legal Name) <b>HALAL INTERNATIONAL MARKET</b>	Telephone Number <b>REDACTED</b>
Business Address (License Location) <b>2310 W College Ave Unit D</b>	Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town
Municipality <b>APPLETON</b>	State <b>WI</b>
Zip Code <b>54914</b>	of: <b>APPLETON</b>
Mailing Address (if different than Business Address)	County <b>OUTAGAMIE</b>
	State <b>WI</b>
	Zip Code <b>54914</b>

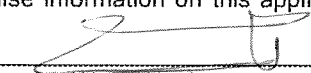
Organization (check one)

- Sole Proprietor
- Wisconsin Corporation -- Enter date incorporated: \_\_\_\_\_
- Partnership
- Out-of-State Corporation -- Are you registered to do business in Wisconsin?  Yes  No
- Other (describe) \_\_\_\_\_

- Yes  No 1. Does the applicant understand that they must purchase cigarettes and tobacco products only from distributors, jobbers, or subjobbers, who hold a permit with the Wisconsin Department of Revenue?
- Yes  No 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, [revenue.wi.gov/dor/forms/ctp-129.pdf](http://revenue.wi.gov/dor/forms/ctp-129.pdf).)
- Yes  No 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- Yes  No 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)
- Yes  No 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?
- Yes  No 6. Does the applicant understand that they may not sell single cigarettes?
- Yes  No 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- Yes  No 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at [www.doj.state.wi.us/dls/tobacco-directory](http://www.doj.state.wi.us/dls/tobacco-directory) may be sold in Wisconsin?

Cigarettes / Tobacco will be sold  over counter  through vending machine  both

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

  
(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

### Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of September 19, 2019: Sections 134.65, 134.66, 139.321, 139.79, 139.76, 995.10, and 995.12, Wis. Stats.



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** September 13, 2023

**Common Council Public Hearing Meeting Date:** October 4, 2023

**Item:** Rezoning #6-23 – 303 East Fremont Street from PD/C-2 Planned Development Overlay #5-04/General Commercial District to R-1B Single-family District

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

---

**Owner:** St. Elizabeth Hospital, Inc. n/k/a Ascension NE Wisconsin, Inc.

**Applicant:** Andrew Harlos, Attorney, Office of General Counsel

**Address/Parcel:** 303 East Fremont Street (Tax Id #31-4-0670)

**Petitioner's Request:** The owner/applicant is requesting to remove the subject parcel from the hospital's Planned Development Overlay District #5-04 classification to sell the existing residence.

### BACKGROUND

---

The building was originally constructed in 1926 per City Assessor records.

The zoning classification of the subject property in 1926 was Residential District. The residential district allowed single and two-family dwellings as permitted principal use.

In 1936, the detached garage was constructed on the subject site.

On April 13, 1948, Building Permit 129 was issued to allow for a 14 ft. x 20 ft. remodel of the residence.

The zoning classification of the subject property was "A" Single-family District with the adoption of the Zoning Ordinance and Zoning Map on January 3, 1951. The "A" Single-family District allowed single-family dwellings as permitted principal use.

The zoning classification of the subject property was R-1B Single-family District with the adoption of the Zoning Ordinance and Zoning Map on July 10, 1968. The R-1B Single-family District allowed single-family dwellings as permitted principal use.

The zoning classification of the subject property was changed from R-1B Single-family District to Planned Development Overlay Rezoning #5-04 on June 16, 2004. The recorded Implementation Plan Document #1904133 for Planned Development Overlay District #5-04 (PD #5-04) did not list two-family dwellings (upper/lower duplexes) as a permitted principal use or special use within PD #5-04.

## **STAFF ANALYSIS**

---

**Existing Site Conditions:** Currently, the parcel is developed with an upper/lower duplex and a detached garage.

**Existing Nonconforming Use:** The property was zoned Residential District in 1926. Two family dwellings (upper/lower duplexes) were permitted uses in the Residential District per the Zoning Ordinance in effect at that time. In 1951, the City adopted a new zoning ordinance and zoning map. The property was zoned “A” Single-family District with the adoption of the 1951 zoning ordinance and zoning map. Duplex uses were not listed as a permitted use in the “A” Single-family District per the 1951 zoning ordinance. It appears the upper/lower duplex use became a legal nonconforming use in 1951. Based upon records found in the City Assessor’s office and Inspections Division, it appears the property owner continuously maintained the historically allowed nonconforming use “upper/lower duplex”. Therefore, the historically allowed nonconforming use (upper/lower duplex) may be allowed to continue at this location pursuant to the applicable current requirements and subsequent amendments to Chapter 23 Zoning.

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

North: R-1B Single-Family Residential District. The adjacent land use to the north is currently single-family residential.

South: PD/C-2 Planned Development Overlay #5-04/General Commercial District. The adjacent land use to the south is currently a surface parking lot.

East: R-1B Single-Family Residential District. The adjacent land use to the east is currently single-family residential.

West: PD/C-2 Planned Development Overlay #5-04/General Commercial District. The adjacent land use to the west is St. Elizabeth Hospital’s main campus.

**Proposed Zoning Classification:** The R-1B district is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. The development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 50%.
- 3) **Minimum lot width:** 50 feet.
- 4) **Minimum front yard:** 20 feet.
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

**Zoning Ordinance Review Criteria:** A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the owner/applicant requesting to remove the subject parcel from PD #5-04 classification with the intent to sell the upper/lower duplex located at 303 East Fremont Street. As a result, any future property would not be party to the provisions of PD #5-04.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Future Land Use Map identifies the subject site as future one and two family residential. The proposed rezoning is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

*Goal 1 – Community Growth*

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

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

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

*OBJECTIVE 5.1: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.*

*OBJECTIVE 5.3 Housing and Neighborhoods:*

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

*Policy 5.3.3 Plan for a supply of developable land suitable for residential development.*

*OBJECTIVE 10.1 Land Use:*

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

*OBJECTIVE 10.4 Land Use:*

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**College North Neighborhood Plan – Chapter 4: Market Study 2020-2030:** The average annual housing need is about 301 units per the market study. The continued use of this historically allowed upper/lower duplex helps to meet the demand for housing in Appleton as specified in the market study.

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

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
  1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above.*
  2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the city mapped as such on the Official Zoning Map is inadequate to meet the demands for such development. *The City of Appleton's College North Neighborhood Plan – Chapter 4: Market Study 2020-2030 indicates an average of 301 housing units is needed annually.*
  3. Proposed amendments cannot be accommodated by sites already zoned in the city due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
  1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network.*
  2. The effect of the proposed rezoning on surrounding uses. *A variety of uses can be found in this area of the city, including place of worship, hospital and residential uses. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

**Technical Review Group (TRG) Report:** This item appeared on the August 22, 2023 TRG agenda. No negative comments were received from participating departments.

### **RECOMMENDATION**

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #6-23 to rezone the subject parcel located at 303 East Fremont Street (Tax Id #31-4-0670-00) from PD/C-2 Planned Development Overlay #5-04 General Commercial District to R-1B Single-family District, including to the centerline of the adjacent right-of-way as shown on the attached map, **BE APPROVED**.





E HARRISON ST

301

Rezoning  
303 East Fremont Street  
PD/C-2 Planned Development General  
Commercial District #5-04 to R-1B  
Single-family District  
Aerial Map

4-0510

4-0504

PD/C-2 Planned Development General  
Commercial District #5-04 to R-1B  
Single-family District  
Aerial Map

1310

4-0504

4-0503-1

1315.5

1315

4-0506

4-0507

4-0508

4-0509

222

300

Subject Area

326

E FREMONT ST

303

309

317

321

303.5

4-0668

4-0666

1403

4-0670

4-0669-1

4-0669

4-0667

1411

4-0674

4-0671

4-0675

S MADISON ST

S JEFFERSON ST

4-0630

1501

E MAPLE ST

315

321

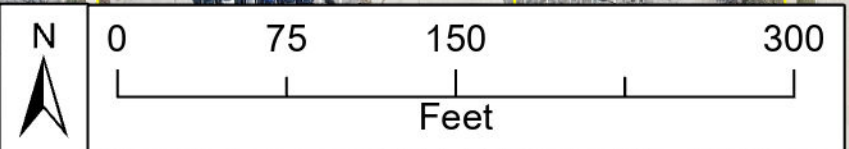
4-0676

4-0678

4-0677

4-0682

4-0679





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Public Hearing Date:** September 13, 2023

**Common Council Public Hearing Date:** October 4, 2023

**Item:** 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)

### **BACKGROUND**

At the August 23, 2023 Plan Commission meeting, staff presented the proposed Zoning Ordinance text amendments to the Commission for review and discussion. At the conclusion of the presentation, the Plan Commission directed staff to schedule an Informal Public Hearing.

### **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**

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**

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 ~~striketrough~~. 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**

---

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

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

---

#### 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.

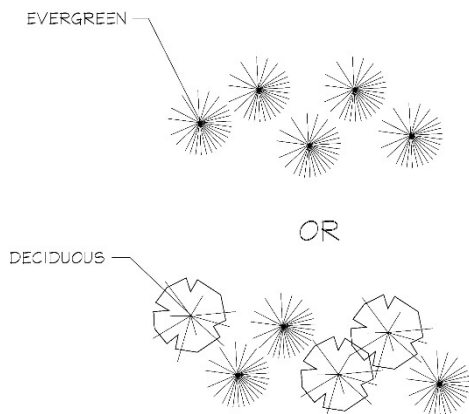
3. Review of Height and Setbacks. The Community and Economic Development Director or their designee shall not approve the site plan application materials unless the mobile service support structure (cell tower), including *substantial modifications (Class 1 Collocations)* complies with the following 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>	<ul style="list-style-type: none"> <li>• 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>• <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>	
--	--	--

**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>
--	--	---

(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>
--	--	--

(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**

---

**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;~~

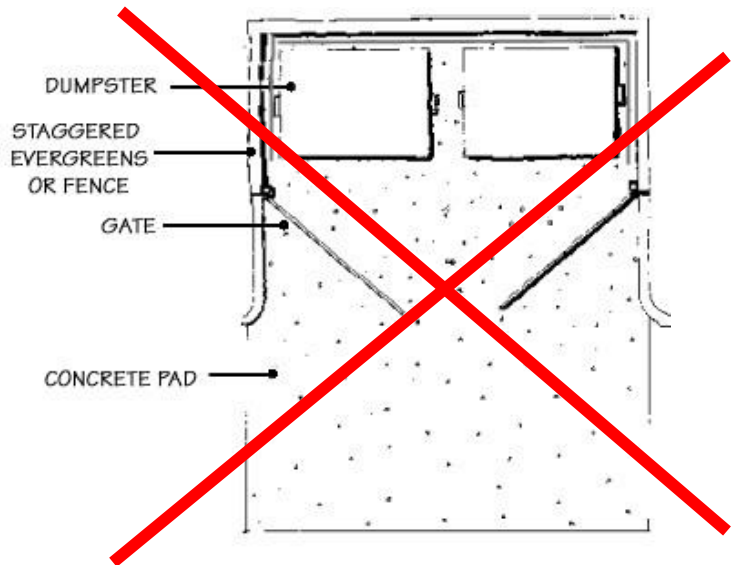
~~— c. — Materials used for screening the dumpster shall be alternating board on board fence, chain link fence with PDS slats or staggered evergreens. Such PDS slats shall complement the exterior color of the principal building;~~

~~— 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~~

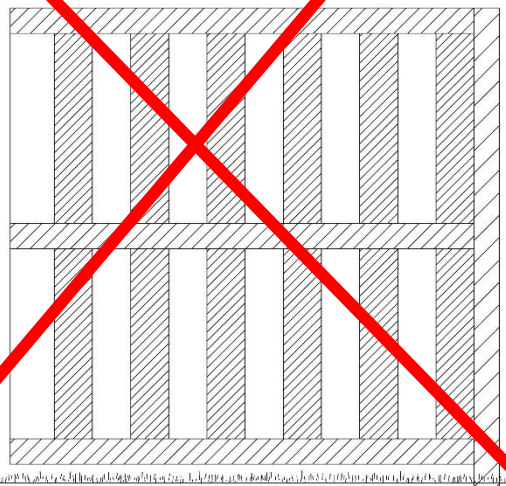
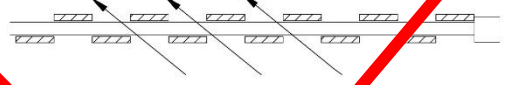
~~— f. — A minimum fifty (50) foot direct front access on the approach to the dumpster is needed.~~

*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

---

##### 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.~~

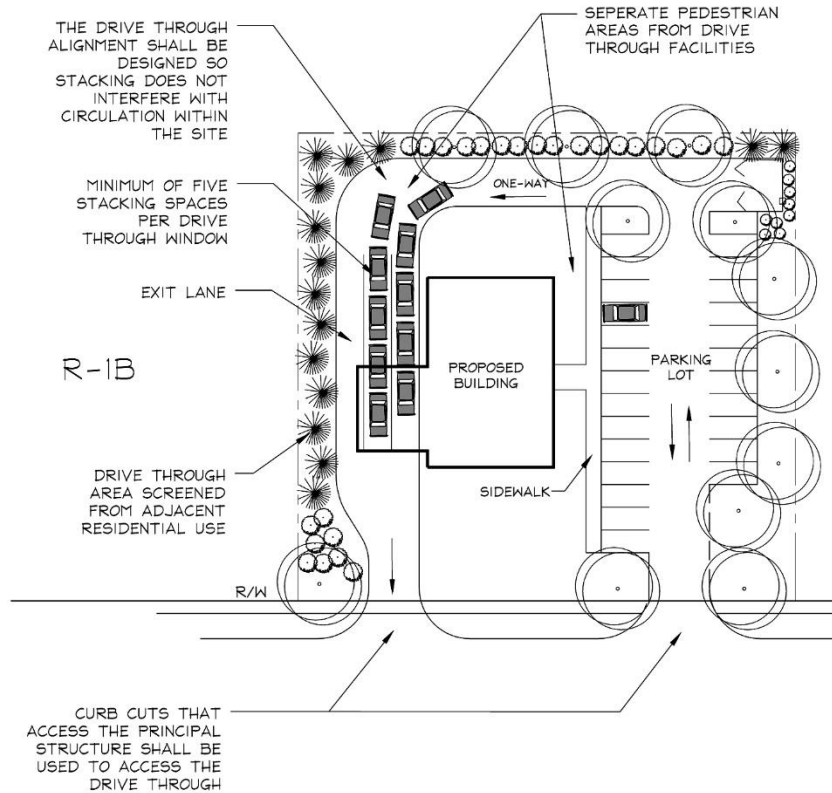
~~(2) The design of maneuvering and stacking aisles for the drive through shall not interfere with circulation or visibility for traffic either on or off site.~~

~~(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.~~

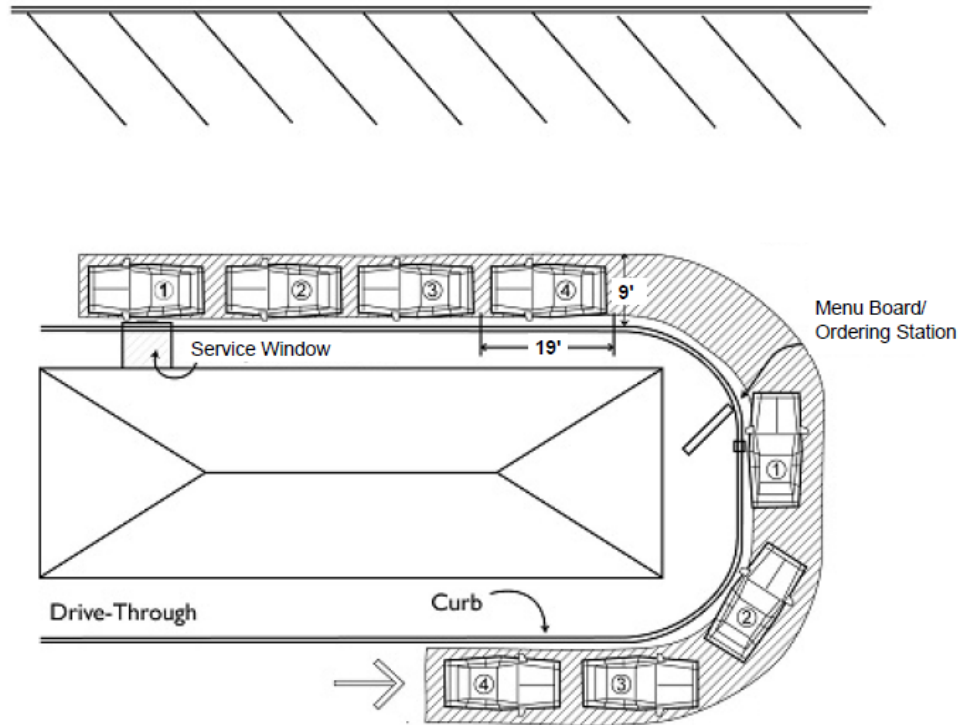
Drive Through Graphic **REMOVE THIS GRAPHIC**



(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 – One (1) space for each <u>employee classroom</u></del>
	<del>Gymnasiums/auditoriums – One (1) space for every five (5) persons based on maximum capacity</del>
	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 – Three (3) spaces for each classroom One (1) space per employee plus 1 space per ten (10) students based on classroom capacity</del>
	<del>Gymnasiums/auditoriums – One (1) space for every five (5) persons based on maximum capacity</del>
	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>	
Personal storage	<del>One (1) space for every five (5) rental or leasable storage units</del>
Veterinarian clinic	<del>One (1) space for each examination room plus one (1) space for each two hundred <u>fifty</u> (20<u>50</u>) square feet of gross floor area</del>



**Resolution No. 2023-04**

**CITY OF APPLETON  
RESOLUTION TO UPDATE LAND USE APPLICATIONS FEE SCHEDULE  
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

WHEREAS, Wisconsin State Statutes Section 66.0404(4)(d)2. allows the City to charge a mobile radio service provider a permit fee up to \$3,000 for the construction of a new mobile service support structure and facility (cell tower) and a Class 1 Collocation (substantial modification); and

WHEREAS, City staff has prepared Chapter 23 Zoning Text Amendments to allow administrative site plan approval for the construction of a new mobile service support structure and facility (cell tower) and a Class 1 Collocation (substantial modification); and

WHEREAS, City staff recommends deleting the \$2,700 Special Use Permit fee and increasing the administrative site plan application review fee from \$300 to \$3,000 for construction of a new mobile service support structure and facility (cell tower) and a Class 1 Collocation (substantial modification) pursuant to the Wisconsin State Statutes Section 66.0404(4)(d)2. as shown in Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council to approve and adopt the updated land use application fees as shown in attached Exhibit A.

BE IT FURTHER RESOLVED by the City of Appleton Common Council that said fee shall become effective on the same date when Section 23-570(c)(2)a.5., Chapter 23 Zoning related to administrative site plan approval for the construction of a new mobile service support structure and facility (cell tower) and a Class 1 Collocation (substantial modification) takes effect.

The above and foregoing resolution was duly adopted at a regular meeting of the Common Council of the City of Appleton on this \_\_\_\_ day of \_\_\_\_\_, 2023, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk



# EXHIBIT A

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

## COMMUNITY AND ECONOMIC DEVELOPMENT

100 North Appleton Street  
Appleton, WI 54911  
Telephone: (920) 832-6468  
Fax: (920) 832-5994

### CITY OF APPLETON PLANNING DIVISION LAND USE APPLICATION FEES (Updated October 4, 2023)

<b>Lot Line Adjustment</b>	\$30.00
<b>Certified Survey Map</b>	\$150.00
<b>Preliminary Plat</b>	\$100.00 + \$25.00 per lot
• Reapplication / Preliminary Plat	\$50.00
<b>Final Plat</b>	\$150.00

For land divisions that create new lots, parkland and/or trail dedication is required pursuant to Section 17-29 of the Municipal Code. In lieu of dedication, the landowner shall pay a fee upon the issuance of a building permit for an individual lot.

<u>Zoning District</u>	<u>In Lieu Payment (per dwelling unit)</u>
R-1A, R-1B, R-1C, and R-2	\$1,100.00
R-3, PD, and TND	\$900.00

<b>Comprehensive Land Use Plan Map Amendment</b>	\$200.00
<b>Rezoning</b>	\$450.00
<b>Planned Development</b>	
• Initial Rezoning	\$450.00
• Major Amendment	\$150.00
<b>Traditional Neighborhood Development (TND)</b>	
• Initial Rezoning	\$450.00
• Major Amendment	\$150.00

**Special Use Permit**

- ~~New or Class 1 Cell Tower~~ ~~\$2,700.00~~ *(Delete)*
- Other Uses \$450.00
- Amendment \$100.00

**Site Plan Review**

**\$3,000.00**

- New or Class 1 Cell Tower *(Add)*

**Site Plan Review**

\$300.00

- ~~New or Class 1 Cell Tower~~ *(Delete)*
- New and additions to principal buildings and structures, not including 1 and 2 family dwellings (see Section 23-570(2), Zoning Code)
- Construction, reconstruction, rehabilitation and/or expansion of parking lots and loading areas of 20 or more spaces
- Parking lot and loading area reconstructions (patching) that affects greater than 15% of the total parking lot and loading area per calendar year (starts January 1<sup>st</sup>)

**Site Plan Minor Review**

\$150.00

- Construction, reconstruction, rehabilitation and expansion of parking lots and loading areas, less than 20 spaces
- New accessory buildings and structures 2,500 s.f. or greater in size
- Utility buildings/cabinets accessory to a cell tower

**Street Vacations (Citizen requested/initiated)**

\$200.00

**Temporary Use Permit**

- Initial - New Location \$150.00
- Renewal - Same Location \$75.00

**Zoning Verification Letter**

\$50.00/parcel



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** September 27, 2023

**Common Council Meeting Date:** October 4, 2023

**Item:** Final Plat – Fourth Addition to Clearwater Creek

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

### GENERAL INFORMATION

---

**Applicant:** Jeff Schultz – Martenson & Eisele, Inc.

**Owner:** Clearwater Creek, LLC

**Address/Parcel #:** E. Sweetwater Way (Tax Id #31-6-6201-00 & part of #31-6-6200-00). The subject property is located south of E. Spartan Drive and east of N. Haymeadow Drive.

**Petitioner's Request:** The owner/applicant is proposing to subdivide property for single-family residential development.

### BACKGROUND

---

The subject properties were annexed to the City of Appleton through the Paltzer/Jacobs Annexation on May 10, 2004, and the subject parcels officially came into the City with AG Agricultural District zoning classification.

In 2005, Clearwater Creek was approved and consisted of 63 lots and 1 outlet.

In 2006, Replat of Lots 3-8, 20-24, 27-32, 36-41 and 44-48 of Clearwater Creek was approved and consisted of 23 lots.

In 2007, the First Addition to Clearwater Creek was approved and consisted of 56 lots and 2 outlets.

In 2014, the Second Addition to Clearwater Creek was approved and consisted of 6 lots.

In 2020, the Third Addition to Clearwater Creek was approved and consisted of 26 lots and 1 outlet.

The public hearing for the rezoning request on the subject property was held at the September 6, 2023 Common Council meeting. The Common Council referred the rezoning item, as well as the preliminary plat, back to the September 13, 2023 Plan Commission meeting for more discussion. The Plan Commission recommended approval of the rezoning request from AG Agricultural District to R-1B Single-family Residential District and the Fourth Addition to Clearwater Creek Preliminary Plat at the September 13, 2023 meeting.

The Common Council approved a rezoning for the subject property from AG Agricultural District to R-1B Single-family Residential District on September 20, 2023. The Preliminary Plat was also approved by the Common Council on September 20, 2023.

**STAFF ANALYSIS**

---

**Existing Conditions:** The subject area to be subdivided is currently undeveloped. The Fourth Addition to Clearwater Creek consists of 7.164 acres and will be divided into 14 single-family lots and 2 outlots.

**Comparison Between Final Plat and Preliminary Plat:** The Final Plat is consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots.

**Zoning Ordinance Review Criteria:** R-1B Single-Family District lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed average lot size is 15,290 square feet. All lots exceed the minimum lot area requirement.*
  
- Minimum lot width: Fifty (50) feet.
  - *All lots exceed this minimum requirement.*
  
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required front yard setback has been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
  
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
  
- Maximum lot coverage. Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** This subdivision complies with the Appleton Subdivision Regulations.

**Access and Traffic:** The primary vehicular access to the Fourth Addition to Clearwater Creek is via East Sweetwater Way. The proposed public right-of-way within the subdivision will be dedicated to the City with the Final Plat.

**Surrounding Zoning and Land Uses:**

North: R-1B Single Family Residential and Town of Grand Chute. The adjacent land uses to the north are currently residential (Third Addition to Clearwater Creek) and agricultural.

South: P-I Public Institutional. The adjacent land use to the south is currently a City-owned stormwater management facility.

East: P-I Public Institutional. The adjacent land use to the east is currently a City-owned stormwater management facility.

## Final Plat – Fourth Addition to Clearwater Creek

September 27, 2023

Page 3

West: R-1B Single Family Residential and P-I Public Institutional. The adjacent land uses to the west are currently residential (Third Addition to Clearwater Creek) and a City-owned stormwater management facility.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-Family Residential designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

### *Goal 1 – Community Growth*

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

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

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

### **OBJECTIVE 10.1 Land Use:**

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

### **OBJECTIVE 10.4 Land Use:**

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Parks and Open Space:** The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be required pursuant to Section 17-29 of the Municipal Code and the final Development Agreement (once approved).

**Technical Review Group (TRG) Report:** This item appeared on the August 22, 2023 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

- The drive from Spartan to Richmond would count as a secondary emergency access for the fourth phase of Clearwater Creek. This drive would need to be maintained as such.

## **RECOMMENDATION**

The Final Plat for the Fourth Addition to Clearwater Creek, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

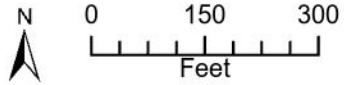
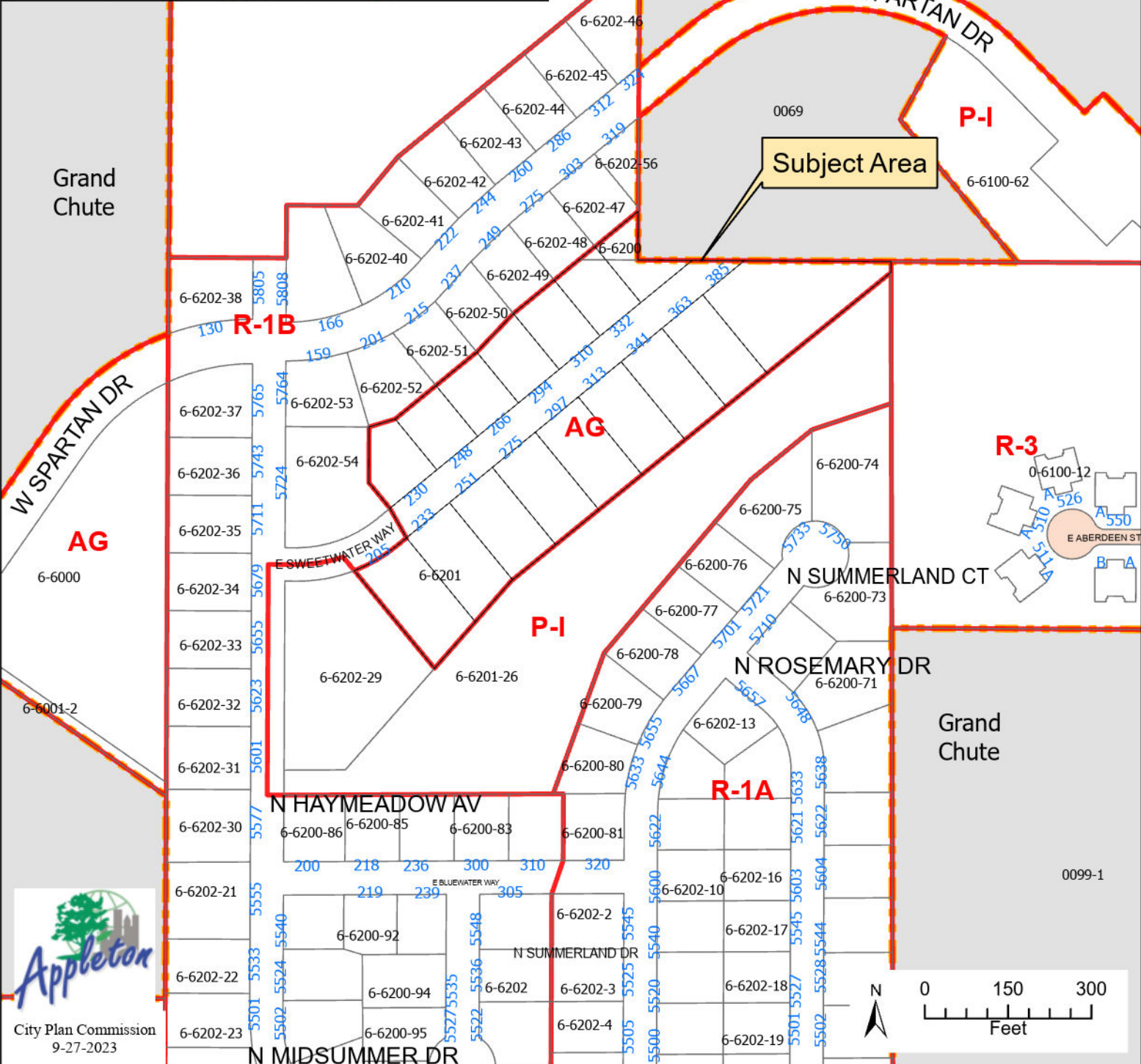
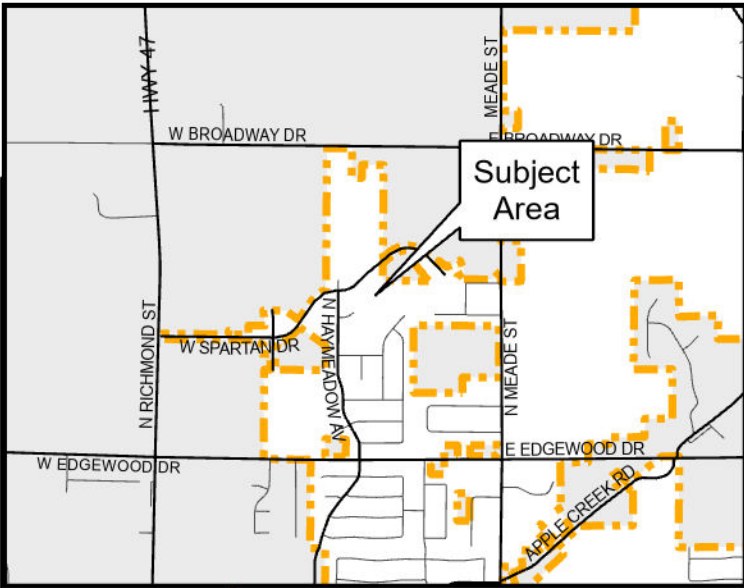
**Final Plat – Fourth Addition to Clearwater Creek**

**September 27, 2023**

**Page 4**

1. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.
2. A Development Agreement is required between the City and owner that identifies the duties and responsibilities with respect to development of the subject land. The Development Agreement shall be signed by the City of Appleton and the owner prior to the issuance of any permit to commence grading and/or construction of any public improvement.
3. A Stormwater Permit Application, Stormwater Management Plan and Engineering Plans have been submitted for review. Technical review comments have been provided to the consultant and all such comments must be addressed on the Final Plat.
4. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
5. Note shall be added to the Final Plat that references the monumentation waiver on file with the City.
6. Park fees shall be paid to the pursuant to Section 17-29 of the Municipal Code and the final Development Agreement (once approved).

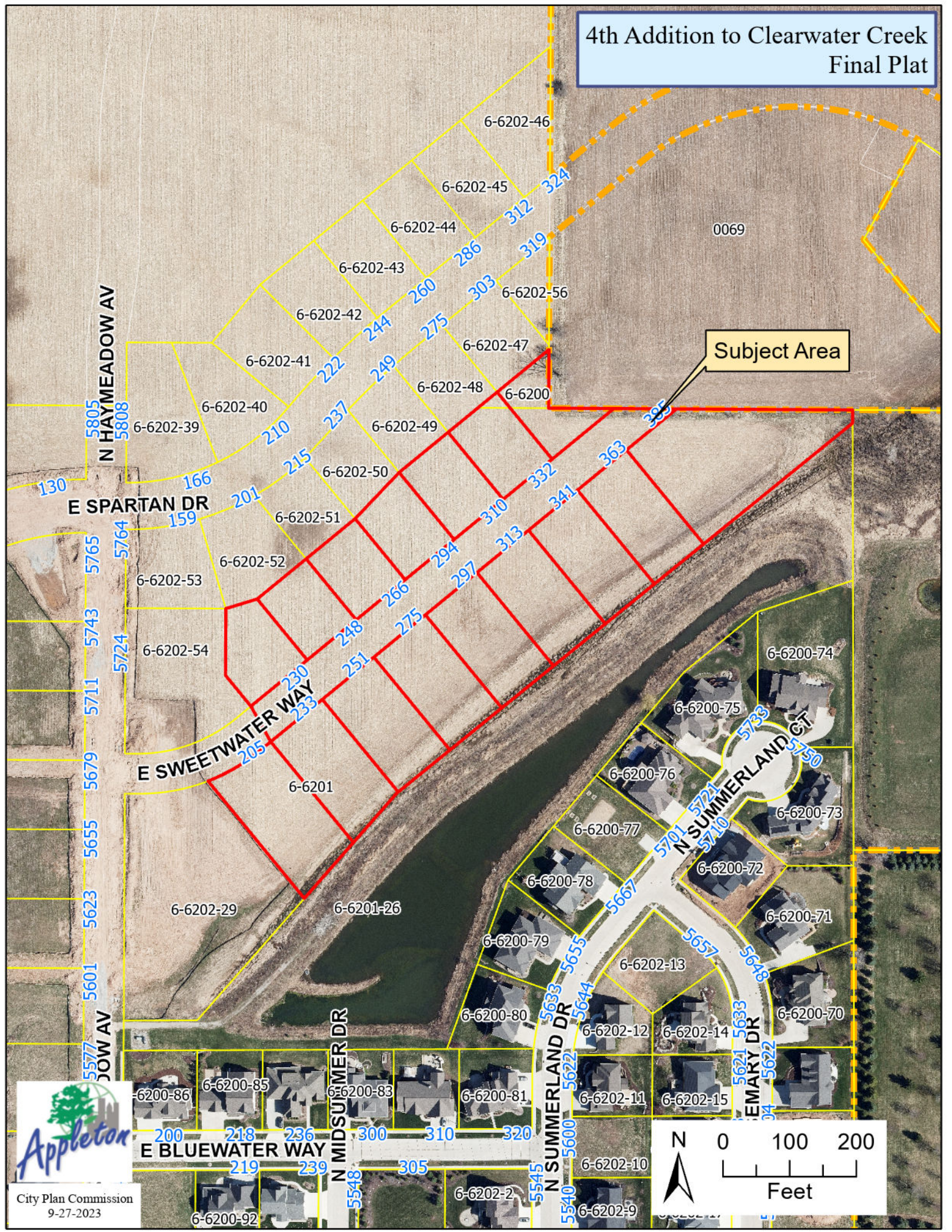
4th Addition to Clearwater Creek  
Final Plat





# 4th Addition to Clearwater Creek Final Plat

Subject Area



# FOURTH ADDITION TO CLEARWATER CREEK

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4; AND UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM NAD83(1991) IN WHICH THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 2, BEARS N89°40'21"W

1" = 60'  
SCALE IN FEET

CENTER OF SECTION 2 T21N-R17E BERTENSEN MONUMENT FOUND

EAST 1/4 CORNER SECTION 2 T21N-R17E MAG NAIL W/WASHER FOUND

SOUTH 1/4 CORNER SECTION 2 T21N-R17E MAG NAIL W/WASHER FOUND

WEST LINE OF THE SE 1/4

2669.43'

N00°15'15"E

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

2669.43'

WEST LINE OF THE SE 1/4

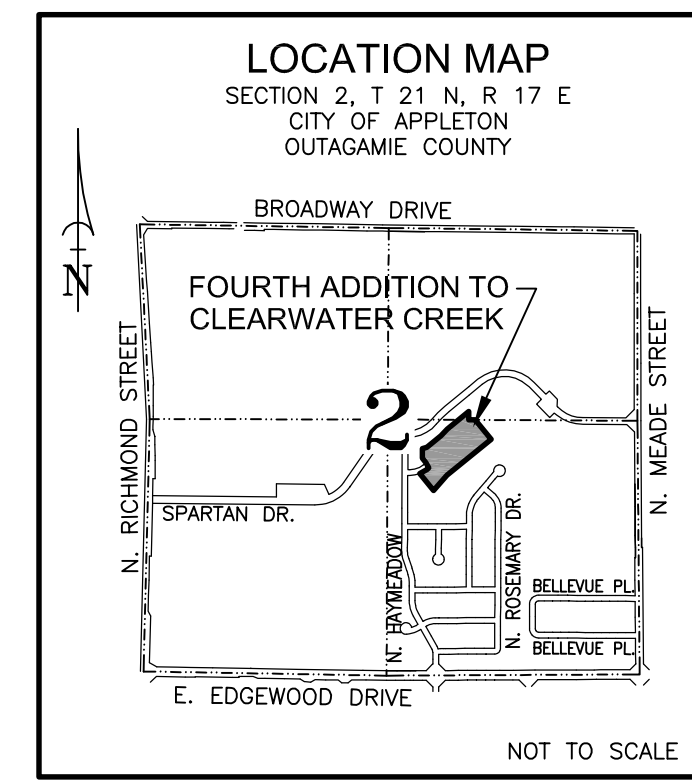
2669.43'

WEST LINE OF THE SE 1/4

2669.43'

**Martenson & Eisele, Inc.**  
1377 Midway Road  
Menasha, WI 54952  
www.martenson-eisele.com  
Info@martenson-eisele.com  
920.731.0381 1.800.236.0381

Planning  
Environmental  
Surveying  
Engineering  
Architecture



- LEGEND**
- 1" O.D. ROUND IRON PIPE SET, 24" LONG, WEIGHING 1.13 LBS. PER LINEAL FOOT AT ALL OTHER LOT CORNERS
  - ▲ 1-1/4" O.D. ROUND REINFORCING BAR SET, 30" LONG WEIGHING 4.303 LBS. PER LINEAL FOOT
  - △ 1-1/4" O.D. ROUND REINFORCING BAR FOUND, 30" LONG WEIGHING 4.303 LBS. PER LINEAL FOOT
  - 3/4" ROD FOUND
  - ⊙ GOVERNMENT CORNER
  - W DELINEATED WETLANDS
  - ▨ MUNICIPAL BOUNDARY

**UTILITY EASEMENTS** - NO POLES OR BURIED CABLES ARE TO BE PLACED SUCH THAT THE INSTALLATION WOULD DISTURB ANY SURVEY STAKE OR OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE. THE DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF WISCONSIN STATUTES. UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THE AREA.

**NOTES**

ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT.

ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST 20 SECONDS AND COMPUTED TO THE NEAREST HALF SECOND.

FRONT YARD BUILDING SETBACKS ARE 20 FEET, THE MINIMUM REAR YARD BUILDING SETBACKS ARE 25 FEET AND MINIMUM SIDE YARD BUILDING SETBACKS ARE 6 FEET AS LISTED IN THE CITY OF APPLETON ZONING ORDINANCE, R-1B SINGLE-FAMILY DISTRICT.

THERE ARE NO EXISTING BUILDINGS WITHIN THE PLATTED AREA.

TOTAL ROAD AREA DEDICATED TO THE PUBLIC: 44,731 SQUARE FEET (1.027 ACRES)

OUTLOTS 1 & 2 TO BE USED FOR A FUTURE R-1B ZONED RESIDENTIAL LOT.

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	280.00'	018°09'31"	88.74'	N 59°43'01.5" E	88.37'	N 68°47'47" E	N 50°38'16" E

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N 50°38'16" E	27.50'
L2	N 39°21'44" W	30.00'
L3	N 50°38'16" E	40.00'
L4	S 39°21'44" E	30.00'

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration





# MEMORANDUM

---

“...meeting community needs...enhancing quality of life.”

TO: Community & Economic Development Committee  
FROM: Kara Homan, AICP, Director  
CC: City Plan Commission  
DATE: September 20, 2023  
RE: Request to award contract to Green Bicycle Co. for Housing Development Policy, Process & Stakeholder Engagement Services

---

**Background & Analysis:** The Mayor, using prior year excess fund balance, budgeted \$25,000 in funding for an Economic Development Study related to improving the City’s economic development experience. The policy area of housing has, over time, become one of the most critical economic development matters facing the City of Appleton. As such, the City of Appleton issued a Request for Proposals/Quotes (RFPQ) for consulting services related to Housing Development Policy, Process and Stakeholder Engagement (attached). Proposals were solicited in accordance with the City’s Procurement and Contract Management Policy. One proposal was received from [Green Bicycle Co.](#), a Planning/Consulting Firm based in Sheboygan, WI. The initial proposal had a quoted price of \$40,000.

The proposal was evaluated by a CED team consisting of myself; David Kress, Deputy Director of CED; Matt Rehbein, Economic Development Specialist; and Lindsey Smith, Principal Planner. The evaluation consisted of internal technical review of their proposal and an onsite interview.

After internal review and determination of the firm’s qualifications and ability to perform the desired work, staff negotiated the scope of services to achieve a total price of \$32,000 for the services outline in the revised Green Bicycle Co. proposal (attached). Funding for this project is derived from the Mayor’s Economic Development Study Budget (\$25,000 – Acct # 10520 - 640400) and the CED New/Redevelopment Projects Budget (\$7,000 – Acct # 15040 - 640400).

Per the City’s organizational structure and procurement policies, contracts for services in excess of \$25,000 by the Community & Economic Development Department fall under the jurisdiction of the Community and Economic Development Committee (CEDC) for review/recommendation and Common Council for final award. Some of the content/recommendations of this project may fall under the statutory jurisdiction of the City’s Plan Commission. This item is being included as an information item for Plan Commission to bring this project to their attention.

**Staff Recommendation:** In accordance with city policy, staff recommends the CEDC recommend approval to award a contract to Green Bicycle Co., in an amount of \$32,000, to perform the scope of services outlined in the attached Green Bicycle Co.’s proposal.



**GREEN BICYCLE CO.**

*Building conscious communities*

# Housing Development Policy Guide

---

CITY OF APPLETON | WISCONSIN

## Project Proposal

---

Version 3  
September 19, 2023

**Contact** Heather Cleveland (Authorized Rep)  
920-287-3661  
heather@greenbicycleco.com

**Address** 1117 N 8th Street | Sheboygan, WI 53081  
**Website** [www.greenbicycleco.com](http://www.greenbicycleco.com)



# Statement of Qualifications

Green Bicycle Co. was established in early 2020. We have a home office in the heart of Sheboygan with three project dedicated staff members and several dedicated support staff.

Green Bicycle Co. has served a variety of clients, providing services that include cultural asset mapping, non-profit strategic planning, community building, outreach planning and facilitation, and organizational structure and policy development. Collectively, Green Bicycle Co. staff hold over 45 years of experience in planning and have successfully developed strategic implementation plans for our clients near-term and long-term initiatives. While we are seasoned professionals, we pride ourselves on a fresh perspective for every project.

---

**The Green Bicycle Co. team is a group of critical thinkers and patient listeners whose varied experiences make us a great fit for the City of Appleton's Housing Development Policy, Process & Stakeholder Engagement Services project.**

# Contents

## TOPICS OF THE PROPOSAL



02.	STATEMENT OF QUALIFICATIONS
04.	ABOUT US
05.	MEET OUR TEAM
06.	PROJECT APPROACH
07.	PROJECT APPROACH COMPONENTS
08.	SCOPE OF WORK
11.	DELIVERABLES & MEETING SCHEDULE
12.	PROJECT TIMELINE
13.	INVESTMENT SUMMARY V3
14.	INVESTMENT, CONTRACT & INSURANCE
15.	PROJECT EXPERIENCE & REFERENCES
EXHIBIT A	PRICE QUOTATION FORM
EXHIBIT B	COI

# About Us



Green Bicycle Co. is dedicated to **Creating Conscious Communities**. This is a commitment to ensure radically inclusive engagement, meaningful communication, and a fresh perspective to every community we work with for the duration of our project and beyond. Green Bicycle Co. will engage in intensive community outreach methods to ensure that this project is equitable, sustainable, and thoughtfully constructed.

Heather Cleveland, Green Bicycle Co. 's Founder and President, Urban Planner, Environmental Engineer, and Community Developer, will serve as Project Manager, and she brings strong leadership, communication, and strategic planning skills to the team. Chelsea Couette, Economic Development Planner, brings nearly a decade of commercial real estate development and investment experience and an education in urban planning and economic development to help provide valuable insight to the project. Nancy Maring, Urban Planner, has specific economic and community development experience through her previous career in municipal planning.

All members of the Green Bicycle Co. team are committed to creating a great experience and project for the City of Appleton. Green Bicycle Co. staff have access to a variety of resources, professionals, and organizations to further collaborate and contribute to our understanding of the unique needs of our clients and the projects we undertake.

## Vision

Green Bicycle Co. is a vibrant, inclusive, sustainable, and engaged community of individuals that support and learn from and with each other.

## Mission

The Green Bicycle Co. mission is to educate and engage with the community in a way that encourages and inspires a sustainable lifestyle. Green Bicycle Co. goods, projects, and experiences focus around a way of life that is thoughtful, collaborative, and sustainable.



# Meet Our Team



**Heather Cleveland**  
Project Manager

Heather will manage the project and work closely with the City to ensure the project moves in the right direction, engages stakeholders with radical inclusion, and milestones that allow opportunities for feedback.

Heather's leadership experience in non-profits and community projects, consulting experience and military experience, along with her education and ability for critical thinking and communication make her a great fit for the role. Heather holds Bachelor of Science in Civil Engineering and Master of Urban Planning degrees from the University of Wisconsin-Milwaukee. She is a compassionate listener and visionary that quickly sees processes and systems and finds inspiration and challenge from different viewpoints and experiences.



**Chelsea Couette**  
Economic  
Development Planner

Chelsea will lead a variety of tasks and phases of the project to help facilitate activities and engagement to create a well-rounded final product that provides relevant strategies for both near term, as well as future implementation.

Chelsea has extensive experience in real estate development and will use this knowledge to identify strategic opportunities for policy feedback and future investment and growth. Chelsea holds a Master of Urban Planning degree from the University of Wisconsin-Milwaukee with concentrations in Real Estate Development and Economic Development, as well as a Bachelor of Science degree from the University of Wisconsin-Madison.



**Nancy Maring**  
Urban Planner

Nancy will assist with a variety of tasks and phases of the project. Her municipal experience and continued education of best and innovative practices will help the evolution of the project be both within reach to the City while introducing new ideas.

As an Urban Planner with Green Bicycle Co. Nancy will draw on her experience and expertise while supporting public engagement and analysis efforts. Nancy holds a Master of Urban Planning degree from the University of Wisconsin-Milwaukee and has nearly a decade of municipal planning experience which has provided her exposure to many varied projects, issues, and plans. Nancy has experience in economic development, community development and placemaking efforts.

Additional staff may join our team should Green Bicycle Co. be awarded the project.

# Project Approach

Green Bicycle Co.'s ("GBC") project approach aims to engage with relevant stakeholders and evaluate existing market conditions, ordinances, policies and procedures as it pertains to housing availability, density and development in the City of Appleton in order to create a reference resource ("Guide") for the Task Force, staff and City officials. The Guide will also include housing policy and entitlement procedure recommendations to ease and streamline any identified barriers to development.

The Guide shall be a reflective, responsive and accessible resource to inform the community, stakeholders and policy makers about the direction set forth for the growth of housing and potential investment opportunities in the City.



## Components to Success

---

Community Metrics

---

Scenario Planning

---

Engagement & Feedback

---

Accessibility

---

Accountability

---

Action Plan

---

Existing Resources

---

Innovation

# Project Approach Components



## 1| Metrics

Focus on specific metrics that pertain to quality and availability of housing types and economic and population growth to generate a quantitative understanding of existing housing conditions and opportunities in the community.

## 2| Scenario Planning

Include scenario planning to contrast the range of policy choice affecting the built environment and the metrics being evaluated. This approach, in addition to narrative, helps stakeholders understand future housing development potential. These scenarios offer compelling visuals and info-graphics on metrics that will keep people engaged and solicit critical thinking and insightful feedback.

## 3| Engagement & Feedback

A comprehensive group of stakeholders will be engaged to provide input and feedback during the development process and before the final Guide is presented to ensure representation and buy-in from staff, officials, and the community.

## 4| Accessibility

Design a Guide that can be accessed and understood by people of all backgrounds and abilities, as well as City staff and officials who need a relied-upon resource to assist decision making based on a variety of metrics. The Guide should be available in a format that is accessible and acceptable to feedback on an ongoing basis.

## 5| Accountability

The Guide will include accountability strategies for the recommendations being made that are developed alongside the Task Force. Ideally, the Guide will be utilized by stakeholders to positively influence change in policy and procedures and future planning and investment efforts.

## 6| Action Plan

As part of the Recommendations being made in the Guide, GBC and the Task Force will collaborate to suggest follow-up action items to move forward and/or achieve the goals of the Recommendations (e.g. responsible parties, timelines and potential funding options, etc)

## 7| Existing Resources

Existing resources will be reviewed and evaluated in the development of the Guide to the fullest extent possible to supplement the project team understanding of the community and enhance the impact of the Guide recommendations.

## 8| Innovation

Housing development and policy are high priority topics throughout the State of Wisconsin and the U.S.; our team will identify and recommend innovative ways encourage housing development projects through a combination of research and partnerships.

# Scope of Work

## Task 1: Introduction & Stakeholder Engagement Plan

GBC will discuss and propose a meeting and reporting schedule with the established Task Force participants, with at least one meeting per month to begin. Additionally, work will be done to create the foundational elements on which the Guide will be built and completed. See Project Timeline for overall project timing schedule.

A stakeholder engagement plan ("Stakeholder Engagement Plan") will be developed. The Stakeholder Engagement Plan will identify strategies to gather data and feedback from relevant internal and external stakeholders, making sure to reach pertinent community stakeholders through multiple mechanisms, as well as identify specific audiences that are often not represented in outreach efforts, or who may not traditionally participate in engagement opportunities.

Deliverables: Task Force Meeting Schedule and Stakeholder Engagement Plan



## Innovative Guide Element: Housing Redevelopment Scenario Planning

GBC, Task Force participants and stakeholders will work together through scenario planning activities and stakeholder meetings to provide input and guidance for the redevelopment of strategically identified City- or privately-owned parcel(s) to create a pattern book of potential housing development options which seek to encourage the construction of and investment in higher-density, more affordable housing options.

- Task 1: GBC and Task Force to identify site(s) most suitable for Housing Redevelopment
- Task 2: GBC to present sites(s) to Stakeholders (Internal & External) during stakeholder engagement period. Stakeholders to provide Recommendations for potential housing redevelopment projects based on professional experience and market conditions.
- Task 3: GBC to summarize Recommendations in the Guide, along with necessary approval procedures and policy adjustments to accommodate the Recommendations.

GBC will also research alternative and/or supplemental funding opportunities that may be utilized to bridge financing gaps or ease potential burdens to development that would prohibit or encumber future investment in multi-family housing in the City of Appleton.

## **Task 2: Policy Review & Stakeholder Engagement**

### **Policy Review**

Prior to engagement with stakeholders, GBC will conduct a thorough review of the policy, planning, ordinance and procedural materials provided by the Task Force. These efforts will allow GBC to engage in thoughtful conversations with a variety of Internal and External Stakeholders and provide productive feedback to potential impediments to housing development from a policy perspective.

In conjunction with Policy Review, GBC will review the following reports provided by the City of Appleton: Fox Cities and Greater Outagamie County Regional Housing Strategy and College North Neighborhood Plan.

---

### **Stakeholder Engagement – Internal Stakeholders**

Engagement with Internal Stakeholders, to be identified by GBC and Task Force participants, will be integral in providing feedback and insight into current regulation, review, approval and inspection policies and processes of housing-centric projects. During this process, Internal Stakeholders will aid in identifying operational and policy deficiencies and participate in the prioritization of policy or procedural adjustments to ease barriers to development and investment based on both Internal and External Stakeholder feedback.

---

### **Stakeholder Engagement – External Stakeholders**

GBC will conduct outreach and engagement efforts with strategically identified External Stakeholders. Local and regional economic development organizations and housing development, construction, sales, leasing and investment firms and professionals, through surveys and interviews, will provide valuable insight into historical housing trends and a snapshot of current market conditions. These External Stakeholders will be key in identifying market gaps, future housing development potential and recommendations for impactful municipal policy and ordinance adjustments to favorably position the City for on-going and future housing growth and investment.

**Deliverables: Internal & External Stakeholder Feedback Summary,  
Market Summary & Draft Recommendations**

### **Task 3: Draft Guide**

#### **Summary of Findings & Recommendations**

In the final phase of the project, a draft Guide will be prepared for the Task Force, which summarizes the findings conducted in the Stakeholder Engagement efforts, the market research and information gathered from the provided reports, as well the Recommendations being made to the Task Force. The Recommendations will be focused on opportunities to improve the review and approval of potential housing development projects and strategic policy adjustments to encourage the development of higher-density, more affordable housing options.

Deliverables: Draft Guide

### **Task 4: Final Guide**

GBC will deliver the final Guide document and make a presentation of the Guide to the Task Force participants.

Deliverables: Final Guide & Presentation to Task Force

# Deliverables & Meeting Schedule

---

October 10, 2023 - Task Force Meeting & Meeting Schedule

October 24, 2023 - Stakeholder Engagement Plan

November 21, 2023 - Monthly Task Force Meeting/Update

December 19, 2023 - Monthly Task Force Meeting  
Draft Stakeholder & Market Feedback Summary

January 16, 2023 - Monthly Task Force Meeting  
Draft Recommendations Summary

February 20, 2024 - Final Guide & Presentation to Task Force

TBD 2024 - Additional Presentation Date



# Project Timeline

Task		2023						2024					
		Oct		Nov		Dec		Jan		Feb			
0	Project Commencement	10/05/2023											
1	Stakeholder Engagement Plan												
2	Policy Review												
2	Data & Market Information Review												
2	Internal Stakeholder Engagement												
2	External Stakeholder Engagement												
3	Draft Guide & Recommendations												
4	Final Guide & Presentation												



# Investment v3

Task	Description	Investment v3	
		Hours	Investment
1	Stakeholder Engagement Plan	20	\$2,000
2	Policy Review	40	\$4,000
2	Data & Market Information Review	30	\$3,000
2	Stakeholder Engagement (Internal & External)	120	\$12,000
3	Draft Guide Summary of Findings & Recommendations	50	\$5,000
4	Final Guide & Presentation to Task Force	20	\$2,000
-	Travel, Accommodations, Guide & Engagement Expenses	Lump	\$4,000
<b>TOTAL INVESTMENT</b>		<b>\$32,000</b>	
Alt. Option Costs	Formal Presentation (In Person)	Per Mtg	\$500
	Formal Presentation (Virtual)	Per Mtg	\$300

Hourly rates are average \$100/hour and vary depending on staff experience. A retainer invoice will be sent upon being awarded the project, and subsequently on the first of the month for the duration the project per below:

- October 2023–February 2024: \$6,400 Monthly

Additional Fees: Additional fees for employees to complete additional items not identified in the Scope of Work is \$100/hour plus reimbursement for mileage and supplies.

# Investment v3

Investment v3; \$32,000. Data & Market Information Review will include a review of the existing reports, Fox Cities and Greater Outagamie County Regional Housing Strategy and College North Neighborhood Plan, provided by the City of Appleton. Additional data and market information research and sources may be recommended to fill in potential gaps discovered during internal and external engagement efforts. Scenario Planning work will be reduced slightly from the initial proposal, but it will still be a part of the Draft Guide for consideration.

# Contract

City of Appleton to provide GBC with City of Appleton Consultant Services Contract for review. The terms of the contract shall be mutually agreed upon by GBC and the City of Appleton prior to execution of the contract and commencement of project work.

# Insurance

Green Bicycle Co. certificate of insurance attached, see Exhibit B.

# Project Experience & References



## Cultural Asset Mapping

The John Michael Kohler Arts Center (JMKAC) engaged Green Bicycle Co. to begin a process of cultural asset mapping in September 2020. Cultural asset mapping identifies the resources in an area that make it unique. These assets include the people, places, and organizations that make valuable contributions to the community; they influence the cultural fabric of a region. By identifying and recognizing these assets within the City of Sheboygan, this project will make all these treasures, both tangible and intangible, more visible.

In Phase II of the project, Green Bicycle Co. worked alongside several JMKAC departments and community partners, engaged surveys and interviews, and worked towards recommendation implementation to increase representation, ownership, and a sense of belonging at Levitt AMP Sheboygan Music Series and beyond.

Ann Brusky—Deputy Director of Programming, John Michael Kohler Arts Center

## Telling the Full History

In 2022 Green Bicycle Co. partnered with the Sheboygan County Historical Museum, with funding through from the Telling the Full History Fund - a grant program of the National Trust for Historic Preservation, made possible through the National Endowment for the Humanities. The project's goals were to highlight the roles that underrepresented communities played in the history and evolution of Sheboygan County, as well as educating and creating a model for continued data collection, communications, and partnerships. Green Bicycle Co. worked alongside the Sheboygan County LGBTQ Alliance, Hmong community, and women in politics to collect and archive information and create opportunities for engagement and exhibition of local stories.

Travis Gross—Executive Director, Sheboygan County Historical Society and Museum

## Neighborhood Engagement & Development

The City of Sheboygan has made neighborhood development and engagement a focus area in the recent past, which creates a stronger tie and better communication between the City and its residents, and also helps empower neighborhood groups to advocate for themselves, solve problems and improve quality of life. Nancy, as a Planner with the City of Sheboygan, was the key City liaison engaging with neighborhoods, helping them find resources, form official associations, set goals and accomplish improvement projects. Nancy helped the Sheboygan PD become more involved with neighborhood groups and supported the new Beat Cop program - where officers made deeper connections in designated neighborhoods to reduce calls for service and open lines of communication to be proactive in those areas. Heather was involved in neighborhood engagement and development as a non-profit leader in one of the designated Beat Cop neighborhoods. Heather and her group hosted events and became an incredibly valuable community resource and connector.

Sgt. Andrew Kunding, Sheboygan Police Department

Contact Information will be provided upon request.

# **Exhibit A**

CITY OF APPLETON PRICE QUOTATION FORM  
TO BE UPDATED UPON APPROVAL OF THE REVISED PROPOSAL AND BUDGET  
BY COMMON COUNCIL AT THE OCTOBER 4, 2023 MEETING.



DEPARTMENT OF COMMUNITY &  
 ECONOMIC DEVELOPMENT  
 100 North Appleton Street  
 Appleton, WI 54911  
 TEL (920) 832-6468

**PRICE QUOTATION**

For

**Housing Development Process, Policy, &  
 Stakeholder Engagement Services**

Vendor Name: Green Bicycle Co.  
 Mailing Address: 1117 N 8<sup>th</sup> Street  
Sheboygan, WI 53081  
 Telephone: 920-287-3661  
 Email: heather@greenbicycleco.com

TOTAL COST OF PROJECT SERVICES..... \$ 40,000

ALT. OPTION COST: Cost for each formal presentation of  
 findings per Final Deliverable 6.d.

IN PERSON..... \$ 500

VIRTUAL..... \$ 300

Heather Cleveland  
 Quote Prepared By

8/18/23  
 Date

# **Exhibit B**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
08/17/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>State Farm</b>  Pete Fullerton 1305 North 8th Street Sheboygan, WI 53081	<b>CONTACT NAME:</b> Pete Fullerton <b>PHONE (A/C, No, Ext):</b> 920-458-4211 <b>E-MAIL ADDRESS:</b> <b>FAX (A/C, No):</b>																				
	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A:</td> <td>State Farm Fire and Casualty Company</td> <td>25143</td> </tr> <tr> <td>INSURER B:</td> <td></td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	State Farm Fire and Casualty Company	25143	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:	
INSURER(S) AFFORDING COVERAGE		NAIC #																			
INSURER A:	State Farm Fire and Casualty Company	25143																			
INSURER B:																					
INSURER C:																					
INSURER D:																					
INSURER E:																					
INSURER F:																					
<b>INSURED</b> Green Blycle Co LLC 1117 North 8th Street Sheboygan, WI 53081																					

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD INSD	SUB WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		99-A0-B102-9	11/20/2022	11/20/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE    OTH-ER \$ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



# Thank you.

**Contact** Green Bicycle Co.  
Heather Cleveland (Authorized Rep)  
920-287-3661  
heather@greenbicycleco.com

Chelsea Couette  
612-834-0379  
chelsea@greenbicycleco.com

Nancy Maring  
920-287-3661  
nancy@greenbicycleco.com

**Website** [www.greenbicycleco.com](http://www.greenbicycleco.com)

**Address** 1117 N 8th Street | Sheboygan, WI 53081





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

---

## CITY OF APPLETON

# Request for Proposal/Quotes for Housing Development Policy, Process, & Stakeholder Engagement Services

Issued by:  
City of Appleton, WI  
August 4, 2023

Proposals/Quotes must be received no later than:  
4:00 PM, Friday, August 18, 2023

Submit Quotes to:  
Kara Homan, AICP  
Director of Community & Economic Development

By mail:  
100 N. Appleton Street  
Appleton, WI 54911

Or electronically:  
[kara.homan@appleton.org](mailto:kara.homan@appleton.org)

For further information regarding this request contact:  
Kara Homan, Director of Community & Economic Development  
[kara.homan@appleton.org](mailto:kara.homan@appleton.org)  
920-832-6408

## **1.0 GENERAL INFORMATION**

### **1.1 Introduction**

The purpose of this document is to provide interested, qualified parties with the information to enable them to prepare and submit a quote for a consulting services contract. The selected consultant will complete and coordinate services related to the City of Appleton Housing Development Policy taskforce.

### **1.2 Background**

The City of Appleton will launch a Housing Development Policy Task Force (hereinafter The Task Force) comprised of representatives from the REALTORS Association of Northeast Wisconsin, the Fox Cities Home Builders Association, the Fox Cities Chamber of Commerce, and Habitat for Humanity Fox Cities, and other stakeholders. The Task Force, chaired by Mayor Jake Woodford, will work for a period of approximately three to four months to oversee a process that engages internal and external housing development stakeholders. The process is intended to review and provide recommendations on current policies, procedures, infrastructure expectations, approval processes, and other aspects of housing development gleaned through the process.

The Task Force will produce a set of recommendations related to future steps aimed at reducing barriers to housing development and streamlining the development process to improve the overall experience the City of Appleton delivers.

### **1.3 Scope**

The City is seeking to work with a team of personnel with experience in stakeholder engagement, housing, infrastructure and development policy and process design.

#### **A. Project Objectives**

1. Understand how current policies, procedures, infrastructure expectations, development review processes, and other aspects of housing development impact housing production.
2. Inform future planning (e.g. Comprehensive Plan Update), policy and code updates, and development-related process improvements.
3. Identify opportunities for win-win solutions between external stakeholders and the city/internal stakeholders.
4. Support housing development policies that wisely uses city infrastructure, capital and service delivery resources in the short- and long-term.
5. Ensure strong market alignment to allow for development of all housing products and types across the income spectrum.

#### **B. Scope of Services**

1. A project process, timeline and stakeholder engagement strategy.
2. Support city staff in liaising and facilitating the Task Force. We anticipate the taskforce will meet 3-5 times over a 3-4 month period.
3. Stakeholder engagement (such as interviews, focus groups, surveys etc.) including but not limited to:
  - a. *External Stakeholders*: homebuilders, contractors, developers,

- landowners, sole-proprietors, and others to assess experience with the City.
- b. *Internal Stakeholders*: city staff involved in the development review process – Planning; Economic Development; Inspections; DPW Engineering; Fire; and others, to assess experience and insights on the development review process, regulatory schema, development incentives/constraints, etc.
4. Review existing housing development processes and policies related to key insights / issue areas gleaned from stakeholder engagement. Identify best practices and areas for improvement.
  5. Summary of findings and recommendations, including but not limited to:
    - a. Documentation and insights gleaned from stakeholder engagement (e.g., surveys, interviews, focus groups, etc.);
    - b. Potential areas for development review process improvements.
    - c. Policy suggestions/best practices to evaluate to accelerate development of higher-density, more affordable housing in the City of Appleton.
  6. Final Deliverables:
    - a. Written report, summarizing process, findings and recommendations.
    - b. Executive summary / overview presentation of findings.
    - c. All documents to be provided to City in original, editable format (e.g. .docx, .ppt, etc.) in addition to .pdf format.
    - d. ALT. OPTION: Formal presentation (in person and/or virtual) of project findings to entity(ies) outside of any the Task Force included in base quote (e.g. city committee(s), partner organizations, etc.).

City staff will assist with supplying project information, stakeholder contacts, relevant city housing policies, coordinating taskforce meetings, and providing other city-specific information related to the project.

#### **1.4 Project Calendar**

Listed below are the estimated dates of actions related to this request. In the event the City of Appleton finds it necessary to change any of the specific dates, it will do so.

<u>DATE</u>	<u>EVENT</u>
August 4, 2023	Issue Request for Proposals/ Quotes (RFPQ).
Aug 18, 2023	RFPQs due on or before 4:00 PM.
Aug 28, 2023	Internal review of RFPQs.
Sept 11, 2023	Enter into contract for services with selected consultant – Contract Start Date / Project Kickoff
Sept – Dec, 2023	Taskforce support; Conduct project work.
January 2024	Prepare final deliverables.

#### **1.5 Contract Terms**

The successful firm will be required to sign a standard City of Appleton Consultant Services Contract and meet the insurance requirements attached to this RFPQ.

## **2.0 PREPARING AND SUBMITTING THE QUOTE**

- 2.1 Consultant responding to this request must include the following information: cover letter, qualifications of the consultant and individuals who will work on the project, project approach, references, and the attached price quotation form.
- 2.2 Consultants may send completed proposal via email or delivery by hard copy on or before 4:00 PM, Friday, August 18, 2023, to:

Kara Homan, AICP  
Director of Community & Economic Development  
City of Appleton  
100 N. Appleton Street  
Appleton, WI 54911-4799  
[kara.homan@appleton.org](mailto:kara.homan@appleton.org)

Submittals received after Friday, August 18, 2023, at 4:00 PM will not be accepted.

- 2.3 The City of Appleton is not liable for any cost incurred by proposers in replying to this request.

## **3.0 ATTACHMENTS**

- 3.1 Price Quotation Form  
3.2 Insurance Requirements



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

**DEPARTMENT OF COMMUNITY &  
ECONOMIC DEVELOPMENT  
100 North Appleton Street  
Appleton, WI 54911  
TEL (920) 832-6468**

## PRICE QUOTATION

For

### **Housing Development Process, Policy, & Stakeholder Engagement Services**

Vendor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**TOTAL COST OF PROJECT SERVICES..... \$ \_\_\_\_\_**

**ALT. OPTION COST: Cost for each formal presentation of  
findings per Final Deliverable 6.d.**

**IN PERSON..... \$ \_\_\_\_\_**

**VIRTUAL..... \$ \_\_\_\_\_**

\_\_\_\_\_  
Quote Prepared By

\_\_\_\_\_  
Date

**IR 3.1 – Professional Services: \$2M Umbrella**  
**City of Appleton**  
**Insurance Requirements**

**Project:** \_\_\_\_\_

The contract or purchase order is not considered approved and the Contractor shall not commence work until proof of the required insurance has been provided to the applicable department for the City of Appleton.

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and any insurance or self-insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire job is completed or the length of time specified in the contract or listed below, whichever is longer.

- **Professional Liability**
  - Limits
    - Each claim..... \$1,000,000
    - Annual aggregate..... \$1,000,000
  - Must continue coverage for 2 years after final acceptance for service/job
  
- **General Liability Coverage**
  - Commercial General Liability
    - Each occurrence limit ..... \$1,000,000
    - Personal liability and advertising injury ..... \$1,000,000
    - General aggregate ..... \$2,000,000
    - Products/completed operations aggregate ..... \$2,000,000
  - Claims made form of coverage is not acceptable.
  - Insurance must include:
    - Premises and Operations Liability
    - Contractual Liability
    - Personal Injury
    - Explosion, collapse and underground coverage
    - Products/Completed Operations must be carried for 2 years after acceptance of completed work
    - **The general aggregate must apply separately to this project/location**
  
- **Business Automobile Coverage**
  - Combined single limit for bodily injury and property damage
    - Each incident ..... \$1,000,000
  - Must cover liability for Symbol #1 – “Any Auto” – including owned, non-owned, and hired automobile liability

- **Workers Compensation and Employers Liability:** IF required by Wisconsin State Statute or any workers compensation statute of a different state.
  - Must carry coverage for Statutory Workers Compensation and an Employers Liability limit of:
    - Each accident ..... \$100,000
    - Disease policy limit ..... \$500,000
    - Disease – each employee ..... \$100,000
  
- **Umbrella Liability:** IF exposure exists, provide coverage at least as broad as the underlying commercial general liability, automobile liability and employers liability, with a minimum limit of
  - Each occurrence ..... \$2,000,000
  - Aggregate ..... \$2,000,000
  - Maximum self-insured retention ..... \$10,000
  
- **Additional Provisions**
  - **Primary and Non-Contributory requirement:** All insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Appleton.
  - **Acceptability of Insurers:** Insurance is to be placed with insurers who have an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the state of Wisconsin.
  - **Additional Insured Requirements:** The following must be named as **additional insureds** on the General Liability and Business Automobile Liability Policies for liability arising out of project work: **City of Appleton, and its officers, council members, agents, employees and authorized volunteers. On the Commercial General Liability Policy, the additional insured coverage must be ISO form CG 20 10 07 04 and also include Products/Completed Operations equivalent to ISO form CG 20 37 07 04 or their equivalents for a minimum of 2 years after acceptance of work. This does not apply to Workers Compensation Policies.**
  - Certificates of Insurance acceptable to the City of Appleton shall be submitted prior to commencement of the work to the applicable department. **In addition form CG 20 10 07 04 for ongoing work exposure and form CG 20 37 07 04 for products-completed operations exposure must also be provided or its equivalent.** These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non renewed until at least 30 days’ prior written notice has been given to the City of Appleton.

REQUIREMENTS CONTINUE ON FOLLOWING PAGE

Insurance Requirements for Sub-Contractors, all sub-contractors shall be required to obtain Commercial General Liability, Automobile Liability, Worker's Compensation, Employer's Liability and if applicable, Watercraft Liability, Aircraft Liability and Unmanned Aircraft Liability Insurance. This insurance shall be as broad as and with the same coverage limits as those required of the Contractor.

**The following additional coverages are required where the corresponding box is checked. In addition, Contractor shall be responsible for consulting with its insurance carrier to determine whether any of the other following coverages should be carried based upon the specific project:**

- Bond Requirements**
  - **Bid Bond:** The Contractor's Bid Bond equal to 5% of the contract shall accompany the bid for the project.
  - **Payment and Performance Bond:** If awarded the contract, the Contractor will provide to the Owner a Payment and Performance Bond in the amount of the contract price, covering faithful performance of the contract and payment of obligations arising thereunder, as stipulated in bidding requirements, or specifically required in the contract documents on the date of the contract's execution.
  - **Acceptability of Bonding Company:** The Bid, Payment and Performance Bonds shall be placed with a bonding company with an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI.
  - **License and Permit Bond:** The Contractor will provide to the City a License and Permit Bond in the amount stipulated in Appleton's Municipal Code.
  
- Property Insurance Coverage (Builder's Risk) to be provided by the Contractor**
  - The property insurance must include engineering or architect fees and must equal the bid amount, plus any change orders.
  - Coverage includes property on the work site/s, property in transit and property stored off the work site/s.
  - Coverage will be on a **Replacement Cost basis**.
  - The City of Appleton, consultants, architects, architect consultants, engineers, engineer consultants, contractors and subcontractors will be added as named insureds to the policy.
  - Coverage must include collapse and be written on a "special perils" or "all risk" perils basis.
  - Coverage must include water damage (including, but not limited to, flood, surface water, hydrostatic pressure) and earth movement.
  - Coverage must include testing and start up.
  - Coverage must include boiler and machinery if the exposure exists.
  - Coverage must include engineers' and architects' fees.
  - Coverage must include building ordinance or law coverage with a limit of 5% of the contract amount.
  - The policy must cover/allow partial utilization by owner.



- Coverage must include a “waiver of subrogation” against any named insureds or additional insureds.
- Contractor is responsible for all deductibles and coinsurance penalties.

**Pollution Liability – Contractors; Motor Vehicle/Automobile; Professional; Environmental Consultants/Engineers**

- Definition of “Covered Operations” in the policy must include the type of work being done for the City of Appleton
- Limits of Liability:
  - \$500,000 each loss for bodily injury, property damage, environmental damage
  - \$1,000,000 Aggregate for bodily injury, property damage, environmental damage (environmental damage includes pollution and clean-up costs)
- Deductible must be paid by the Contractor, consultants/engineers
- The City of Appleton, its Council members and employees must be Additional Insureds
- The policy must also cover subcontractors
- Specify if “Wrongful Delivery” is covered
- Must cover motor vehicle loading and unloading and show on Certificate of Insurance
- Certificate of Insurance must state:
  - If the policy is an Occurrence or a Claims Made Form
  - If the defense costs reduce the limit of liability
  - If the policy covers motor vehicle loading and unloading claims
  - If there is an underground storage tank or a super fund exclusion
  - If there is a Contractual Liability Exclusion
  - If Bodily Injury includes mental anguish and emotional distress

**Aircraft Liability** insurance with a limit of \$3,000,000 per occurrence for bodily injury and property damage including passenger liability and slung cargo if the project includes the use or operation of any aircraft or helicopter.

**Unmanned Aircraft Liability** insurance with a limit of \$1,000,000 per occurrence for bodily injury, property damage liability, and invasion of privacy liability if the project includes the use of or operation of any unmanned aircraft (drones).

**Watercraft Liability insurance** with a limit of \$1,000,000 per occurrence for bodily injury and property damage if the project includes the use and/or operation of any watercraft.

**Cyber Liability and Technology Errors and Omissions Insurance**

- Per occurrence..... \$500,000



**Commercial Crime Policy**

- Per occurrence ..... \$100,000

Last Review: 12/2021

90-23

**AN ORDINANCE REPEALING ARTICLE XIII OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Article XIII of Chapter 23 of the Municipal Code of the City of Appleton, relating to wireless telecommunications facilities, is hereby repealed:

**ARTICLE XIII. 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 (½) mile search radius for towers under one hundred twenty (120) feet in height, one-quarter (¼) 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)

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

## **91-23**

### **AN ORDINANCE AMENDING SECTION 23-66(h)(1) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; ELECTRONIC TOWERS.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-66(h)(1) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; electronic towers, is hereby amended to read as follows:

#### **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 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 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. 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.

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

**92-23**

**AN ORDINANCE CREATING SECTION 23-66(h)(22) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPECIAL USE PERMITS AND SPECIAL REGULATIONS; SPECIAL REGULATIONS; MOBILE SERVICE SUPPORT STRUCTURES AND FACILITIES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-66(h)(22) of Chapter 23 of the Municipal Code of the City of Appleton, relating to special use permits and special regulations; special regulations; mobile service support structures and facilities, is hereby created to read as follows:

**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.

(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.

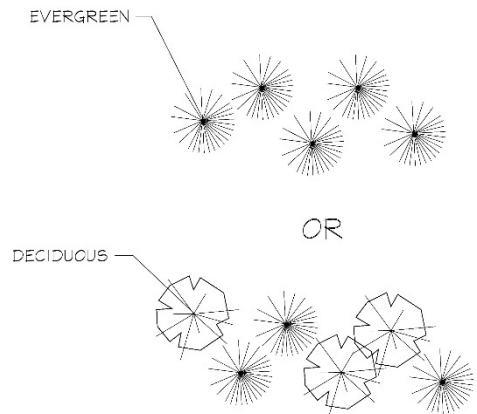
iii. *Landscaping Buffer Requirements.* All mobile service support structures (cell towers) and mobile service facilities shall be landscaped with plantings being placed outside and along the perimeter of the equipment compound fencing and shall consist of the following:

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.

#### 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.
4. 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.

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

**93-23**

**AN ORDINANCE AMENDING SECTION 23-91(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AG AGRICULTURAL DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-91(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to AG agricultural district; principal permitted uses, is hereby amended to read as follows:

**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>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</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>

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

**94-23**

**AN ORDINANCE AMENDING SECTION 23-92(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1A SINGLE-FAMILY DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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



**Section 1:** That Section 23-92(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1A single-family district; principal permitted uses, is hereby amended to read as follows:

**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 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>	<ul style="list-style-type: none"> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> </ul>

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

**95-23**

**AN ORDINANCE AMENDING SECTION 23-93(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1B SINGLE-FAMILY DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-93(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1B single-family district; principal permitted uses, is hereby amended to read as follows:

**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:

<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</li> </ul>	<ul style="list-style-type: none"> <li>• Mobile Service Support</li> </ul>

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
	eight (8) or fewer persons, pursuant to §23-22 and §23-52 <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>	Structures and Facilities pursuant to §23-66(h)(22)

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

**96-23**

**AN ORDINANCE AMENDING SECTION 23-94(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-1C CENTRAL CITY RESIDENTIAL DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-94(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-1C central city residential district; principal permitted uses, is hereby amended to read as follows:

**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:

<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 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>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> </ul>

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

**97-23**

**AN ORDINANCE AMENDING SECTION 23-95(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-2 TWO-FAMILY DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-95(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-2 two-family district; principal permitted uses, is hereby amended to read as follows:

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

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

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

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

**98-23**

**AN ORDINANCE AMENDING SECTION 23-96(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-3 MULTIFAMILY DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-96(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-3 multifamily district; principal permitted uses, is hereby amended to read as follows:

**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>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> </ul>

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

**99-23**

**AN ORDINANCE AMENDING SECTION 23-100(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P-I PUBLIC INSTITUTIONAL DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-100(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P-I public institutional district; principal permitted uses, is hereby amended to read as follows:

**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 school, junior high school, or high school</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 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>	<ul style="list-style-type: none"> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Multi-tenant buildings</li> </ul>

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

**100-23**

**AN ORDINANCE AMENDING SECTION 23-100(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P-I PUBLIC INSTITUTIONAL DISTRICT; SPECIAL USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-100(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P-I public institutional district; special uses, is hereby amended to read as follows:

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

(e) *Special uses.* Special uses in the P-I 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>• 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>• Urban farms pursuant to §23-66(h)(17)</li> </ul>

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

**101-23**

**AN ORDINANCE AMENDING SECTION 23-101(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NC NATURE CONSERVANCY DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-101(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to NC nature conservancy; principal permitted uses, is hereby amended to read as follows:

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

(b) *Principal permitted uses.* The following uses are permitted within the NC nature conservancy 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>• Bicycle or hiking trails</li> <li>• Dams, power stations, transmission lines</li> <li>• Fishing</li> <li>• Harvesting of wild crops such as marsh hay,</li> </ul>	<ul style="list-style-type: none"> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> </ul>

	mushrooms, moss, berries, fruit trees and tree seeds <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>	
--	---	--

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

**102-23**

**AN ORDINANCE AMENDING SECTION 23-111(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-O COMMERCIAL OFFICE DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-111(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-O commercial office district; principal permitted uses, is hereby amended to read as follows:

**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>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Multi-tenant building</li> <li>• Offices</li> <li>• Personal services</li> <li>• Professional services</li> <li>• Veterinarian clinics</li> </ul>

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

**103-23**

**AN ORDINANCE AMENDING SECTION 23-111(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-O COMMERCIAL OFFICE DISTRICT; SPECIAL USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-111(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-O commercial office district; special uses, is hereby amended to read as follows:

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

(e) *Special uses.* Special uses in the C-O 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>• 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></ul>

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

**104-23**

**AN ORDINANCE AMENDING SECTION 23-112(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-1 NEIGHBORHOOD MIXED USE DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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



**Section 1:** That Section 23-112(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-1 neighborhood mixed use district; principal permitted uses, is hereby amended to read as follows:

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

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Dwelling, multi-family, or 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>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</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>

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

**105-23**

**AN ORDINANCE AMENDING SECTION 23-112(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-1 NEIGHBORHOOD MIXED USE DISTRICT; SPECIAL USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-112(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-1 neighborhood mixed use district; special uses, is hereby amended to read as follows:

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

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school</li> <li>• Essential services</li> <li>• Recreation facilities, non-profit</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcade</li> <li>• Bar or Tavern pursuant to §23-66(h)(6)</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Electronic towers pursuant to §23-66(h)(1)</li> <li>• Manufacturing, custom pursuant to §23-66(h)(16)</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Outdoor commercial entertainment pursuant to §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>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

**106-23**

**AN ORDINANCE AMENDING SECTION 23-113(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-2 GENERAL COMMERCIAL DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

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

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

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• Assisted living or retirement homes</li> <li>• Nursing or convalescent homes</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs</li> <li>• Day care, group</li> <li>• Educational institutions; business, technical or vocational school</li> <li>• Educational institutions; college or university</li> <li>• Governmental facilities</li> <li>• Hospitals</li> <li>• Marina or boat landings</li> <li>• Museums</li> <li>• Places of worship</li> <li>• Public parks or playground</li> <li>• Recreation facilities; non-profit</li> <li>• Registered historic places open to the public and 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>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Multi-tenant building</li> <li>• Offices</li> <li>• Painting/Craft studio without alcohol sales</li> <li>• Parking lots</li> <li>• Personal services</li> <li>• Printing</li> <li>• Professional services</li> <li>• Restaurants (without alcohol)</li> <li>• Restaurants, fast food</li> <li>• Retail businesses</li> <li>• Shopping centers</li> <li>• Towing businesses pursuant to §23-66(h)(15)</li> <li>• Urban farms pursuant to 23-66(h)(17)</li> <li>• Veterinarian clinics</li> </ul>

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

**107-23**

**AN ORDINANCE AMENDING SECTION 23-113(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-2 GENERAL COMMERCIAL DISTRICT; SPECIAL USES.**

(City Plan Commission – 10-04-2023)

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

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

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

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institutions; elementary school, junior high school or high school</li> <li>• Essential services</li> <li>• Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcades</li> <li>• Any principal building that exceeds thirty-five (35) feet in height</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5)</li> <li>• Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5)</li> <li>• Bar or taverns pursuant to §23-66(h)(6)</li> <li>• Body repair and/or paint shops pursuant to §23-66(h)(4)</li> <li>• Bus terminals</li> <li>• Car washes</li> <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)</li> </ul>

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

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

**108-23**

**AN ORDINANCE AMENDING SECTION 23-114(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CBD CENTRAL BUSINESS DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-114(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to CBD central business district; principal permitted uses, is hereby amended to read as follows:

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

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> <li>• Assisted living or retirement homes</li> <li>• Nursing or convalescent homes</li> <li>• Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse; however, residential uses are prohibited on the ground floor for any lot with frontage on</li> </ul>	<ul style="list-style-type: none"> <li>• Clubs</li> <li>• Day care, group</li> <li>• Educational institutions; college or university</li> <li>• Governmental facilities</li> <li>• Museums</li> <li>• Places of worship</li> <li>• Public park or playgrounds</li> <li>• Registered historic places open to</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile maintenance shops</li> <li>• Commercial entertainment; excluding sexually-oriented establishments</li> <li>• Hotel or motels</li> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Multi-tenant building</li> </ul>

College Avenue or within 120 feet of College Avenue frontage	the public and having retail space occupying not more than 10% of the gross floor area of the building	<ul style="list-style-type: none"> <li>• 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>
--	--	---

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

**109-23**

**AN ORDINANCE AMENDING SECTION 23-114(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CBD CENTRAL BUSINESS DISTRICT; SPECIAL USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-114(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to CBD central business district; special uses, is hereby amended to read as follows:

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

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Educational institution; elementary school, junior high school or high school</li> <li>• Essential services</li> <li>• Hospital</li> <li>• Marina and/or boat landing</li> </ul>	<ul style="list-style-type: none"> <li>• Amusement arcade</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot, new pursuant to §23-66(h)(5)</li> <li>• Automobile, RV, truck, cycle, boat sales and display lot when including used vehicles pursuant to §23-66(h)(5)</li> <li>• Bar or Tavern pursuant to §23-66(h)(6)</li> <li>• Body repair and/or paint shop pursuant to §23-66(h)(4)</li> <li>• Bus terminal</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <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>• Wholesale facility</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

**110-23**

**AN ORDINANCE AMENDING SECTION 23-115(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P PARKING DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-115(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P parking district; principal permitted uses, is hereby amended to read as follows:

**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>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Parking garage</li> <li>• Parking lot</li> </ul>

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

**111-23**

**AN ORDINANCE AMENDING SECTION 23-131(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-1 INDUSTRIAL PARK DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-131(b) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-1 industrial park district; principal permitted uses, is hereby amended to read as follows:

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

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

<b>Residential Uses</b>	<b>Public and Semi Public Uses</b>	<b>Non-Residential Uses</b>
<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Governmental facilities</li> <li>• Registered historic places open to the public and having retail space occupying not more than ten percent (10%) of the gross floor area of the building</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Brewery pursuant to §23-66(h)(20)</li> <li>• Commercial entertainment</li> <li>• Community garden</li> <li>• Craft-Distillery pursuant to §23-66(h)(19)</li> <li>• Distillery pursuant to §23-66(h)(20)</li> <li>• Freight distribution or moving centers</li> <li>• Manufacturing, light</li> <li>• Microbrewery/Brewpub pursuant to §23-66(h)(19)</li> <li>• Offices</li> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> <li>• Multi-tenant buildings</li> </ul>



		<ul style="list-style-type: none"> <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>
--	--	--

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

**112-23**

**AN ORDINANCE AMENDING SECTION 23-131(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-1 INDUSTRIAL PARK DISTRICT; SPECIAL USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-131(e) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-1 industrial park district; special uses, is hereby amended to read as follows:

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

(e) *Special uses.* Special uses in the M-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>• 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> </ul>

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

**113-23**

**AN ORDINANCE AMENDING SECTION 23-132(b) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-2 GENERAL INDUSTRIAL DISTRICT; PRINCIPAL PERMITTED USES.**

(City Plan Commission – 10-04-2023)

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

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

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

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<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> <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>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</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> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> <li>• Research laboratories or testing facilities</li> <li>• Towing businesses pursuant to §23-66(h)(15)</li> <li>• Truck or heavy equipment sales or rental</li> <li>• Urban farms pursuant to §23-66(h)(17)</li> <li>• Warehouses</li> <li>• Wholesale facilities</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>

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

**114-23**

**AN ORDINANCE AMENDING SECTION 23-132(e) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-2 GENERAL INDUSTRIAL DISTRICT; SPECIAL USES.**

(City Plan Commission – 10-04-2023)

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

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

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

(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-</li> </ul>

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		66(h)(12) <ul style="list-style-type: none"> <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>

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

**115-23**

**AN ORDINANCE AMENDING SECTION 23-152(h)(2) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT; PRINCIPAL PERMITTED USES; SPECIAL USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-152(h)(2) of Chapter 23 of the Municipal Code of the City of Appleton, relating to TND traditional neighborhood development overlay district; principal permitted uses; special uses, is hereby amended to read as follows:

(h) ***Principal permitted uses.*** The following principal permitted uses are permitted as of right in the TND overlay district.

(2) ***Special uses.*** Uses listed as special uses in the following underlying zoning district(s) may be listed as permitted uses in the TND overlay district and shall be reviewed and approved, approved with conditions or denied as part of the TND overlay district process:

- a. All R-1A, R-1B, and R-1C single-family residential district special uses;
- b. All R-2 two- (2-) family residential district special uses;
- c. All R-3 multifamily residential district special uses;
- d. All C-O commercial office district special uses, except the following:
  1. Electronic towers pursuant to §23-66(h)(1);

2. Helicopter landing pads pursuant to §23-66(h)(9);
- e. All C-1 neighborhood mixed use district special uses, except the following:
  1. Electronic towers pursuant to §23-66(h)(1);
- f. All C-2 general commercial district special uses, except the following:
  1. Sexually-oriented establishments pursuant to Article XII;
  2. Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5);
  3. Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5);
  4. Body repair and/or paint shops pursuant to §23-66(h)(4);
  5. Electronic towers pursuant to §23-66(h)(1);
  6. Helicopter landing pads pursuant to §23-66(h)(9);
  7. Manufacturing, light;
  8. Research laboratories or testing facilities;

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

### **116-23**

**AN ORDINANCE AMENDING SECTION 23-570(c)(2)a. OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SITE PLAN REVIEW AND APPROVAL; MINOR SITE PLAN REVIEW AND SITE PLAN REVIEW; DEVELOPMENT SUBJECT TO SITE PLAN REVIEW.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-570(c)(2)a. of Chapter 23 of the Municipal Code of the City of Appleton, relating to site plan review and approval; minor site plan review and site plan review; development subject to site plan review, is hereby amended to read as follows:

**Sec. 23-570. Site plan review and approval.**

(c) **Minor site plan review and site plan review.** In order to minimize submission requirements and expedite final approval for certain projects, there shall be two (2) types of site plan review: minor and major.

Minor site plan review shall be subject to review and approval by the Community and Economic Development Director and will require only that information identified in §23-570(g), Minor site plan required information, as deemed necessary by the Community and Economic Development Director to make an informed decision.

Site plan review shall be subject to the review and approval of the Community and Economic Development Director pursuant to *all* submission requirements of this section.

(2) **Development subject to site plan review.**

- a. The following new principal buildings, uses, building additions, or structures in any zoning district; except for one-(1) and two-(2) family dwellings or accessory buildings, structures, or uses when associated with or located within one-(1) and two-(2) family dwellings, unless required per Certified Survey Map, Subdivision Plat, or the like:
  - 1. Any new principal buildings or structures.
  - 2. Additions to existing principal buildings, structures or uses except single and two (2) family dwellings and accessory buildings, structures, or uses as established in the table below:

When the gross floor area of the existing building, structure or use, except for parking lots or parking spaces is . . .	And the proposed gross floor area of the addition or expansion of the existing building, structure or use except for parking lots or parking spaces is . . .
0-10,000 square feet	1,000 square feet or greater
10,001-25,000 square feet	2,500 square feet or greater
25,001-50,000 square feet	5,000 square feet or greater
50,001 square feet and over	7,500 square feet or greater

- 3. Construction, reconstruction, rehabilitation and/or expansion of off-street parking lots and loading areas that consist of twenty (20) or more parking spaces or loading spaces.
- 4. Off-street parking lot and loading area reconstruction (patching). Reconstruction (patching) of off-street parking lots and loading areas that affects greater than fifteen percent (15%) of the total square foot area of an existing off-street parking lot and/or loading area per calendar year.
- 5. Mobile Service Support Structures and Facilities and Mobile Service Support Structures and Facilities Substantial modification (Class I Collocation) pursuant to Section 23-66(h)(22).

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

**117-23**

**AN ORDINANCE AMENDING SECTION 23-22 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WORDS AND TERMS DEFINED.**

(City Plan Commission – 10-04-2023)

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

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

*\*Definitions that are underlined will be added to this section and those stricken will be removed.*

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

For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

**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 device 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.

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

*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.

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

### **118-23**

**AN ORDINANCE AMENDING SECTION 23-43(d) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; GENERAL REGULATIONS FOR ACCESSORY USES, BUILDINGS AND STRUCTURES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-43(d) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, building and structures; general regulations for accessory uses, buildings and structures, is hereby amended to read as follows:

**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 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.
- (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.

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

**119-23**

**AN ORDINANCE AMENDING SECTION 23-47 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO REFUSE CONTAINER AND DUMPTER ENCLOSURE STANDARDS.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-47 of Chapter 23 of the Municipal Code of the City of Appleton, relating to refuse container and dumpster enclosure standards, is hereby amended to read as follows:

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

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

(a) Refuse containers 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).

(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.

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

**120-23**

**AN ORDINANCE AMENDING SECTION 23-91(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AG AGRICULTURAL DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-91(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to AG agricultural district; accessory uses, is hereby amended to read as follows:

**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.

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

**121-23**

**AN ORDINANCE AMENDING SECTION 23-96(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-3 MULTIFAMILY DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-96(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-3 multifamily district; accessory uses, is hereby amended to read as follows:

**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.

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

**122-23**

**AN ORDINANCE AMENDING SECTION 23-100(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P-I PUBLIC INSTITUTIONAL DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-100(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P-I public institutional district; accessory uses, is hereby amended to read as follows:

**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.

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

### **123-23**

**AN ORDINANCE AMENDING SECTION 23-101(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NC NATURE CONSERVANCY DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-101(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to NC nature conservancy district; accessory uses, is hereby amended to read as follows:

**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.

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

### **124-23**

**AN ORDINANCE AMENDING SECTION 23-111(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-O COMMERCIAL OFFICE DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-111(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-O commercial office district; accessory uses, is hereby amended to read as follows:

**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.

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

**125-23**

**AN ORDINANCE AMENDING SECTION 23-112(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-1 NEIGHBORHOOD MIXED USE DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-112(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-1 neighborhood mixed use district; accessory uses, is hereby amended to read as follows:

**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.

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

**126-23**

**AN ORDINANCE AMENDING SECTION 23-113(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-2 GENERAL COMMERCIAL DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

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



**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.

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

**127-23**

**AN ORDINANCE AMENDING SECTION 23-114(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CBD CENTRAL BUSINESS DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-114(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to CBD central business district; accessory uses, is hereby amended to read as follows:

**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.

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

**128-23**

**AN ORDINANCE AMENDING SECTION 23-115(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P PARKING DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-115(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P parking district; accessory uses, is hereby amended to read as follows:

**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 and dumpster enclosures pursuant to §23-47.

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

**129-23**

**AN ORDINANCE AMENDING SECTION 23-131(c) OF CHAPTER 23 OF THE**

**MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-1 INDUSTRIAL PARK DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-131(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-1 industrial park district; accessory uses, is hereby amended to read as follows:

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

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

- (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.

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

**130-23**

**AN ORDINANCE AMENDING SECTION 23-132(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-2 GENERAL INDUSTRIAL DISTRICT; ACCESSORY USES.**

(City Plan Commission – 10-04-2023)

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

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

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

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

- (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.

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

### **131-23**

#### **AN ORDINANCE AMENDING SECTION 23-49 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DRIVE THROUGH FACILITY.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-49 of Chapter 23 of the Municipal Code of the City of Appleton, relating to drive through facility, is hereby amended to read as follows:

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

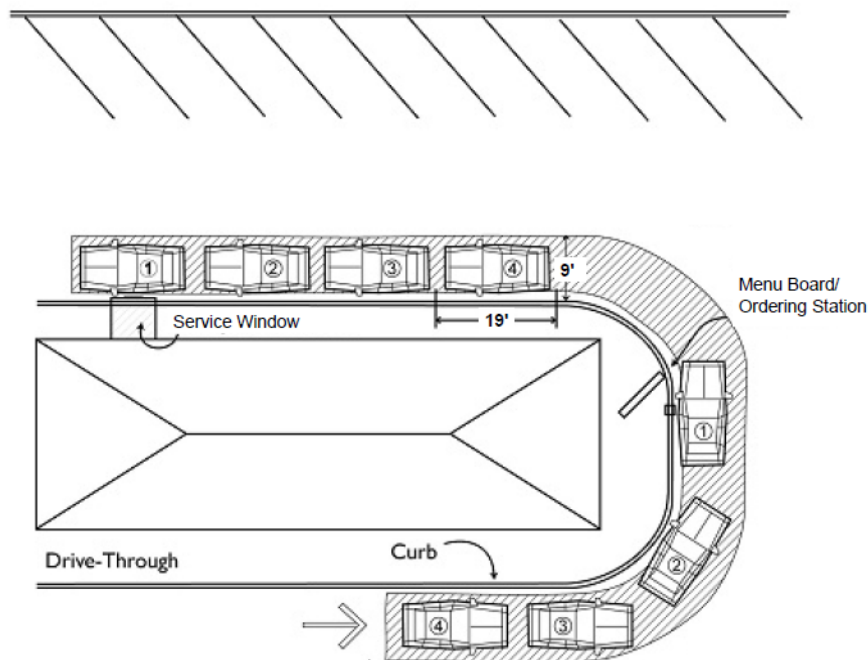
- (a) ***Site Design.***
  - (1) ***Stacking and drive through lanes identified.*** All stacking and drive through lanes shall be identified by asphalt or concrete curbing and/or paint striping.
  - (2) The design of maneuvering and stacking aisles for the drive through shall not interfere with circulation or visibility for traffic either on or off site.
  - (3) ***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) ***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.

(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*



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

**132-23**

**AN ORDINANCE AMENDING SECTION 23-172(m) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFF-STREET PARKING AND LOADING STANDARDS; REQUIRED SPACES FOR SPECIFIC USES; PUBLIC/INSTITUTIONAL.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-172(m) of Chapter 23 of the Municipal Code of the City of Appleton, relating to off-street parking and loading standards; required spaces for specific uses; public/institutional, is hereby amended to read as follows:

(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	One (1) space for each employee
	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	One (1) space per employee plus 1 space per ten (10) students based on classroom capacity
	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

*\*Only those use types with changes are included*

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

**133-23**

**AN ORDINANCE AMENDING SECTION 23-172(m) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OFF-STREET PARKING AND LOADING STANDARDS; REQUIRED SPACES FOR SPECIFIC USES; COMMERCIAL.**

(City Plan Commission – 10-04-2023)

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

**Section 1:** That Section 23-172(m) of Chapter 23 of the Municipal Code of the City of Appleton, relating to off-street parking and loading standards; required spaces for specific uses; commercial, is hereby amended to read as follows:

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

Use Type	Minimum Off-Street Parking Spaces Required
<b>Commercial</b>	
Veterinarian clinic	One (1) space for each two hundred fifty (250) square feet of gross floor area

*\*Only those use types with changes are included*

*\*\* Personal storage was removed in its entirety*

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

**134-23**

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

(City Plan Commission 10-04-2023)

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



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

To rezone the subject parcel located at 303 East Fremont Street and to the centerline of adjacent right-of-way from PD/C-2 Planned Development Overlay #5-04/General Commercial District to R-1B Single-family District. (Rezoning #6-23 – St. Elizabeth Hospital, Inc. n/k/a Ascension NE Wisconsin, Inc. owner, and Andrew Harlos, Attorney, Office of General Counsel)

**LEGAL DESCRIPTION:**

EDW WESTS PLAT 4WD LOT 5 BLK 30, including to the centerline of the adjacent road right-of-way, City of Appleton, Outagamie County, Wisconsin.

**COMMON DESCRIPTION:**

303 East Fremont Street (Tax Id #31-4-0670), including to the centerline of the adjacent road right-of-way

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

**135-23**

**AN ORDINANCE AMENDING ARTICLE XVIII OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TATTOO AND BODY PIERCING ESTABLISHMENTS.**

(Board of Health – 09-20-2023)

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

**Section 1:** That Article XVIII of Chapter 9 of the Municipal Code of the City of Appleton, relating to tattoo and body piercing establishments, is hereby amended to read as follows:

## ARTICLE XVIII. TATTOO AND BODY PIERCING ESTABLISHMENTS

### Sec. 9-850. Authority and purpose

(a) This article is promulgated under the authority of Wis. Stat. §463.16 (2021-22), as amended from time to time, for the purpose of regulating tattooists, tattoo establishments, body piercers and body piercing establishments in order to protect public health and safety.

(b) *State sanitation regulations adopted.* All tattoo and body piercing establishments, practitioners, and licenses under this division shall be subject to and comply with the provisions of Wis. Admin. Code, SPS § 221 (2021-22) as amended from time to time, which are hereby adopted by reference and incorporated as part of this article.

### Sec. 9-851. Reserved.

### Sec. 9-852. Scope.

*Applicability.* This chapter applies to all tattooists, body piercers, tattoo establishments, and body piercing establishments.

### Sec. 9-853. Right of entry.

The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, view the practice (with patron's permission), secure samples or specimens, examine and copy documents, obtain photographs or take any other action deemed necessary to properly enforce the provisions of applicable laws regulating such business or activity.

### Sec. 9-854. Responsibility of the operator.

(a) Every act or omission by an employee or practitioner constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, the operator shall be liable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(b) Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed an act or omission of the operator for purposes of determining whether the license shall be suspended, revoked, or not renewed.

### Sec. 9-855. Correction of violations, citations.

Whenever the Health Officer finds that any establishment, tattooist or body piercer required to obtain a license in this article is not operating or equipped in any manner required by ordinances or laws regulating such establishment or activity, the Health Officer may notify, in

writing, the person operating the premises, or performing the activity, specifying the requirements of such ordinance or law, and requiring that such business or practitioner comply with the provisions of such ordinance or law, and specify the time limits within which compliance shall take place. If the time limit or any extension thereof set forth in the notification is not met, the license may be suspended or revoked by the Health Officer. The Health Officer may also issue citations for any such violations pursuant to the provisions of Appleton Municipal Code Sec. 1-17(c).

**Secs. 9-856 – 9-859. Reserved.**

**Sec. 9-860. Generally.**

(a) No person shall operate a tattoo establishment, body piercing establishment or combination tattoo and body piercing establishment without first obtaining a license from the Health Department.

(b) Application for a license required in this article shall be made to the local health department upon a form furnished by the local health department and shall contain such information that the local health department may prescribe and require and shall be accompanied by payment of the application fee. In addition, the applicant must pay any state administrative fees, the amount of which is on file with the local health department.

(c) Within thirty (30) days after receiving a completed application for a license, the local health department or its agent shall either approve the application and issue a license or deny the application. If an application for a license is denied, the local health department shall give the applicant reasons, in writing, for the denial and provide information about how the applicant may appeal that decision.

(d) A license will not be granted under this article to an operator of a new establishment or to a new operator of an existing establishment without a preinspection. A preinspection fee will be assessed for each establishment according to the schedule on file with the local health department.

(e) The operator of a tattoo or body-piercing establishment shall promptly notify the local health department of his or her intention to cease operations and shall supply the local health department with the name and mailing address of any new operator. A license is not transferable. A new operator will submit an application for a new license. No license shall be issued to or used by any person acting as agent for or in the employ of another.

**Sec. 9-861. Expiration and renewal of license.**

(a) Except where otherwise provided, every Health Department license shall terminate or expire on June 30<sup>th</sup> of each year and may be renewed annually thereafter.

(b) The application for renewal shall be filed with the Health Department on or before June 30<sup>th</sup>, together with payment of the required fee. The fee for said license shall be on

file with the local health department.

(c) In addition, the applicant must pay any state administrative fees, the amount of which is on file with the local health department. If the annual renewal fee has not been paid on or before June 30<sup>th</sup>, an additional late payment fee shall be required; the amount of which is also on file with the local health department. Establishments operating on July 15<sup>th</sup> without a proper license shall be ordered closed by the Health Officer. Failure to comply will result in the issuance of a uniform citation with current bond as set forth in §1-18, Appleton Municipal Code. Each violation and each day a violation continues or occurs shall constitute a separate offense.

**Sec. 9-862. Suspension or revocation of license.**

The Health Officer may suspend or revoke any license issued pursuant to this article for violations of ordinances or laws regulating activity and for other good cause.

**Sec. 9-863. Emergency powers of health officer.**

Whenever the Health Officer has reasonable or probable cause to believe that the premises or method of operation thereof creates a danger to public health, the Health Officer may issue a temporary order prohibiting continued operation of the premises or any part thereof which creates the immediate danger to health. The Health Officer may suspend any license without notice whenever the licensed premises, tattooist, and/or body piercer constitute an immediate health hazard.

**Sec. 9-864. Appeals.**

Any person aggrieved by the denial of a license or by suspension or revocation of a license required under this article by the Health Officer or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a license or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

**Secs. 9-865 – 9-979. Reserved.**

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

**MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RESPONSIBILITIES OF MANAGEMENT.**

(Board of Health – 09-20-2023)

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

**Section 1:** That Section 11-27(8) of Chapter 11 of the Municipal Code of the City of Appleton, relating to responsibilities of management, is hereby amended to read as follows:

**Sec. 11-27. Responsibilities of management.**

(b) The attendant or person in charge and the community's licensee shall operate the community in compliance with the chapter and regulations and ordinances of the city and state and their agents or officers, and shall have the following duties:

- (8) No person shall store LP gas containers under a unit. All containers, full or empty, shall be secured in place, and all containers and LP gas service shall comply with all Wisconsin laws and regulations concerning Liquefied Petroleum Gas, including Wisconsin Administrative Code SPS Chapter 340.

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

**137-23**

**AN ORDINANCE AMENDING SECTION 11-49(1) OF CHAPTER 11 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MANUFACTURED AND MOBILE HOME COMMUNITY LICENSE – STANDARDS OF ISSUANCE.**

(Board of Health – 09-20-2023)

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

**Section 1:** That Section 11-49(1) of Chapter 11 of the Municipal Code of the City of Appleton, relating to manufactured and mobile home community license – standards of issuance, is hereby amended to read as follows:

**Sec. 11-49. Manufactured and mobile home community license – standards of issuance.**

Manufactured and mobile home community licenses shall be granted subject to the following standards:

- (1) Compliance with state law and local ordinances, rules and regulations. Proof of valid Manufactured Home Community permit issued by the Wisconsin Department of Safety and Professional Services is required.

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

**138-23**

**AN ORDINANCE REPEALING SECTIONS 11-52 THROUGH 11-62 OF CHAPTER 11 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO HEALTH DEPARTMENT LICENSES.**

(Board of Health – 09-20-2023)

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

**Section 1:** That Sections 11-52 through 11-62 of Chapter 11 of the Municipal Code of the City of Appleton, relating to health department licenses, are hereby repealed:

- Sec. 11-52. Health Department license – required.**
- Sec. 11-53. Health Department license – application.**
- Sec. 11-54. Health Department license – fees.**
- Sec. 11-55. Health Department license – pre-inspection; fee.**
- Sec. 11-56. Health Department license – issuance.**
- Sec. 11-57. Health Department license – expiration and renewal.**
- Sec. 11-58. Health Department license – suspension and revocation; appeal.**
- Sec. 11-59. Health Department license – transfer.**
- Sec. 11-60. Health Department license – regulations.**
- Sec. 11-61. Health Department license – inspection.**
- Sec. 11-62. Health Department license – enforcement.**

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

**139-23**

**AN ORDINANCE AMENDING SECTION 6-12(b)(1)a OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OPEN OUTDOOR FIRES, OUTDOOR FIREPLACES, COOKING FIRES AND BARBECUE GRILLS, KETTLES AND OUTDOOR HIBACHIS; BARBECUE GRILLS, KETTLES, OUTDOOR HIBACHIS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-12(b)(1)a of Chapter 6 of the Municipal Code of the City of Appleton, relating to open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis; barbecue grills, kettles, outdoor hibachis, is hereby amended to read as follows:

**Sec. 6-12. Open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis.**

- (b) Barbecue grills, kettles, outdoor hibachis.
  - (1) Charcoal burners and other open-flame devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction in all dwellings. Exceptions:
    - a. One- and two-family dwellings.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**140-23**

**AN ORDINANCE REPEALING SECTION 6-14 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LOCK BOX.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-14 of Chapter 6 of the Municipal Code of the City of Appleton, relating to lock box, is hereby repealed.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**141-23**

**AN ORDINANCE AMENDING SECTION 6-56 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ADOPTION OF CODES AND STANDARDS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-56 of Chapter 6 of the Municipal Code of the City of Appleton, relating to adoption of codes and standards, is hereby amended to read as follows:

**Sec. 6-56. Adoption of codes and standards.**

(a) The state codes listed in this section are hereby adopted by reference and made a part of the City Fire Prevention Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Inspectors shall have the authority to cite such violations on fire inspections.

- (1) General Hazard on Fire Prevention, Wisconsin Administrative Code, SPS chapter 314;
- (2) General Orders on Existing Buildings, Wisconsin Administrative Code, SPS chapters 375 to 379;
- (3) Wisconsin Administrative Code, Wisconsin State Electrical Code, SPS Chapter 316;
- (4) Wisconsin Administrative Code, Wisconsin Commercial Building Code, SPS Chapters 361 - 366;
- (5) Elevator Code, Wisconsin Administrative Code, SPS chapter 318;
- (6) Existing Building Code, Wisconsin Administrative Code, SPS chapter 370;
- (7) Flammable and Combustible Liquids Code, Wisconsin Administrative Code, SPS 310.

Overall enforcement responsibility is equally shared by the Building Inspection Division



and the Fire Department. Primary responsibility for particular sections of the above provisions shall be as indicated in the Wisconsin Administrative Code.

(b) The International Fire Code 2021 Edition, hereinafter “IFC” is hereby adopted as though fully set forth herein, with the following exceptions:

- (1) Chapter 1 and Chapter 57 are not included in the adoption of the 2021 edition of the IFC.
- (2) Appendices A, J, K, L, and M are not included as part of the adoption of the 2021 IFC.

(c) Any fire prevention issue not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standards.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

### **142-23**

#### **AN ORDINANCE AMENDING SECTION 6-57(e) OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AUTOMATIC SPRINKLER SYSTEMS; SYSTEM TYPES AND APPROVAL OF PLANS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-57(e) of Chapter 6 of the Municipal Code of the City of Appleton, relating to automatic sprinkler systems; system types and approval of plans, is hereby amended to read as follows:

#### **Sec. 6-57. Automatic sprinkler systems.**

(e) *System types and approval of plans.* Approved automatic sprinkler equipment shall be installed, connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by adopted Standard 13, of the National Fire Prevention Association. Automatic sprinkler systems shall be designed with a minimum five (5) psi water supply safety factor. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to fire prevention and reviewed. Electronic plans, including specification sheets and calculations as necessary, shall be submitted in an approved format to the Fire Department for review. Once reviewed and conditionally approved, plans shall be electronically signed and returned to the

requesting party.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**143-23**

**AN ORDINANCE REPEALING SECTION 6-58 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WELDING AND CUTTING OPERATIONS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-58 of Chapter 6 of the Municipal Code of the City of Appleton, relating to welding and cutting operations, is hereby repealed.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**144-23**

**AN ORDINANCE REPEALING SECTION 6-59 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO OUTSIDE STORAGE OF RECYCLABLES AND BUILDING MATERIALS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-59 of Chapter 6 of the Municipal Code of the City of Appleton, relating to outdoor storage of recyclables and building materials, is hereby repealed.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**145-23**

**AN ORDINANCE REPEALING SECTION 6-62 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MISCELLANEOUS STANDARDS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-62 of Chapter 6 of the Municipal Code of the City of Appleton, relating to miscellaneous standards, is hereby repealed.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**146-23**

**AN ORDINANCE AMENDING SECTION 6-63(d) OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIREWORKS AND PYROTECHNIC DEVICES.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-63(d) of Chapter 6 of the Municipal Code of the City of Appleton, relating to fireworks and pyrotechnic devices, is hereby amended to read as follows:

**Sec. 6-63. Fireworks and pyrotechnic devices.**

(d) This section shall prohibit the use of any pyrotechnic device indoors of an occupancy without a permit from the Fire Chief. Such permits shall not be issued for any event in an unsprinkled occupancy. Permit applications will be made in writing seven (7) days in advance of the date of the display.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**147-23**

**AN ORDINANCE REPEALING SECTION 6-65 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIRE APPARATUS ACCESS ROADS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-65 of Chapter 6 of the Municipal Code of the City of Appleton, relating to fire apparatus access roads, is hereby repealed.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**148-23**

**AN ORDINANCE REPEALING SECTION 6-66 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ATRIUM FURNISHINGS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-66 of Chapter 6 of the Municipal Code of the City of Appleton, relating to atrium furnishings, is hereby repealed.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**149-23**

**AN ORDINANCE AMENDING SECTION 6-67(a) OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WORKING PLANS OF SUPPRESSION/DETECTION AND CONTROL SYSTEMS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-67(a) of Chapter 6 of the Municipal Code of the City of Appleton, relating to working plans of suppression/detection and control systems, is hereby amended to read as follows:

**Sec. 6-67. Working plans of suppression/detection and control systems.**

(a) Working plans of all fire suppression, detection and control systems shall be submitted to the Fire Department Prevention Division in an approved electronic format for review prior to any installation of new equipment or modification to existing equipment. Deviation from approved plans shall require permission of the authority having jurisdiction.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**150-23**

**AN ORDINANCE AMENDING SECTION 6-68 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PLAN REVIEW FEE STRUCTURE AND REQUIREMENTS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-68 of Chapter 6 of the Municipal Code of the City of Appleton, relating to plan review fee structure and requirements, is hereby amended to read as follows:

**Sec. 6-68. Plan review fee structure and requirements.**

A schedule of plan review fees shall be maintained in the City Clerk's Office. This schedule specifies the fees for plan examination and approval for projects located within the city of Appleton.

Note: If the property is subject to state plan review, the additional fee required under Wisconsin Administrative Code, SPS Table 302.31-3 will be added to the appropriate municipal fee.

- (1) ***Miscellaneous fee.*** The miscellaneous fee shall apply to any fire protection system that is not a fire sprinkler system as defined in section 903 of the International Fire Code or a fire alarm system as defined in section 907 of the International Fire Code. For standpipe systems as defined in section 905 of the International Fire Code, the miscellaneous fee shall not apply if the standpipe plans were submitted as part of a fire sprinkler system. The miscellaneous fee shall also apply to the following:
  - a. Fire protection systems that include a fire pump.
  - b. Fire protection systems for buildings that exceed five (5) stories in height, with an additional miscellaneous fee for every five (5) stories thereafter.
- (2) ***Fire doors/shutters.*** Fire door/shutter plan review and inspection shall be assessed an initial minimum fee as indicated on the fee schedule for the first fire door/shutter and as indicated on the fee schedule for each additional door/shutter. This fee does not apply to fire doors/shutters

already reviewed as part of an ongoing project.

- (3) ***Re-submission fee.*** A fee shall be assessed for review of plans submitted following denial of plan approval.
- (4) ***Re-inspection fee.*** The inspection of work performed under an approved plan is included in the fee for plan reviews. This fee does not include any re-inspections required because the inspected work failed to pass inspection. A re-inspection fee equaling twenty-five percent (25%) of the original plan review fee, two hundred and fifty dollars (\$250.00) minimum, shall be assessed due to system failure during the initial inspection.
- (5) ***Fee for initiation without a permit.*** Penalty for failure to obtain a permit before starting work shall automatically triple the applicable fees, and all work shall cease until the proper permits have been attained.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

### **151-23**

## **AN ORDINANCE AMENDING SECTION 6-69 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MAINTENANCE, APPROVAL AND REGISTRATION OF INSTALLED FIRE PROTECTION SYSTEMS.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-69 of Chapter 6 of the Municipal Code of the City of Appleton, relating to maintenance, approval and registration of installed fire protection systems, is hereby amended to read as follows:

### **Sec. 6-69. Maintenance, approval and registration of installed fire protection systems.**

(a) ***Maintenance.*** All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specifications shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled, added to or changes occupancy hazard. All additional, repairs, alterations and servicing shall be in accordance with recognized standards and copies of such work sent to

Fire Prevention of the Fire Department.

(b) **Approvals.** All fire protection systems shall be tested and approved in accordance with their respective National Fire Protection Association standards and shall be subject to periodic tests as may be required. A copy of all test results of the above systems must be provided to the Fire Chief or his/her designee upon completion of the testing. The location and size of all Fire Department hose connections shall be approved by the Fire Chief or his/her designee.

(c) A fee may be assessed to any installer and/or monitoring agent deemed responsible for causing a false alarm. Said fee will be billed to the responsible party, if not the alarm user, and will be that amount indicated in the false alarm fee schedule. Failure to pay fees could result in failure to obtain permit(s) for future work. An appeal of a false alarm assessment can be made by writing the Fire Chief or his/her designee within ten (10) business days after notification of the fee. Contesting the Chief's decision involves a review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.

**152-23**

**AN ORDINANCE REPEALING SECTION 6-71 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIRE DIVISION WALLS AND OCCUPANCY SEPARATION WALL IDENTIFICATION.**

(Safety and Licensing Committee – 09-20-2023)

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

**Section 1:** That Section 6-71 of Chapter 6 of the Municipal Code of the City of Appleton, relating to fire division walls and occupancy separation wall identification, is hereby repealed.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2024.