



City of Appleton

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

Meeting Agenda - Final City Plan Commission

Wednesday, October 9, 2024

3:30 PM

Council Chambers, 6th Floor

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

[24-1281](#) City Plan Minutes from 9-25-24

Attachments: [City Plan Minutes 9-25-24.pdf](#)

5. Public Hearing/Appearances

[24-1282](#) Proposed text amendments to the Municipal Code Chapter 19 Traffic and Vehicles and Chapter 23 Zoning Relating to Residential Driveways, Driveway Extensions, Parking Pads and Outdoor Parking of Vehicles/Trailers on Residential Property (Associated with Action Item #24-1283)

Attachments: [InformalPublicHearingNotice_ZOTextAmendments_2024.pdf](#)

[24-1284](#) Proposed text amendments to the Municipal Code Chapter 16 Streets, Sidewalks and Other Public Places and Chapter 23 Zoning Relating to Official Map Amendments and Zoning Amendments/Public Hearing Notices (Associated with Action Item #24-1285)

Attachments: [InformalPublicHearingNotice_ZOTextAmendments_2024.pdf](#)

[24-1286](#) Proposed text amendments to the Municipal Code Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning Relating to Consumption of Alcohol Uses (Associated with Action Item #24-1287)

Attachments: [InformalPublicHearingNotice_ZOTextAmendments_2024.pdf](#)

6. Action Items

[24-1283](#) Request to approve proposed text amendments to the Municipal Code Chapter 19 Traffic and Vehicles and Chapter 23 Zoning Relating to Residential Driveways, Driveway Extensions, Parking Pads and Outdoor Parking of Vehicles/Trailers on Residential Property as identified in the attached document

Attachments: [Sec 23-43 Accessory Use Draft Amendments Driveway Extensions Strikeout I](#)
[Sec 23-43 Accessory Use Draft Amendments Driveway Extensions Clean For](#)

[24-1285](#) Request to approve proposed text amendments to the Municipal Code Chapter 16 Streets, Sidewalks and Other Public Places and Chapter 23 Zoning Relating to Official Map Amendments and Zoning Amendments/Public Hearing Notices as identified in the attached document

Attachments: [Sec 23-65 Official Map Amendments Draft Text Amendments Strikeout For10-](#)
[Sec 23-65 Official Map Amendments Draft Text Amendments Clean For10-9-2](#)

[24-1287](#) Request to approve proposed text amendments to the Municipal Code Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning Relating to Consumption of Alcohol Uses as identified in the attached document

Attachments: [Sec 23-66 Alcohol Related SUP Draft Text Amendments Strikeout For10-9-24](#)
[Sec 23-66 Alcohol Related SUP Draft Text Amendments Clean For10-9-24.pdf](#)

7. Information Items

8. Adjournment

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

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

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



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Meeting Minutes - Final City Plan Commission

Wednesday, September 25, 2024

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order by Chair Mayor Woodford at 3:30 p.m.

2. Pledge of Allegiance

3. Roll call of membership

Present: 5 - Mayor Woodford, Uitenbroek, Neuberger, Fenton and Carpenter

Excused: 2 - Palm and Robins

Others present:

Adam S., Xavier High School

Oliver McGrath, Xavier High School

Hieu Ngo, Xavier High School

4. Approval of minutes from previous meeting

[24-1220](#)

City Plan Minutes from 9-11-24

Attachments: [City Plan Minutes 9-11-24.pdf](#)

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

Aye: 5 - Mayor Woodford, Uitenbroek, Neuberger, Fenton and Carpenter

Excused: 2 - Palm and Robins

5. Public Hearing/Appearances

7. Information Items

[24-1221](#)

Proposed draft text amendments to the Municipal Code Chapter 19 Traffic and Vehicles and Chapter 23 Zoning Relating to Residential Driveways, Driveway Extensions, Parking Pads and Outdoor Parking of Vehicles/Trailers on Residential Property

Attachments: [Sec 23-43 Accessory Use Draft Amendments Driveway Extensions Strikeout Sept-25 PC.pdf](#)
[Sec 23-43 Accessory Use Draft Amendments Driveway Extensions CleanVersion Sept-25 PC.pdf](#)

This item was presented and discussed.

[24-1222](#)

Proposed draft text amendments to the Municipal Code Chapter 16 Streets, Sidewalks and Other Public Places and Chapter 23 Zoning Relating to Official Map Amendments and Zoning Amendments/Public Hearing Notices

Attachments: [Sec 23-65 Official Map Amendments Zoning Amendments Strikeout For9-25-24.pdf](#)
[Sec 23-65 Official Map Amendments Zoning Amendments CleanVersion For9-25-24.pdf](#)

This item was presented and discussed.

[24-1223](#)

Proposed draft text amendments to the Municipal Code Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning Relating to Consumption of Alcohol Uses

Attachments: [Sec 23-66 Alcohol Related SUP Draft Text Amendments Strikeout For9-25-24.pdf](#)
[Sec 23-66 Alcohol Related SUP Draft Text Amendments Clean Version For9-25-24.pdf](#)

This item was presented and discussed.

8. Adjournment

Carpenter moved, seconded by Fenton, that the meeting be adjourned at 3:52 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Mayor Woodford, Uitenbroek, Neuberger, Fenton and Carpenter

Excused: 2 - Palm and Robins

NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

NOTICE IS HEREBY GIVEN pursuant to Section 23-65(b)(1) and Section 23-65(c)(3) of the City of Appleton Municipal Code of an Informal Public Hearing to be held before the City Plan Commission in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, October 9, 2024, at 3:30 P.M., or as soon thereafter as can be heard, for the purpose of the following proposed text amendments to Chapters 9, 16, 19, and 23 of the Municipal Code:

The City of Appleton is considering amending Sec. 9-262 Conduct of business generally, Sec. 16-37 Official map, Sec. 19-91 Parking in front and side yard in residential district; parking on terraces, Sec. 19-92 Recreational and commercial vehicle parking and storage in residential district, Sec. 23-22 Words and terms defined, Sec. 23-32 Application of this chapter, Sec. 23-35 Transition rules, Sec. 23-43 Accessory uses, buildings and structures, Sec. 23-65 Zoning amendments, Sec. 23-66 Special use permits and special regulations, Sec. 23-91 AG agricultural 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. 23-151 PD planned development overlay district, and Sec. 23-152 TND traditional neighborhood development overlay district of Chapter 9 Licenses, Permits and Business Regulations, Chapter 16 Streets, Sidewalks and Other Public Places, Chapter 19 Traffic and Vehicles, and Chapter 23 Zoning Ordinance of the Municipal Code.

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

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. You may also address the Plan Commission by letter at the address below. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding the proposed text amendments to the above-referenced chapters of the Appleton Municipal Code should be directed to the Community Development Department at 920-832-6468.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

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

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

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CITY OF APPLETON

MEMORANDUM

Date: October 9, 2024
To: City Plan Commission
From: Don Harp, Principal Planner
Subject: Informal Public Hearing Proposed Draft Municipal Code Text Amendments-

Chapter 19 Traffic and Vehicles: Sec. 19-91. Parking in front and side yard in residential districts and Sec. 19-92. Recreational and commercial vehicle parking and storage in residential district; and

Chapter 23 Zoning: Sec. 23-22 Words and Terms Defined and Sec. 23-43 Accessory Uses, Buildings and Structures.

GENERAL INFORMATION

At the September 25, 2024, 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.

The Community Development Department Planning and Inspections staff collaborated with the City Attorney's Office and Department of Public Works, Engineering Division on the following proposed draft Chapter 19 Traffic and Vehicle and Chapter 23 Zoning text amendments.

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight/analysis regarding that specific amendment/change.

PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

1. Periodic revisions to the Municipal Code are essential to maintain consistency with the Wisconsin State Statutes, Section 62.23(7) Zoning (State Zoning Enabling Act). It's been determined the private property regulations for residential driveways, driveway extensions and vehicle parking listed in Section 19-91 and Section 19-92 of Municipal Code be

relocated to Chapter 23 Zoning to promote consistent administration under the unified zoning ordinance processes and procedures. **(Sections A. thru D.)**

2. Proposed text language does not create more restrictive standards.
3. Amend and create definition terms to promote consistent administration of Chapter 23 Zoning. **(Section C.)**
4. Eliminate duplication of regulations between Chapter 19 Traffic and Vehicles and Chapter 23 Zoning in the Municipal Code and departmental interpretation policies. **(Section B.)**
5. Continue to improve usability and organization of the land use regulations listed in Chapter 23 Zoning. **(Section C. and D.)**

PROPOSED DRAFT TEXT AMENDMENTS

SECTION A:

Chapter 19 Traffic and Vehicles: Sec. 19-91. ~~Parking in front and side yard in residential district~~; Parking on terraces.

Comment: Delete and relocate Sec. 19-91 regulations identified by strikethrough to Section 23-22 and 23-43, Chapter 23 Zoning.

~~—(a) Purpose. The purpose of this section is to clearly define acceptable areas for parking vehicles within the front yard or side yard, as defined in Chapter 23, of private properties in order to address off-street parking issues and maintain the acceptable appearance of City neighborhoods.~~

~~—(b) Residential driveway. Residential driveway means that area leading directly from the street to a garage, carport, or rear yard parking area.~~

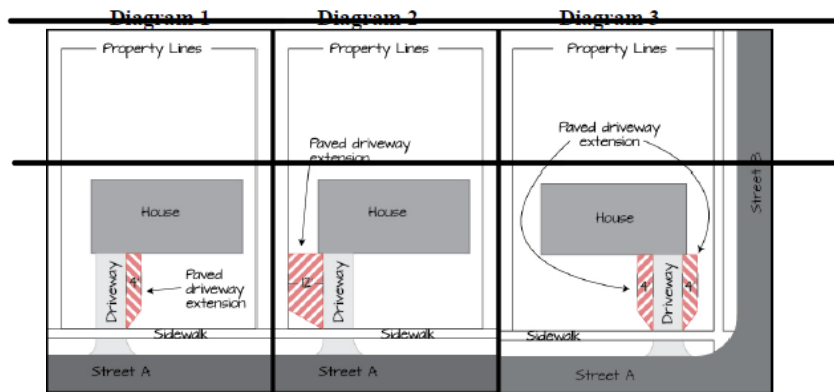
~~—(c) Front yard. No person shall park or store any motor vehicle, or recreational vehicle of 26 feet or less, i.e., a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and boats, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the front yard of any residential district except upon a residential driveway and shall be subject to temporary recreational vehicle parking restrictions set forth in §19-92. No recreational vehicle or boat greater than 26 feet in length may be parked or stored in the front yard of any residential district. Any vehicle parked in the front yard, shall be parked within the driveway area in such a manner as to maintain all wheels on the driveway surface, and shall neither obstruct the sidewalk nor extend onto the driveway apron. Carriage style driveways with a minimum of 2-foot wide strips paved with concrete, asphalt or brick and maintained grass medians in accordance with Sec. 12-59(c)(3) are permitted.
(Ord 84-15, §1, 10-27-15)~~

~~—(d) Side yard. No person shall park or store any motor vehicle, “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the side yard of any residential district unless it is parked on a hard surface and subject to the requirements of this section, including the requirement for a permit for the installation of said hard surface.~~

— (e) *Permits.* The Inspections Supervisor shall issue a driveway extension permit or a side yard parking pad permit upon the filing of a proper application, which shall be on a form furnished by the Director and shall describe the nature of the work, material to be used, measurements, plans and/or specifications of the proposed extension as well as such other information as may be required for inspection. Permits shall be issued prior to the start of the work. Fees for this permit shall be kept on file with the City Clerk.

— (f) Extensions to the driveway surface, beyond the area previously described in section (d), are permissible provided all of the following apply:

- (1) The property owner has obtained appropriate driveway extension permit; and,
- (2) Both the extension and driveway are paved as provided in sec. (d) above; and,
- (3) The extension is no greater than twelve (12) feet wide on the side nearest the side lot line (See Diagram 2) and no greater than four (4) feet wide in front yard closest to the dwelling (see Diagram 1). Extensions to driveways on corner lots may extend no more than four (4) feet on both sides of the driveway (See Diagram 3); and,



- (4) The paved area is no longer than the length of the driveway, extending from the edge of the City's right-of-way to a carport, rear yard parking area or garage. For the purpose of creating a parking pad, the paved area may extend along the side of the principal structure on the property and may extend to the rear plane of said structure; and,
- (5) Driveway extensions shall be flared at an angle from the sidewalk per Diagrams 1, 2, and 3 above;
- (6) This section shall not apply toward paved circular driveways.
- (7) The paved area shall meet any other requirements of the Municipal Code including, but not limited to, zoning requirements and the Driveway Installation Policy.

— (g) Appeals to the requirements of this section shall be filed with the Inspections Supervisor and heard by the Municipal Services Committee. In hearing and deciding appeals, the Committee shall have the power to grant relief from the terms of this section only where there are unusual and practical difficulties or undue hardships due to an irregular shape of the lot, topographical, or other conditions present, as contrasted with merely granting an advantage or convenience. Decisions of the Committee shall be consistent with the purpose and intent of this section.

~~—(h) Relief granted by the Municipal Services Committee, pursuant to (g) above, shall run with the land.
(Ord 85-15, §1, 10-27-15)~~

~~(†) (a) **Penalty. parking on terraces.**~~

- ~~(1) *First offense parking forfeiture.* Any person to whom a ticket has been issued for a violation of this section shall incur a forfeiture of forty-five dollars (\$45.00), which may be satisfied by paying twenty dollars (\$20.00) within fifteen (15) days of the date of the ticket. The procedures in Sec. 19-90(i), (k), and (l) apply to first offenses of this section.~~
- ~~(2) *Second and subsequent violations of this section.* Any person who violates any provision of this section more than one time in a twelve (12) month period shall be subject to a penalty as provided in Sec. 1-16 of the Municipal Code.~~

SECTION B:

Comment: Delete Section 19-92. Eliminates duplication of regulations already listed in Section 23-43, Chapter 23 Zoning.

Chapter 19 Traffic and Vehicles: Sec. 19-92. ~~Recreational and commercial vehicle parking and storage in residential district.~~

~~—(a) *Definitions.* For the purposes of this section, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.~~

~~—*Recreational vehicle* means a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats. It also includes trailers and boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties.~~

~~—(b) When associated with residential dwellings:~~

~~—(1) The outdoor storage of a commercial vehicle or commercial trailer shall be restricted to a vehicle or trailer owned or leased by the occupant(s) of the lot upon which the vehicles are stored.~~

~~—(2) The enclosed parking or storage of not more than one (1) commercial or service vehicle rated at Class A—D may be permitted within an attached garage, attached carport, detached garage, and/or detached carport, provided that such vehicle is used by the occupant(s) of the lot upon which the vehicle is parked or stored.~~

~~—(3) The outdoor parking or storage of not more than one (1) commercial or service vehicle rated at Class A—D or school bus, may be permitted, provided that such vehicle is parked or stored in the side yard and/or rear yard only and used by the occupant(s) of the lot upon which the vehicle is parked or stored.~~

~~—(4) *Recreational vehicle storage.* The outdoor storage of not more than one (1) recreational vehicle in areas other than those addressed in §19-91 may be permitted provided:~~

- ~~a. Such recreational vehicle is owned or leased by the occupant(s) of the lot upon which the recreational vehicle is stored.~~
- ~~b. Such recreational vehicle shall not be used for business, living, sleeping, or housekeeping purposes.~~
- ~~c. Such recreational vehicle shall not be permanently connected to sewer lines, water lines, or electricity.~~
- ~~d. Such recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential to the immediate use in that vehicle or trailer.~~

~~(c) *Recreational vehicle parking in front yard.* Unoccupied recreational vehicles of 26 feet in length or less as defined in §19-92 may be parked in a front yard driveway.~~

SECTION C:

Chapter 23 Zoning: Sec. 23-22 Definitions.

Building depth means the horizontal distance between the front wall and the rear wall of a building.

Comments: The proposed language is intended to compliment the state statute definition for residential dwelling per §66.1014.

Dwelling, Residential means a building, structure or part of a building or structure, containing living, sleeping, housekeeping accommodations, and sanitary facilities that is used or intended to be used as a home, residence, or sleeping place by one (1) or more families maintaining a common household. ~~for occupancy by one (1) or more families.~~

Driveway means an area on private property providing access for vehicles to a public right-of-way.

- (a) **Residential driveway** means a driveway leading directly from the street to a garage, carport, side yard or rear yard parking area which provides vehicle access to a parking area located on a lot serving single-family detached, two-family dwellings and zero lot line dwellings, including driveway extensions.
- (b) **Commercial driveway** means a driveway providing vehicle access to property used for purposes other than single-family detached, two-family dwellings and zero lot line dwellings.
- (c) **Driveway apron** means that portion of any driveway between the traveled portion of the street and the property line.

Parking lot means a use involving an open, hard surfaced area used exclusively for the temporary storage of motor vehicles.

Parking means an area that provides the required parking for a use in accordance with Chapter 23 Zoning of the City of Appleton Municipal Code. The following definitions relating to parking are also provided:

- (a) **Bicycle parking space** means an area designated and equipped for the purpose of parking and securing a bicycle.
- (b) **Parking** means the act or practice of temporarily leaving any vehicle or maneuvering any vehicle into a certain location or outdoors on a residential driveway, including a parking pad.
- (c) **Parking aisle** means that area adjacent to an off-street parking space which permits maneuvering of the ~~meter~~ vehicles entering and leaving an off-street parking space and having access to a driveway, street, alley or private street.
- (d) **Parking pad** means a hard surfaced area upon a property which is not connected to a driveway and located in a side and/or rear yard which is intended for parking vehicles and recreational vehicles.
- (e) **Parking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) for one (1) ~~meter~~ vehicle with room to open doors on both sides of the vehicle that is directly accessible to an access aisle if located in a parking lot or otherwise accessible to a driveway, residential driveway, street or alley.
- (f) **Stacking space** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) designated as an area for temporary queuing of ~~meter~~ vehicles.
- (g) **Stacked parking means** a hard surfaced area (e.g., asphalt, concrete or brick pavers) for the parking of more than one (1) vehicle in a parallel line, one behind the other on a residential driveway.
- (h) **Side and Rear yard parking area** means an outdoor off-street parking area designed for vehicle parking and maneuvering which is located in the side and rear yard only.
- (i) **Off-street parking space** means a hard surfaced area for one (1) ~~meter~~ vehicle with room to open doors on both sides of the ~~meter~~ vehicle that is directly accessible to a parking aisle if located in an off-street parking lot or area and having access to a driveway, street, alley or private street.
- (j) **Off-street parking lot or area** means a structure and use involving an open, hard surfaced area which contains off-street parking spaces, parking aisles and driveways for the maneuvering and parking of ~~meter~~ vehicles which is not located in a street or alley right-of-way. Also means parking lot.

Comments: The definition term "public right-of way was copied from Municipal Code Section 12-76.

Comments: The proposed language is intended to clarify terraces and driveway aprons are defined as public right-of-way.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity. This definition also includes, terraces and driveway aprons.

Comments: The definition for recreational vehicle was relocated from Section 19-92(a) with State Statute reference.

Recreational vehicle means ~~a structure or vehicle designed to be towed, hauled or driven and used for temporary living or sleeping purposes and equipped with wheels to facilitate movement from place to place including, but not limited to: campers, motorized homes and travel trailers.~~ means a “camping trailer”, “fifth-wheel trailer”, “motor home” or “recreational vehicle” as those terms are defined by §340.01, Stats. It also includes trailers and boats, pick-up camper tops, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties.

Comments: The proposed language clarifies the term “motor vehicle” elsewhere in the zoning code is defined as a “vehicle”.

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

SECTION D:

Chapter 23 Zoning: Sec. 23-43. Accessory uses, buildings and structures.

Section 23-43 (c) (10) Residential driveways, commercial driveways, driveway extensions and parking pads.

Section 23-43 (e) **Use and Location Restrictions for Vehicles.** All accessory uses, buildings and/or structures shall abide by the following use and location restrictions:

- (1) **Purpose.** The purpose of this subsection is to maintain the acceptable appearance of City neighborhoods by identifying acceptable locations for parking any vehicle and to provide access for vehicles from the public right-of-way or a private street into private property.

Comments: Municipal Code Section 12-30 classifies a wide variety of public nuisances that affect peace and safety in Appleton. Code enforcement staff is focused on dealing with complaints pertaining to unlicensed or inoperable vehicles parked outside of a building on a lot, not based on who owns or leases the vehicle. Also, this subsection implies a visitor cannot park their vehicles inside a garage or carport of friend or family member who resides in Appleton. Therefore, this provision is recommended to be deleted. Finally, remove Class D vehicle, these vehicles are classified as automobiles; light trucks and mopeds, are not considered a commercial or service vehicle.



(1)(2) When associated with Residential Dwellings-

- a. ~~The enclosed parking or storage of any motor vehicle within an attached garage, attached carport, detached garage, and/or detached carport shall be restricted to vehicles owned or leased by the occupant(s) of the lot upon which the vehicles are parked or stored.~~
- b. a. **Enclosed parking of commercial or service vehicles.** A maximum of ~~The enclosed parking or storage of not more than one (1) commercial or service vehicle rated at Class A, B and C, not including semitrailers -D~~ may be parked permitted ~~within an attached garage, attached carport, detached garage, and/or detached carport. , provided that such vehicle is used by the occupant(s) of the lot upon which the vehicle is parked or stored.~~

Comments: Municipal Code Section 12-30 classifies a wide variety of public nuisances that affect peace and safety in Appleton. Code enforcement staff is focused on dealing with complaints pertaining to unlicensed or inoperable vehicles parked outside of a building on a lot, not based on who owns or leases the vehicle. Therefore, this provision is recommended to be deleted. Finally, remove Class D vehicle, these vehicles are classified as automobiles; light trucks and mopeds, not considered a commercial or service vehicle.

- e. b. **Outdoor parking of commercial or service vehicles.** A maximum of ~~The outdoor parking or storage of not more than one (1) commercial or service vehicle rated at Class A, B, and C, not including semitrailers -D or school bus may be parked or stored outdoors on a lot. , permitted, provided that such vehicle is parked or stored in the side yard and/or rear yard only and used by the occupant(s) of the lot upon which the vehicle is parked. or stored. (Also see §19-91 of the Municipal Code)~~

Comments: The parking regulations for boats and boat trailers, greater than 26 feet have been relocated from subsection (e)(3)b.3., (e)(3)c.2. and (e)(3)d.2. In addition, the provisions listed in Section 19-92 of the Municipal Code are duplicates of the following provisions listed in ((e)(2)c.1.-3. below. Section 19-92 of the Municipal Code is being deleted.

d. ~~c. **Outdoor parking of trailers and recreational vehicles.**~~ The outdoor parking or storage or enclosed parking or storage within a fully enclosed structure of not more than one (1) trailer or recreational vehicle trailer or recreational vehicle including, but not limited to, boat and boat trailer (except for boats or boat trailers greater than twenty-six (26) feet in length), pickup camper top, camping trailer, utility trailer, camping vehicle, snowmobile and trailer, jet-ski and trailer, motor home or fishing shanty, may be permitted provided:

~~1. Such trailer or recreational vehicle is owned or leased by the occupant(s) of the lot upon which the trailer or recreational vehicle is parked or stored.~~

~~2.1. Such trailer or recreational vehicle shall not be used for business, living, sleeping or housekeeping purposes. (Also see §19-92 of the Municipal Code)~~

Comments: The front, side and rear yard requirements have been relocated to subsections (e)(3)b.3., (e)(3)c.2. and (e)(3)d.2.

~~3. The outdoor parking or storage of such trailer or recreational vehicle shall be located in the side yard and/or rear yard only. (Also see §19-91 and §19-92 of the Municipal Code)~~

~~4. 2. Such trailer or recreational vehicle shall not be permanently connected to sewer lines, water lines or electricity.~~

~~5. 3. Such trailer or recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential for immediate use in that vehicle or trailer.~~

Comments: Municipal Code Section 12-30 classifies a wide variety of public nuisances that affect peace and safety in Appleton. Code enforcement staff is focused on dealing with complaints pertaining to unlicensed or inoperable vehicles parked outside of a building on a lot, not based on who owns or leases the vehicle. Therefore, this provision is recommended to be deleted.

~~**(2)When associated with Non-Residential Dwelling.**~~

~~a. The enclosed parking or storage of any motor vehicle within an attached garage, attached carport, detached garage, and/or detached carport shall be restricted to vehicles used by the occupant(s) of the lot upon which the vehicles are parked or stored.~~

~~**(3)Location and Setback Restrictions for Outdoor Parking of Vehicles when associated with Residential Dwellings.**~~

~~*Comments: Public Right-of-Way provision relocated from Section 19-91(c).*~~

~~a. **Public Right-of-Way Encroachment Prohibited:** Parked vehicles shall not extend beyond the front lot line and encroach into the public right-of-way, including the public sidewalk, terrace and driveway apron.~~

Comments: Front yard parking provisions were relocated from Section 19-91(c). Parking any vehicle as defined above in the front yard on the grass or dirt is prohibited per current code Section 19-91(c). Vehicles shall be parked on the driveway surface.

b. Front Yard:

- 1. Within the front yard, all vehicle wheels shall be located on the residential driveway surface.
- 2. Parking pads are prohibited in the front yard.
- 3. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the front yard.

Comments: Side yard parking provisions were relocated from Section 19-91(d), except for allowing the parking of boats and boat trailers greater the 26 feet in length on a residential zoned lot. Chapter 23 Zoning is more restrictive and does not allow the parking of boats and boat trailers greater the 26 feet in length on a residential zoned lot per Resolution #55-R-02 and subsequent zoning ordinance amendment #247-02. Parking any vehicle as defined above on the grass or dirt in the side yard is prohibited per current code Section 19-91(d). Vehicles shall be parked on the driveway surface or parking pad.

c. Side Yard:

- 1. Within the side yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
- 2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the side yard.

Comments: Rear yard parking provision are not identified in the Section 19-91. The proposed language is consistent with the proposed side yard parking provisions listed above. Parking on the grass or dirt in the rear yard is not addressed in Section 19-91. The proposed language is consistent the front and side yard parking regulation which prohibits parking any vehicle on the grass or dirt in the rear yard. Vehicles shall be parked on the driveway surface or parking pad.

d. Rear Yard:

- 1. Within the rear yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
- 2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the rear yard.

(f) Residential driveway, driveway extension and parking pad regulations.

Comments: The exemption provision was relocated from Section 19-91(f)(6).

- (1) Exemptions. Circular or looped residential driveways are exempt from the provisions of this subsection but must comply with the provisions listed under Section 23-43(f)(2) and Section 23-43(f)(3)a., b., c., d. and j.

Comments: The permit application procedure was relocated from Section 19-91(e). The proposed language indicates a Street Excavation Permit (if required) must be approved by the Department of Public Works Department, Engineering Division to perform work in the public right-of-way before a Driveway Permit is issued by the Inspections Division per current Driveway Opening Policy.

(2) Permit Application Procedure.

a. Building and Street Excavation Permit Application(s).

- 1. Before construction, and expansion of a residential driveway or parking pad on private property, a completed Building Permit application and fee must be filed with the Building Inspections Supervisor or their designee; and
- 2. Before construction, repair, replacement, or removal of any sidewalk, driveway apron, carriage walk, curb and gutter, or surfacing within the public right-of-way, a completed Street Excavation Permit application and fee must be filed with the Department of Public Works, Engineering Division for review and approval.

If required, the Street Excavation Permit shall be approved by the Department of Public Works, Engineering Division prior to the issuance of a Building Permit

- 3. The above referenced applications shall describe the nature of the work, materials to be used, measurements, plans and/or specifications of the residential driveway, driveway extension or parking pad as well as such other information as may be required by the Building Inspections Supervisor, City Engineer or their designee.

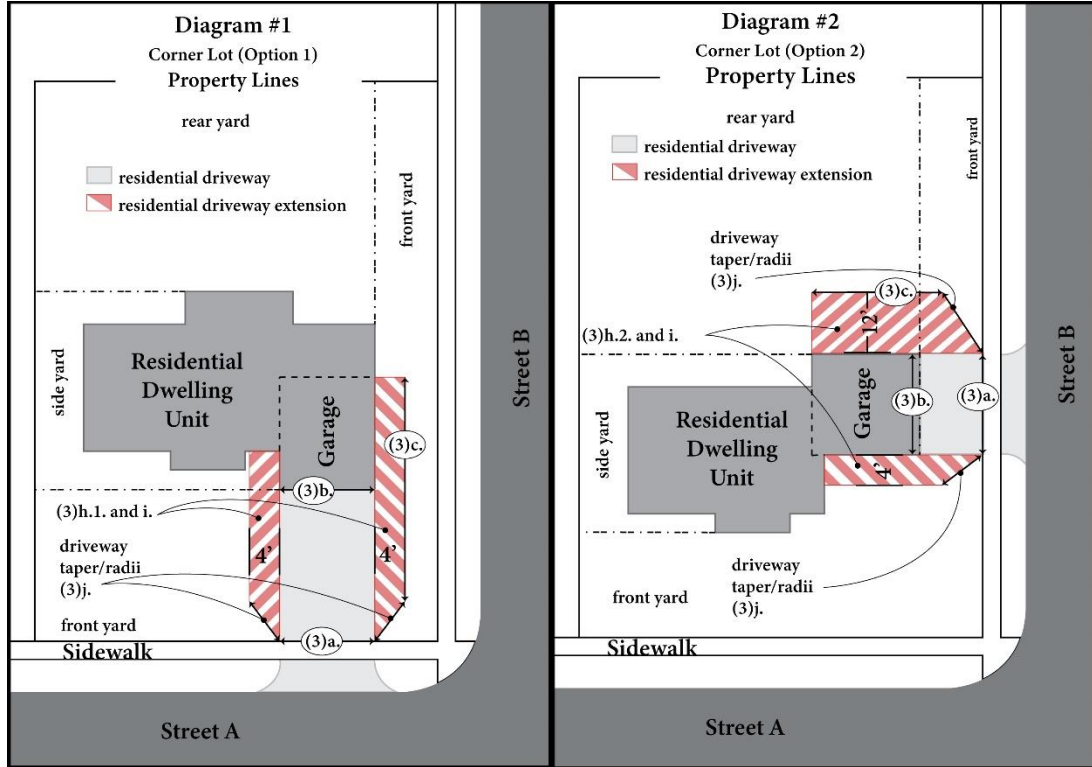
b. Building Permit Application Submittal, Acceptance and Review. After the submittal and acceptance of a complete application by the Building Inspections Supervisor or their designee, the proposed plans and specifications shall be reviewed for compliance all applicable provisions of this chapter and other City of Appleton Municipal Code provisions, and applicable policies.

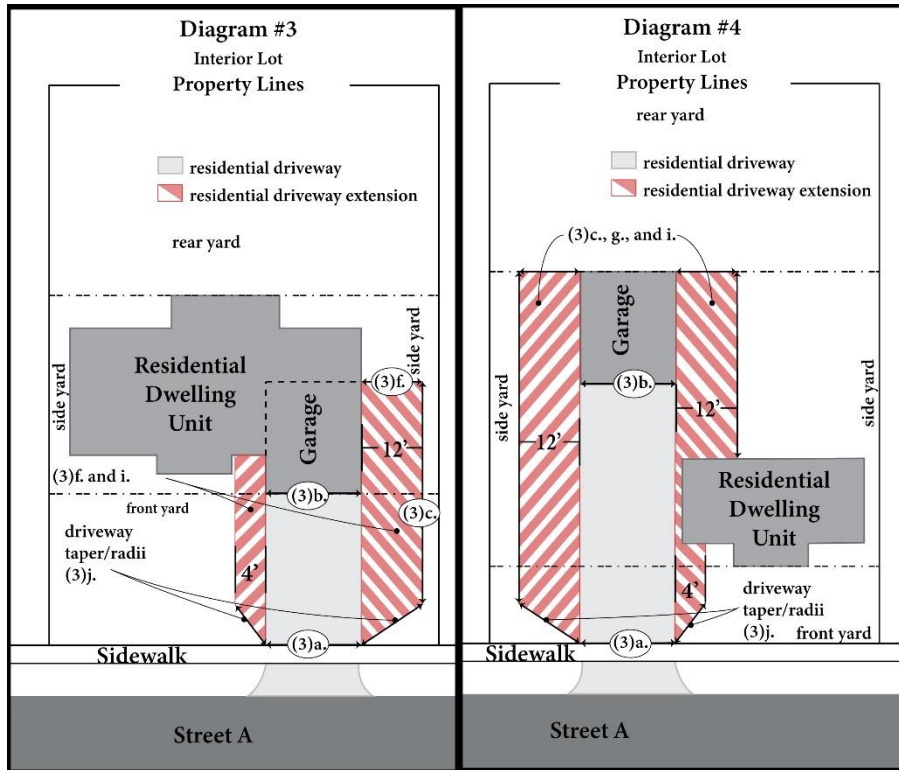
- 1. Thereafter, the Building Permit shall be approved, approved with conditions or denied with reasons why the Building Permit cannot be issued.

Comments: The processes to grant relief to Zoning Ordinance regulations or appeal the decision of the Inspections Supervisor or their designee is under the authority of the Zoning Board of Appeals.

c. Building Permit Denial and Appeal. The applicant may appeal the Building Inspections Supervisor's or their designee's decision pursuant to Section 23-67 of this Chapter.

(3) Residential driveway and driveway extension dimensions, design and location standards.





Comments: The proposed driveway maximum width requirement at the front line is the same dimension found in the Public Works Driveway Opening Policy.

- a. **Maximum residential driveway width at the front lot line.** Shall not exceed 40% of the lot width dimension where the residential driveway is located or a maximum of 40 feet wide at the front lot line, whichever is less.

Comments: The proposed driveway maximum width requirement beyond the front line was relocated from Section 19-91(b).

- b. **Maximum residential driveway width beyond the front line.** The residential driveway shall not exceed the width of a garage or carport it serves (horizontal distance measured between the exterior side walls along the front of the garage or carport).

Comments: The driveway/driveway extension length provision was relocated from Section 19-91(b) and (f)(4).

- c. **Length.** The length of a residential driveway and driveway extension on interior, corner and double frontage lots shall not extend beyond the depth of the garage or carport. When a garage or carport is not present see Section 23-43(f)3.e. below.

Comments: The driveway/driveway extension surface requirement was relocated from Section 19-91(f)(2).

- d. **Surface Materials.** Both the entire width and length of a residential driveway and driveway extension shall be improved with concrete, asphalt, brick pavers or another permeable hard surface. Gravel material is prohibited.

Comments: The Driveway Installation Policy created under the Department of Public Works, specified driveway dimensional criteria when a garage is not present on a lot. The proposed language aligns with the current off-street parking zoning requirements to promote consistent administration of the Municipal Code.

- e. **Garage not present.** If a garage is not present on the residential lot, a residential driveway shall be constructed leading directly from the street to a side yard or rear yard the purpose of complying with Section 23-172(m) required spaces for specified uses and be subject to the following requirements:

1. **Side yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection shall apply. A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the residential dwelling and no wider than 4 feet in front of the residential dwelling. The length of the residential driveway and driveway extension shall not extend beyond the depth of the residential dwelling, unless constructing a rear yard parking area in accordance with the following requirements:
2. **Rear yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection and Section 23-50(d)(4) [double frontage lot exception] shall apply.

Comments: The driveway extension width requirement was relocated from Section 19-91(f)(3) and clarified.

- f. **Driveway extension. Maximum width (attached garage or carport) on interior and double frontage lots.** A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.

Comments: The driveway extension width requirement was relocated from Section 19-91(f)(3) and clarified.

- g. **Driveway extension. Maximum width (detached garage or carport) on interior, corner and double frontage lots.** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the detached garage or carport and no wider than 4 feet in front of the residential dwelling.

Comments: The driveway extension width requirement was relocated from Section 19-91(f)(3) and clarified.

h. Driveway extension. Maximum width (attached garage or carport) on corner lots.

1. **Option 1:** A driveway extension no wider than 4 feet on both sides of the driveway may be constructed into the front yard; or
2. **Option 2:** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.
3. Shall not be permitted to have both Options 1 and 2.

Comments: The proposed language is recommended for clarification purposes to promote consistent administration of the Municipal Code.

- i. **Location.** A driveway extension shall be located contiguous and parallel to the residential driveway.

Comments: The language for tapers and radii's associated with a driveways were relocated from Section 19-91(f)(5). The purpose of the taper/radii is to discourage vehicular trespass over the sidewalk, terrace and curb and gutter.

- i. **Taper/radii.** Where the width of the driveway or driveway extension exceeds the existing width the residential driveway at the front lot line or maximum width requirement for a residential driveway at the front lot line, the driveway or driveway extension shall be tapered at an angle or have a curved radii from the front lot line.

Comments: Parking pads may be constructed as an alternative to a driveway extension. Parking pads should adhere to the typical 3-foot minimum setback requirement established for accessory uses/structures from a side and rear lot line to avoid parking pads being constructed over the lot line and minimize surface water drainage onto adjacent property. The proposed provisions are recommended to promote consistent administration of the Municipal Code.

(4) Parking pad location and design standards.

- a. **Location.** Parking pads may be permitted in the side and rear yard. Parking pads and are prohibited in the front yard.
- b. **Materials.** The parking pad shall be improved with concrete, asphalt, brick pavers, another permeable hard surface. Gravel material is prohibited.

- c. Parking pads shall not be connected or extended to the public right-of-way by a separate driveway opening.

(f) (g) **Setback, height and lot coverage restrictions.** Accessory buildings and/or structures, shall meet the following setback, height and lot coverage requirements:

(1) *Residential districts:*

- a. When not attached to the principal building, accessory buildings and/or structures, except for parking lots and driveways shall maintain a five (5) foot separation from a principal building or any other accessory building and/or structure on the same lot.

RECOMMENDATION

Based upon the above **analysis and pending public comments**, staff recommends 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. 19-91 Parking in front and side yard in residential district; parking on terraces, Sec. 19-92 Recreational and commercial vehicle parking and storage in residential district, Sec. 23-22 Words and terms defined and Sec. 23-43 Accessory uses, buildings and structures

Draft Text Amendment Version without Strikeouts

Chapter 23 Zoning: Sec. 23-43. Accessory uses, buildings and structures.

Section 23-43 (c) (10) Residential driveways, commercial driveways, driveway extensions and parking pads.

Sec 23-43 (e) *Use and Location Restrictions for Vehicles.*

(1) **Purpose.** The purpose of this subsection is to maintain the acceptable appearance of City neighborhoods by identifying acceptable locations for parking any vehicle and to provide access for vehicles from the public right-of-way or a private street into private property.

(2) *When associated with Residential Dwellings.*

- a. **Enclosed parking of commercial vehicles.** A maximum of one (1) commercial or service vehicle rated at Class A, B and C, not including semitrailers may be parked within an attached garage, attached carport, detached garage, and/or detached carport.
- b. **Outdoor parking of commercial or service vehicles.** A maximum of one (1) commercial or service vehicle rated at Class A, B and C not including semitrailers may be parked outdoors on a lot.
- c. **Outdoor parking of trailers and recreational vehicles.** The outdoor parking of not more than one (1) trailer or recreational vehicle may be permitted provided:
 1. Such trailer or recreational vehicle shall not be used for business, living, sleeping or housekeeping purposes.
 2. Such trailer or recreational vehicle shall not be permanently connected to sewer lines, water lines or electricity.
 3. Such trailer or recreational vehicle shall not be used for the storage of goods, materials or equipment not normally a part of or essential for immediate use in that vehicle or trailer.

(3) *Location and Setback Restrictions for Outdoor Parking of Vehicles when associated with Residential Dwellings.*

- a. **Public Right-of-Way Encroachment Prohibited:** Parked vehicles shall not extend beyond the front lot line and encroach into the public right-of-way, including the public sidewalk, terrace and driveway apron.
- b. **Front Yard:**
 1. Within the front yard, all vehicle wheels shall be located on the residential driveway surface.
 2. Parking pads are prohibited in the front yard.

3. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the front yard.

c. ***Side Yard:***

1. Within the side yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the side yard.

d. ***Rear Yard:***

1. Within the rear yard, all vehicle wheels shall be located on the residential driveway surface and/or parking pad.
2. Outdoor parking of boats or boat trailers greater than twenty-six (26) feet are prohibited in the rear yard.

(f) ***Residential driveway, driveway extension and parking pad regulations.***

- (1) ***Exemptions.*** Circular or looped residential driveways are exempt from the provisions of this subsection but must comply with the provisions listed under Section 23-43(f)(2) and Section 23-43(f)(3)a., b., c., d. and j.

- (2) ***Permit Application Procedure.***

- a. ***Building and Street Excavation Permit Application(s).***

1. Before construction, and expansion of a residential driveway or parking pad on private property, a completed Building Permit application and fee must be filed with the Building Inspections Supervisor or their designee; and
2. Before construction, repair, replacement, or removal of any sidewalk, driveway apron, carriage walk, curb and gutter, or surfacing within the public right-of-way, a completed Street Excavation Permit application and fee must be filed with the Department of Public Works, Engineering Division for review and approval.

If required, the Street Excavation Permit shall be approved by the Department of Public Works, Engineering Division prior to the issuance of a Building Permit

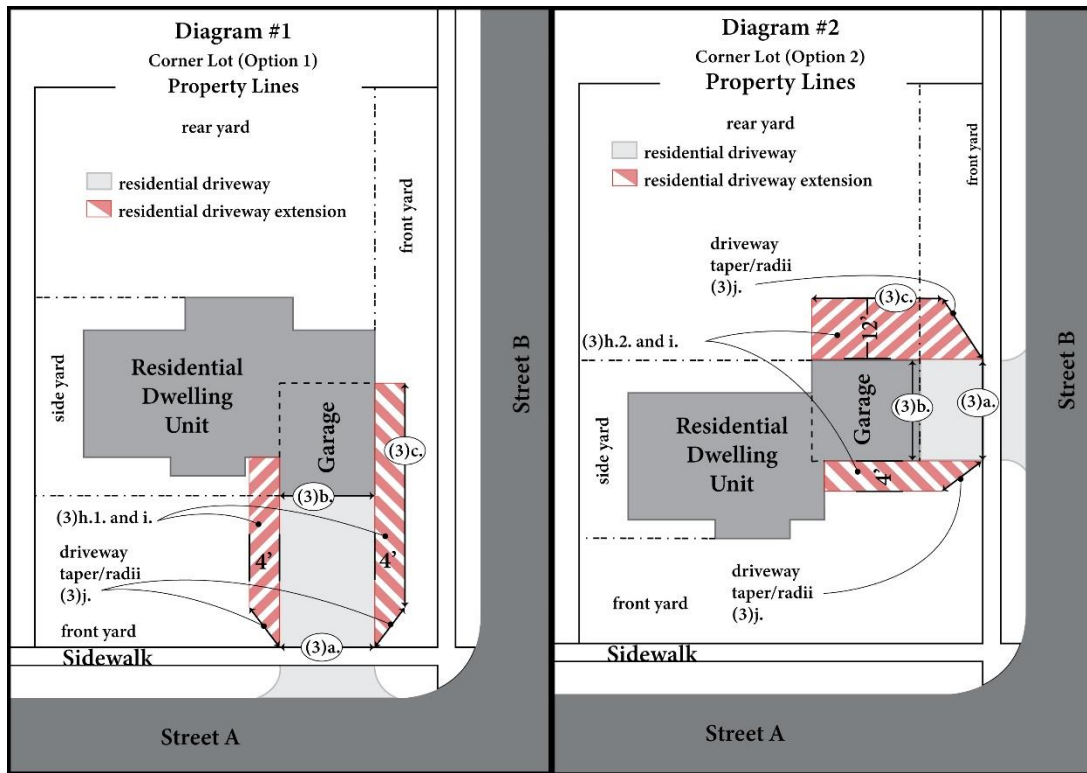
3. The above referenced applications shall describe the nature of the work, materials to be used, measurements, plans and/or specifications of the residential driveway, driveway extension or parking pad as well as such other information as may be required by the Building Inspections Supervisor, City Engineer or their designee.

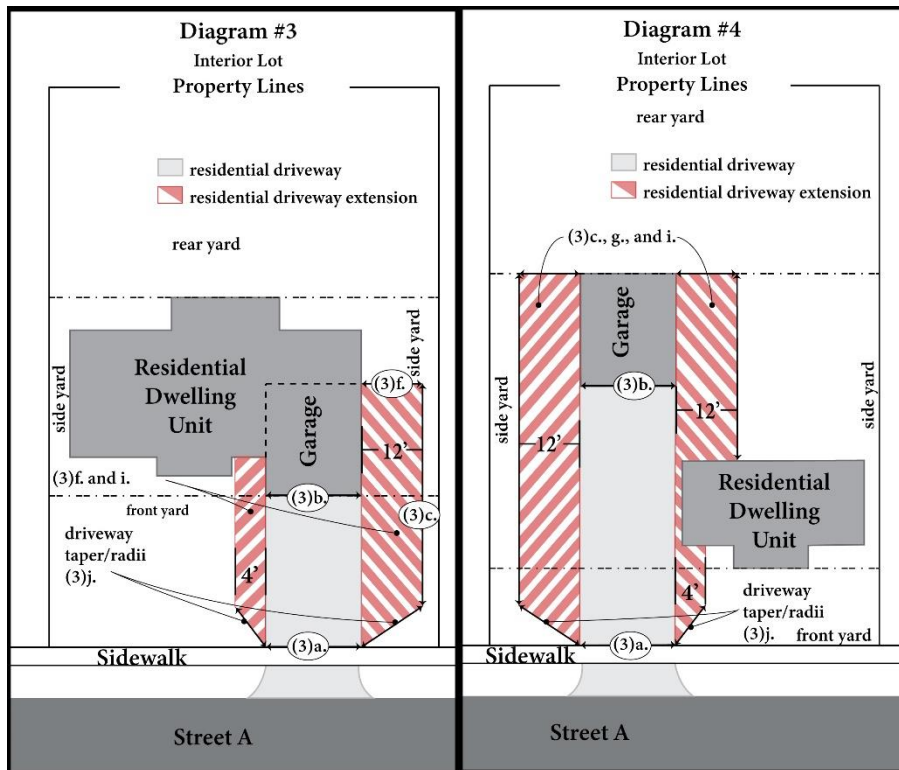
b. **Building Permit Application Submittal, Acceptance and Review.** After the submittal and acceptance of a complete application by the Building Inspections Supervisor or their designee, the proposed plans and specifications shall be reviewed for compliance all applicable provisions of this chapter and other City of Appleton Municipal Code provisions, and applicable policies.

1. Thereafter, the Building Permit shall be approved, approved with conditions or denied with reasons why the Building Permit cannot be issued.

c. **Building Permit Denial and Appeal.** The applicant may appeal the Building Inspections Supervisor’s or their designee’s decision pursuant to Section 23-67 of this Chapter.

(3) **Residential driveway and driveway extension dimensions, design and location standards.**





- a. **Maximum residential driveway width at the front lot line.** Shall not exceed 40% of the lot width dimension where the residential driveway is located or a maximum of 40 feet wide at the front lot line, whichever is less.
- b. **Maximum residential driveway width beyond the front line.** The residential driveway shall not exceed the width of a garage or carport it serves (horizontal distance measured between the exterior side walls along the front of the garage or carport).
- c. **Length.** The length of a residential driveway and driveway extension on interior, corner and double frontage lots shall not extend beyond the depth of the garage or carport. When a garage or carport is not present see Section 23-43(f)3.e. below.
- d. **Surface Materials.** Both the entire width and length of a residential driveway and driveway extension shall be improved with concrete, asphalt, brick pavers or another permeable hard surface. Gravel material is prohibited.
- e. **Garage not present.** If a garage is not present on the residential lot, a residential driveway shall be constructed leading directly from the street to a side yard or rear yard the purpose of complying with Section 23-172(m) required spaces for specified uses and be subject to the following requirements:
 1. **Side yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection shall apply. A driveway extension no

wider than 12 feet may be constructed into the side yard adjacent to the side of the residential dwelling and no wider than 4 feet in front of the residential dwelling. The length of the residential driveway and driveway extension shall not extend beyond the depth of the residential dwelling, unless constructing a rear yard parking area in accordance with the following requirements:

2. **Rear yard parking area.** The minimum requirements of Section 23-43(f)(3)a., d., i. and j. of this subsection and Section 23-50(d)(4) [double frontage lot exception] shall apply.
- f. ***Driveway extension. Maximum width (attached garage or carport) on interior and double frontage lots.*** A driveway extension no wider than 12 feet may be constructed into the side yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.
 - g. ***Driveway extension. Maximum width (detached garage or carport) on interior, corner and double frontage lots.*** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the detached garage or carport and no wider than 4 feet in front of the residential dwelling.
 - h. ***Driveway extension. Maximum width (attached garage or carport) on corner lots.***
 1. **Option 1:** A driveway extension no wider than 4 feet on both sides of the driveway may be constructed into the front yard; or
 2. **Option 2:** A driveway extension no wider than 12 feet may be constructed into the side or rear yard adjacent to the side of the attached garage or carport and no wider than 4 feet in front of the residential dwelling.
 3. Shall not be permitted to have both Options 1 and 2.
 - i. ***Location.*** A driveway extension shall be located contiguous and parallel to the residential driveway.
 - j. ***Taper/radii.*** Where the width of the driveway or driveway extension exceeds the existing width the residential driveway at the front lot line or maximum width requirement for a residential driveway at the front lot line, the driveway or driveway extension shall be tapered at an angle or have a curved radii from the front lot line.

(4) ***Parking pad location and design standards.***

- a. ***Location.*** Parking pads may be permitted in the side and rear yard. Parking pads and are prohibited in the front yard.

- b. **Materials.** The parking pad shall be improved with concrete, asphalt, brick pavers, another permeable hard surface. Gravel material is prohibited.
- c. Parking pads shall not be connected or extended to the public right-of-way by a separate driveway opening.



CITY OF APPLETON

MEMORANDUM

Date: October 9th, 2024
To: City Plan Commission
From: Lindsey Smith, Principal Planner
Subject: Informal Public Hearing for Municipal Code Text Amendments –

Chapter 16 Streets, Sidewalks and Other Public Places: Sec. 16-37
Official Map; and

Chapter 23 Zoning: Sec. 23-32 Application of this Chapter, Sec. 23-65
Zoning amendments, Sec. 23-91 AG Agricultural district, Sec. 23-151 PD
planned development overlay district, and Sec. 23-152 TND traditional
neighborhood overlay district.

GENERAL INFORMATION

The Community Development Department Planning staff collaborated with the City Attorney's Office and Department of Public Works on the following proposed draft Chapter 16 Streets, Sidewalks, and Other Public Places and Chapter 23 Zoning text amendments.

Plan Commission Meeting Date Informal Public Hearing: October 9, 2024

Common Council Meeting Date Public Hearing: November 6, 2024

PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

1. Periodic revisions to the Municipal Code are essential to maintain consistency with the Wisconsin State Statutes, Section 62.23(7) Zoning (State Zoning Enabling Act), and Section 62.23(6) Official Map. (Section A, B)
2. Continue to improve usability and organization of the land use regulations listed in Chapter 16 Streets, Sidewalks, and other Places and Chapter 23 Zoning. (Section A, B)
3. Further implement adopted goals and policies of the Comprehensive Plan listed below. (Section C)

BACKGROUND

On March 15, 2017, the Common Council adopted a 5-year update to the City of Appleton *Comprehensive Plan 2010-2030*. The Comprehensive Plan includes several recommendations on potential changes to the City's Zoning Ordinance. Listed below are related excerpts from the *Comprehensive Plan 2010-2030*. In order to align with these recommendations, Community Development Department staff has prepared draft amendments to various sections of the Zoning Ordinance.

OBJECTIVE 9.1 Economic Development:

Implement the Appleton Economic Development Strategic Plan.

Business Retention & Expansion:

Streamline permitting process. Continue fast-track permitting. Review commercial permitting processes and streamline where appropriate to assure that permits are issued in a predictable and professional manner, and customers receive clear communication.

OBJECTIVE 10.3 Land Use:

Support future changes to zoning and other regulatory tools which are necessary to achieve the type of urban form and development reflective of smart growth principles, including support for "complete" neighborhoods (neighborhoods where residents can meet the majority of their daily needs on foot and by bicycle) throughout the City and in growth areas.

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 10.4.7 Encourage the creation of residential neighborhoods which are not characterized by large tracts of exclusively single-family residential dwellings or large, isolated clusters of duplex or multi-family buildings.

PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight/analysis regarding that specific amendment/change.

SECTION A:

Comment: The amendment codifies the required process for official map amendments.

CHAPTER 16 - STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE II. STREETS

Sec. 16-37 Official map.

(d) **Changes and amendments.** The Common Council may, ~~whenever or as often as it may deem necessary for the public interest and after a public hearing as provided in W.S.A. §62.23(6)(b),~~ change or add to the official map of the City so as to establish the exterior lines of planned new streets, highways and parkways, or to widen, narrow, extend or close existing

streets, highways and parkways per Wis. Stat. §62.23(6)(b) (2021-22), as amended from time to time.

(1) Initiation of Amendments. Proposed amendments may be initiated by: Aldermanic Resolution, Community Development Director, Public Works Director, and/or Director of Parks and Recreation.

(2) Amendment Procedure.

a. **Proposal.** Amendments that serve a general interest may be proposed by Aldermanic resolution in compliance with Council Rules or by direct initiation by the Community Development Director, Public Works Director, and/or Director of Parks and Recreation.

b. **Authority of the Plan Commission.**

1. Within sixty (60) days of receiving the proposed amendments, the Plan Commission shall transmit to the Common Council its recommendation.
2. If Plan Commission fails to make a recommendation within sixty (60) days of receipt, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council.
3. Community Development Director is responsible for analyzing the facts regarding the official map amendment and prepare a staff review and recommendation for consideration.

c. **Public hearing.**

1. The City Clerk shall establish a date, time and place to hold a public hearing before the Common Council.
2. Class 2 Notice shall be given prior to public hearing.

d. **Authority of the Common Council.**

1. Within forty-five (45) days of the Plan Commission recommendation, the Common Council shall hold public hearing.
2. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
3. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance.

Sec. 23-32. Application of this chapter.

(c) From and after the effective date of this chapter:

(2) Any existing lot, existing building or structure, and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided in §23-42 with respect to nonconforming properties or uses.

SECTION B:

Comment: The amendment appoints Plan Commission to hold the required Public Hearing in accordance with Wisconsin State Statute 62.23(7)(d)(2). 2023 Wisconsin Act 16 requires amendments to be approved by simple majority of a quorum of the members-elect, effective January 1, 2025.

Sec. 23-65. Zoning amendments.

(a) **Purpose.** ~~The amendment process provides a method for making purpose of this section is to provide regulations which govern the amendment process and requirements to review and approve or deny changes in to the zoning text and zoning map.~~

(b) **Initiation of Amendments.**

- (1) Proposed text amendments may be initiated by: ~~Common Council Aldermanic Resolution, Plan Commission, or the Director.~~ the property owner or a resident of the City.
- (2) Proposed zoning map amendments may be initiated by: ~~Common Council Aldermanic Resolution, Plan Commission,~~ the owner of, or owner's designated agent of the particular property to be rezoned.

(c) **Text amendments Procedure.**

- (1) **Proposal by Common Council or Plan Commission.** ~~Text amendments that serve a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules, of an alderperson submitted to the City Clerk to be forwarded to the Plan Commission or by direct initiation by the Plan Commission, a majority of the Plan Commission, or the Director. If Plan Commission determines an amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.~~ (2) **Application by property owner or resident.** ~~A property owner or resident wishing to amend the text of this chapter shall meet with the Community and Economic Development Director to discuss the proposed amendment. If the owner or resident wishes to pursue an amendment, they shall file an application form with the City Clerk accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Common Council by resolution, to cover costs of public notice and administrative review.~~ (3) **Informal**

(2) **Public hearing.**

- a. ~~Within thirty (30) days of filing, Zoning text amendments will be submitted to the Plan Commission per Wis. Stat. §62.23(7)(d)(2) (2021-22), as amended from time to time. The Community and Economic Development Director shall establish a date, time and place to hold an informal public hearing, before the Plan Commission.~~
- b. Class 2 Notice shall be published prior to the public hearing. In addition, at least ten (10) days before said public hearing, written notice shall be provided to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendment.
- c. The Director will be responsible for analyzing the facts regarding the zoning text amendment petition and prepare a staff review and recommendation for consideration by the Plan Commission.
- d. In the case of any text amendment relating to floodplain and shoreland zoning, the Director shall also submit the amendment and the notice of public hearing to the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA).

(3) **Action by Authority of the Plan Commission.**

- a. ~~Within forty five (45) sixty (60) days of submitting the proposed amendments following the conclusion of the informal hearing, the Plan Commission shall transmit to the Common Council its recommendation. Failure of the Plan Commission to act within forty five (45) days following the conclusion of such~~

hearing shall be deemed a recommendation for the approval of the petitioned amendment as submitted.

- b. If Plan Commission fails to make a recommendation within sixty (60) days of submitting the proposed amendment, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(c)(2),(5) **Public hearing.** Within thirty (30) days of the receipt of the Plan Commission report, or its failure to act as above provided, (unless such time shall be extended by agreement with the petitioner) the Common Council shall hold a public hearing, advertised by a Class 2 notice.

(4) Action by Authority of the Common Council.

- a. Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall either approve or deny the proposed amendment act upon the recommendation.
- b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
- c. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance pursuant to Wis. Stat. 66.10015(3).
 1. Effective January 1, 2025, the enactment of zoning text amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).
- d. In the case of any text amendment relating to floodplain and shoreland zoning, shall not become effective until also being approved by the Wisconsin DNR and FEMA.

(d) Zoning Map aAmendments Procedure.

- (1) **Proposal by Common Council or Plan Commission.** Zoning mapA amendments that serves a general public interest may be proposed by Aldermanic resolution of an alderperson in compliance with Council Rules, submitted to the City Clerk to be forwarded to the Plan Commission or by direct initiation by the Plan Commission. If the Plan Commission determines an amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees. A resolution to initiate a zoning map amendment rezoning must be accompanied by the information required on an application form provided by the City in subsection (2) that follows and shall be processed in accordance with the provisions of this section. If the Plan Commission determines a zoning map amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.

- (2) **Application procedure by property owner or property owner's designated agent.**
 - a. An property owner or property owner's designated agent wishing to amend the zoning map for rezone his their property shall meet with the Community and Economic Development Director to discuss the proposed zoning map amendment rezoning.

b. If the property owner or property owner's designated agent wishes to pursue a zoning map amendment ~~rezoning~~, they shall supply the information as required on an application form provided by the City. ~~obtain, complete and file a rezoning application form with the City Clerk accompanied by a nonrefundable fee which may be amended from time to time, as established by the Common Council by resolution, to cover costs of public notice and administrative review. The application form shall contain, at a minimum, the following information:~~

~~a.~~

~~Applicant and property owner's name, address and telephone number.~~

~~b. Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use.~~

~~c. Present zoning district and use of the property.~~

~~d. Proposed zoning district and description of proposed land use and/or structures.~~

~~e. Justification for rezoning.~~

~~f. Map of area, drawn to scale, outlining the parcel(s) requested for rezoning, identifying all adjacent streets, properties, existing zoning and present uses on all adjacent properties.~~

(3) (4) Informal Public hearing.

a. Within thirty (30) days of filing, the Zoning map amendments will be submitted to the Plan Commission per 62.23(7). ~~The Community and Economic Development Director shall establish a date, time and place to hold an informal public hearing before the Plan Commission.~~

b. Public Hearing notice shall be provided in accordance with Wis. Stat. §62.23(7)(d) (2021-22), as amended from time to time. At least ten (10) days before said public hearing, written notice shall be mailed to owners of record of all parcels within area of land extending 100 feet from boundary of subject land.

c. The Director will be responsible for analyzing the facts regarding the petition zoning map amendment and prepare a staff review and recommendation for consideration by the Plan Commission.

(4) (5) Authority of the Action by Plan Commission.

a. Within forty-five (45) sixty (60) days from the filing of the completed application following the conclusion of the informal hearing, the Plan Commission shall transmit to the Common Council its recommendation. ~~Failure of the commission to act within forty-five (45) days following the conclusion of such hearing shall be deemed a recommendation for the approval of the petitioned amendment as submitted.~~

b. If Plan Commission fails to make a recommendation within sixty (60) days from the filing of the completed application, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(d)(3).

(5) (7) Authority of the Action by Common Council.

a. Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall either approve or deny the petition unless the applicant request an extension. act upon the recommendation.

b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.

- c. The Common Council may approve or deny approval of the proposed amendment.
If Council action is to approve the change, it shall further act to formally amend the Official Zoning Map by adopting an ordinance pursuant to Wis. Stat. 66.10015(3).
1. Effective January 1, 2025, the enactment of zoning map amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).

~~—In the case where the Plan Commission, excluding the chairman, unanimously denies the change, a three-fourths (3/4) vote of the members of the Common Council is required for approval of the amendment to this chapter. In the case where the Plan Commission, excluding the chairman, unanimously denies the change, a three-fourths (3/4) vote of the members of the Common Council is required for approval of the amendment to this chapter.~~

Comment: The amendment eliminates zoning amendment standards open to varied interpretations and provides same standards for text and map zoning amendments.

(e) (3) Standards for zoning map amendments. All recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals and policies of the City and with the purpose and intent of this zoning ordinance.

- (1) a. ~~Prior to making a recommendation on a proposed zoning amendment rezoning,~~ the Plan Commission shall make a finding to determine if the following conditions exist. ~~No zoning amendment rezoning of land shall be approved prior to finding at least one (1) of the following:~~

- a. ~~1. The request for a zoning amendment is zone change is in conformance consistent with the VISION 20/20: Comprehensive Plan for the City of Appleton.~~
- b. ~~2. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different district. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.~~
- 3. ~~Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).~~
- c. ~~e. There is an error in the code zoning ordinance 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.~~

~~2. The effect of the proposed rezoning on surrounding uses. **Public hearing.** Within thirty (30) days of the receipt of the Plan Commission report, or its failure to act as above provided, (unless~~

such time shall be extended by agreement with the petitioner) the Common Council shall hold a public hearing, advertised by a Class 2 notice.

Public hearing. Within thirty (30) days of the receipt of the Plan Commission report, or its failure to act as above provided, (unless such time shall be extended by agreement with the petitioner) the Common Council shall hold a public hearing, advertised by a Class 2 notice.

Comment: The amendment provides an opportunity for an applicant to withdraw or request an extension.

(f) Time Period.

- (1) **Extension.** The time period for action may be extended by an agreement in writing between the Director and the property owner or property owner's designated agent.
- (2) **Withdrawal.** An applicant shall have the right to withdraw an application at any time by submitting a written request to the Director prior to the decision on the application for a proposed zoning map amendment by the Plan Commission or Common Council.
- (3) ~~(8)~~ **Reapplication time period.** No application for an amendment to the zoning text or map shall be considered by the Plan Commission within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is for a different zoning district or for amended property boundaries.

~~(g) (8) Concurrent planning and zoning actions. for zoning amendment, planned development (PD) overlay and special use permit:~~ Applicants may submit a single petition to amend the Official Zoning Map to change a base zoning district and designate the same map area as a PD overlay district. ~~b. Applicants may submit applications concurrently. to amend the Official Zoning Map to change a base zoning district, designate the same map area as a PD overlay district and obtain approval for special uses within the zoning PD overlay district. The procedure for considering such a request shall be the same as for a zoning map amendment. The Common Council may, at the request of the petitioner, consider the amendments and special uses as a single vote or separate votes. Any Common Council action which includes approval of a special use shall require a two-thirds (2/3) vote for approval.~~

~~to amend the Official Zoning Map to change a base zoning district, designate the same map area as a PD overlay district and obtain approval for special uses within the zoning PD overlay district. The procedure for considering such a request shall be the same as for a zoning map amendment. The Common Council may, at the request of the petitioner, consider the amendments and special uses as a single vote or separate votes. Any Common Council action which includes approval of a special use shall require a two-thirds (2/3) vote for approval.~~

Comment: The amendment eliminated the terms "temporary" and "permanent" zoning districts. The term "temporary" and "permanent" are misleading terms to the public as zoning classification can change from time to time. If the annexed land does not comply with AG Agricultural District standards, they are considered nonconforming and must comply with our nonconforming section of the zoning code.

(~~h~~e) **Zoning of annexed areas.** All territory that is annexed to the City shall be assigned zoning classifications as recommended by the Plan Commission during review of the annexation petition. The Plan Commission shall consider the criteria in §23-65(e) ~~following criteria in~~ selection of an appropriate zoning district for the annexed land.

- ~~a.~~ the existing land uses within the territory to be annexed;
- ~~b.~~ The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- ~~c.~~ The comprehensive plan of the City.

A ~~temporary~~ zoning classification of AG Agricultural Zoning District ~~classification~~ shall be assigned to newly annexed territory with no hearing required. However, if the Plan Commission recommends a ~~temporary~~ zoning classification other than AG Agricultural Zoning District, ~~t~~The ~~Common Council~~ Plan Commission shall hold a public hearing on the assigned zoning classifications in accordance with the application procedures §23-65(d), Zoning map amendments. ~~If time allows, said zoning shall be included in the annexation ordinance; otherwise a temporary zoning classification shall be assigned with permanent zoning taking place following the annexation process. If annexed territory does not comply with AG Agricultural Zoning District standards, §23-32(c)(2) defines existing uses, buildings, structures, and lots as nonconforming and must comply with §23-42. The temporary zoning classification must be made permanent in accordance with §23-65(d), Map amendments, within ninety (90) days or the zoning will revert to AG agricultural zoning. A building permit shall not be granted until there is a permanent zoning classifi~~
 The temporary zoning classification must be made permanent in accordance with §23-65(d), Map amendments, within ninety (90) days or the zoning will revert to AG agricultural zoning. A building permit shall not be granted until there is a permanent zoning classification.

SECTION C

Comment: The amendment eliminates dwelling, single family, detached and community living arrangements within the AG Agricultural District. Since the AG Agricultural District requires a minimum lot size of 10-acre, the zoning code is requiring large parcel for new single family homes within this zoning district. By eliminating these uses from the AG Agricultural District, the amendment encourages property owners to rezone to a residential district with a smaller minimum lot size requirement.

Section 23-91. AG Agricultural district.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
a. Dwelling, single family, detached	a. Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52 <ul style="list-style-type: none"> • Governmental facilities 	<ul style="list-style-type: none"> • Agriculture • Community garden • Greenhouse or greenhouse nursery. • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)

	<ul style="list-style-type: none"> • Public parks or playgrounds 	<ul style="list-style-type: none"> • Nursery, orchards or tree farm • Urban farm pursuant to §23-66(h)(17) • Winery pursuant to §23-66(h)(21)
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SECTION D

Comment: Zoning map amendments for PD and TND overlay will follow the same process as all other zoning map amendments.

Section 23-151. PD planned development overlay district.

(m) Procedure for approval of a Development Plan within the district.

(2) **Step 2.** *Application, Development Plan and Implementation Plan Document (IPD).* The Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the PD overlay district shall be submitted by the applicant to the ~~Community and Economic Development~~ Director who, after determining the application to be complete, will file the Development Plan, complete application and fee and Implementation Plan Document (IPD) for the PD overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, ~~informal~~ public hearing, and recommendation.

The required procedure for consideration and approval of the PD overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:
 1. All information listed in §23-151(n), Specific contents of Development Plans.
 2. Written application and application fee for approval of a PD district to be made on forms and in the manner prescribed by the City.
 3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the ~~Community and Economic Development~~ Director ~~on a diskette or~~ by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the PD overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
 4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.

- b. **Development Plan and Implementation Plan Document (IPD) review.** The ~~Community and Economic Development~~ Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for an ~~informal~~ public hearing.

~~c. The PD overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.~~

~~**Informal hearing.**~~

~~The Plan Commission shall hold an informal hearing on each application for approval of a PD overlay district including the Development Plan and Implementation Plan Document (IPD) in accordance with §23-65(d), Map amendments, of this chapter.~~

~~d. **Plan Commission findings.**~~

~~Following the informal hearing, the Plan Commission shall make its findings and recommendations and send a written report to the Common Council that shall include findings of fact upon which its recommendations are based. Such findings and recommendations shall include a recommendation for approval, disapproval or approval with modifications. This report to the Common Council must be submitted within thirty (30) days after the last session of the informal hearing of the Plan Commission or the Plan Commission must indicate to the Common Council, in writing, why such report cannot be rendered within that time period.~~

~~e. **Common Council action.**~~

~~The Common Council shall hold a public hearing and act upon the recommendation within forty-five (45) days after receipt of the Plan Commission's report. The Common Council may approve, approve with modifications, refer back to the Plan Commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for Common Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.~~

~~d. f. **Period of Validity.**~~

~~e. g. **Recording of Development Plan and Implementation Plan Document (IPD).**~~

Section 23-152 TND traditional neighborhood development overlay district.

(n) Procedure for approval of a Development Plan within the district.

(2) Step 2. Application, Development Plan and Implementation Plan Document (IPD).

The Development Plan, complete application and fee and Implementation Plan Document (IPD) for the TND overlay district shall be submitted by the applicant to the ~~Community and Economic Development~~ Director who, after determining the application to be complete, will file the Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the TND overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, ~~informal~~ public hearing, and recommendation.

The required procedure for consideration and approval of the TND overlay district shall be:

a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:

1. All information listed in §23-152(o), Specific contents of Development Plans.

2. Written application and application fee for approval of a TND overlay district to be made on forms and in the manner prescribed by the City.
 3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the ~~Community and Economic Development~~ Director ~~on a diskette or~~ by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the TND overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
 4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.
- b. **Development Plan and Implementation Plan Document (IPD) review.** The ~~Community and Economic Development~~ Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for an informal public hearing.
- c. The TND overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.

~~Informal hearing.~~

~~The Plan Commission shall hold an informal hearing on each application for approval of a TND overlay district including the Development Plan and Implementation Plan Document (IPD). in accordance with §23-65(d), Map amendments, of this chapter~~

d. **~~Plan Commission findings.~~**

~~Following the informal hearing, the Plan Commission shall make its findings and recommendations and send a written report to the Common Council that shall include findings of fact upon which its recommendations are based. Such findings and recommendations shall include a recommendation for approval, disapproval or approval with modifications. This report to the Common Council must be submitted within thirty (30) days after the last session of the informal hearing of the Plan Commission or the Plan Commission must indicate to the Common Council, in writing, why such report cannot be rendered within that time period.~~

e. **~~Common Council action.~~**

~~The Common Council shall hold a public hearing and act upon the recommendation within forty five (45) days after receipt of the Plan Commission's report. The Common Council may approve, approve with modifications, refer back to the Plan Commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for Common Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.~~

d. f. Period of Validity.

e. g. Recording of Development Plan and Implementation Plan Document (IPD).

RECOMMENDATION

Staff recommends, the proposed text amendments to Chapter 16 Streets, Sidewalks and Other Public Places and Chapter 23 Zoning of the Municipal Code, **BE APPROVED** for the following Chapters, Articles, and Sections:

Sec. 16-37 Official Map, Sec. 23-32 Application of this Chapter, Sec. 23-65 Zoning amendments, Sec. 23-91 AG Agricultural district, Sec. 23-151 PD planned development overlay district, and Sec. 23-152 TND traditional neighborhood overlay district.

CHAPTER 16 - STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE II. STREETS

Sec. 16-37 Official map.

(d) **Changes and amendments.** The Common Council may, change or add to the official map of the City so as to establish the exterior lines of planned new streets, highways and parkways, or to widen, narrow, extend or close existing streets, highways and parkways per Wis. Stat. §62.23(6)(b) (2021-22), as amended from time to time.

(1) Initiation of Amendments. Proposed amendments may be initiated by: Aldermanic Resolution, Community Development Director, Public Works Director, and/or Director of Parks and Recreation.

(2) Amendment Procedure.

- a. **Proposal.** Amendments that serve a general interest may be proposed by Aldermanic resolution in compliance with Council Rules or by direct initiation by the Community Development Director, Public Works Director, and/or Director of Parks and Recreation.
- b. **Authority of the Plan Commission.**
 - 1. Within sixty (60) days of receiving the proposed amendments, the Plan Commission shall transmit to the Common Council its recommendation.
 - 2. If Plan Commission fails to make a recommendation within sixty (60) days of receipt, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council.
 - 3. Community Development Director is responsible for analyzing the facts regarding the official map amendment and prepare a staff review and recommendation for consideration.
- c. **Public hearing.**
 - 1. The City Clerk shall establish a date, time and place to hold a public hearing before the Common Council.
 - 2. Class 2 Notice shall be given prior to public hearing.
- d. **Authority of the Common Council.**
 - 1. Within forty-five (45) days of the Plan Commission recommendation, the Common Council shall hold public hearing.
 - 2. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
 - 3. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance.

Sec. 23-32. Application of this chapter.

- (c) From and after the effective date of this chapter:
- (2) Any existing lot, existing building or structure, and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided in §23-42 with respect to nonconforming properties or uses.

Sec. 23-65. Zoning amendments.

(a) **Purpose.** The purpose of this section is to provide regulations which govern the amendment process and requirements to review and approve or deny changes to the zoning text and zoning map.

(b) **Initiation of Amendments.**

- (1) Proposed text amendments may be initiated by: Aldermanic Resolution, Plan Commission, or the Director.
- (2) Proposed zoning map amendments may be initiated by: Aldermanic Resolution, the owner of, or owner's designated agent of the particular property to be rezoned.

(c) **Text amendments Procedure.**

(1) **Proposal.** Text amendments that serve a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules, a majority of the Plan Commission, or the Director.

(2) **Public hearing.**

- a. Zoning text amendments will be submitted to the Plan Commission per Wis. Stat. §62.23(7)(d)(2) (2021-22), as amended from time to time. The Director shall establish a date, time and place to hold a-public hearing.
- b. Class 2 Notice shall be published prior to the public hearing. In addition, at least ten (10) days before said public hearing, written notice shall be provided to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendment.
- c. The Director will be responsible for analyzing the facts regarding the zoning text amendment and prepare a staff review and recommendation for consideration by the Plan Commission.
- d. In the case of any text amendment relating to floodplain and shoreland zoning, the Director shall also submit the amendment and the notice of public hearing to the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA).

(3) **Authority of the Plan Commission.**

- a. Within sixty (60) days of submitting the proposed amendments the Plan Commission shall transmit to the Common Council its recommendation.
- b. If Plan Commission fails to make a recommendation within sixty (60) days of submitting the proposed amendment, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(c)(2).

(4) **Authority of the Common Council.**

- a. Within forty-five (45) days of the Plan Commission recommendation the Common Council shall act upon the recommendation.
- b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
- c. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance pursuant to Wis. Stat. 66.10015(3).
 1. Effective January 1, 2025, the enactment of zoning text amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).

- d. In the case of any text amendment relating to floodplain and shoreland zoning, shall not become effective until also being approved by the Wisconsin DNR and FEMA.

(d) **Zoning Map Amendments Procedure.**

- (1) **Proposal.** Zoning map amendments that serves a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules. A resolution to initiate a zoning map amendment must be accompanied by the information required on an application form provided by the City and shall be processed in accordance with the provisions of this section. If the Plan Commission determines a zoning map amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.
- (2) **Application procedure by property owner or property owner's designated agent.**
 - a. A property owner or property owner's designated agent wishing to amend the zoning map for their property shall meet with the Director to discuss the proposed zoning map amendment.
 - b. If the property owner or property owner's designated agent wishes to pursue a zoning map amendment, they shall supply the information as required on an application form provided by the City.
- (3) **Public hearing.**
 - a. Zoning map amendments will be submitted to the Plan Commission per 62.23(7). The Director shall establish a date, time and place to hold a public hearing.
 - b. Public Hearing notice shall be provided in accordance with Wis. Stat. §62.23(7)(d) (2021-22), as amended from time to time. At least ten (10) days before said public hearing, written notice shall be mailed to owners of record of all parcels within area of land extending 100 feet from boundary of subject land.
 - c. The Director will be responsible for analyzing the facts regarding the zoning map amendment and prepare a staff review and recommendation for consideration by the Plan Commission.
- (4) **Authority of the Plan Commission.**
 - a. Within sixty (60) days from the filing of the completed application the Plan Commission shall transmit to the Common Council its recommendation.
 - b. If Plan Commission fails to make a recommendation within sixty (60) days from the filing of the completed application, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(d)(3).
- (5) **Authority of the Common Council.**
 - a. Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall act upon the recommendation.
 - b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.

- c. The Common Council may approve or deny approval of the proposed amendment. If Council action is to approve the change, it shall further act to formally amend the Official Zoning Map by adopting an ordinance pursuant to Wis. Stat. 66.10015(3).
 1. Effective January 1, 2025, the enactment of zoning map amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).

(e) Standards for zoning amendments. All recommendations for Zoning amendments shall be consistent with the adopted plans, goals and policies of the City and with the purpose and intent of this zoning ordinance.

- (1) Prior to making a recommendation on a proposed zoning amendment, the Plan Commission shall make a finding to determine if the following conditions exist. No zoning amendment shall be approved prior to finding at least one (1) of the following:
 - a. The request for a zoning amendment is consistent with the Comprehensive Plan for the City of Appleton.
 - b. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different district.
- c. There is an error in the zoning ordinance text or zoning map as enacted.

(f) Time Period.

- (1) **Extension.** The time period for action may be extended by an agreement in writing between the Director and the property owner or property owner's designated agent.
- (2) **Withdrawal.** An applicant shall have the right to withdraw an application at any time by submitting a written request to the Director prior to the decision on the application for a proposed zoning map amendment by the Plan Commission or Common Council.
- (3) **Reapplication time period.** No application for an amendment to the zoning text or map shall be considered by the Plan Commission within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is different.

(g) Concurrent planning and zoning actions. Applicants may submit applications concurrently.

(h) Zoning of annexed areas. All territory that is annexed to the City shall be assigned zoning classifications as recommended by the Plan Commission during review of the annexation petition. The Plan Commission shall consider the criteria in 23-65(e) in selection of an appropriate zoning district for the annexed land.

A zoning classification of AG Agricultural Zoning District shall be assigned to newly annexed territory with no hearing required. However, if the Plan Commission recommends a zoning classification other than AG Agricultural Zoning District, the Plan

Commission shall hold a public hearing on the assigned zoning classifications in accordance with the application procedures 23-65(d), Zoning map amendments. If annexed territory does not comply with AG Agricultural Zoning District standards, 23-32(c)(2) defines existing uses, buildings, structures, and lots as nonconforming and must comply with 23-42.

Section 23-91. AG Agricultural district.

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
	<ul style="list-style-type: none"> • Governmental facilities • Public parks or playgrounds 	<ul style="list-style-type: none"> • Agriculture • Community garden • Greenhouse or greenhouse nursery. • Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22) • Nursery, orchards or tree farm • Urban farm pursuant to §23-66(h)(17) • Winery pursuant to §23-66(h)(21)

Section 23-151. PD planned development overlay district.

(m) **Procedure for approval of a Development Plan within the district.**

(2) **Step 2.** *Application, Development Plan and Implementation Plan Document (IPD).* The Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the PD overlay district shall be submitted by the applicant to the Director who, after determining the application to be complete, will file the Development Plan, complete application and fee and Implementation Plan Document (IPD) for the PD overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, public hearing, and recommendation.

The required procedure for consideration and approval of the PD overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:
 1. All information listed in §23-151(n), Specific contents of Development Plans.
 2. Written application and application fee for approval of a PD district to be made on forms and in the manner prescribed by the City.
 3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the Director by electronic mail. The

Implementation Plan Document (IPD) functions to inform all whom deal with the PD overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.

4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.

- b. **Development Plan and Implementation Plan Document (IPD) review.** The Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for a public hearing.

c. The PD overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.

d. **Period of Validity.**

e. **Recording of Development Plan and Implementation Plan Document (IPD).**

Section 23-152 TND traditional neighborhood development overlay district.

(n) Procedure for approval of a Development Plan within the district.

(2) Step 2. Application, Development Plan and Implementation Plan Document (IPD).

The Development Plan, complete application and fee and Implementation Plan Document (IPD) for the TND overlay district shall be submitted by the applicant to the Director who, after determining the application to be complete, will file the Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the TND overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, public hearing, and recommendation.

The required procedure for consideration and approval of the TND overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:

1. All information listed in §23-152(o), Specific contents of Development Plans.
2. Written application and application fee for approval of a TND overlay district to be made on forms and in the manner prescribed by the City.
3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the Director by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the TND overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.

- b. **Development Plan and Implementation Plan Document (IPD) review.** The Director shall coordinate a review of the Development Plan and Implementation

Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for a public hearing.

- c. The TND overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.

- d. **Period of Validity.**
- e. **Recording of Development Plan and Implementation Plan Document (IPD).**



CITY OF APPLETON

MEMORANDUM

Date: October 9th, 2024
To: City Plan Commission
From: Lindsey Smith, Principal Planner
Subject: Informal Public Hearing for Proposed Municipal Code Text Amendments –

Chapter 9 Licenses, Permits and Business Regulations: Sec. 9-262
Conduct of business generally; and

Chapter 23 Zoning: Sec. 23-22 Words and terms defined, Sec. 23-35
Transition rules, Sec. 23-66 Special use permits and special regulations,
Sec. 23-112 C-1 neighborhood mixed use district, Sec. 23-113 C-2
general commercial district, and Sec. 23-114 CBD central business
district.

GENERAL INFORMATION

The Community Development Department Planning staff collaborated with the City Attorney's Office on the following proposed draft Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning text amendments.

Plan Commission Meeting Date Informal Public Hearing: October 9, 2024

Common Council Meeting Date Public Hearing: November 6, 2024

PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

1. Continue to improve usability and organization of the land use regulations listed in Chapter 9 Licenses, Permits, and Business Regulations and Chapter 23 Zoning.
 2. Further implement adopted goals and policies of the Comprehensive Plan listed below.
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BACKGROUND

On March 15, 2017, the Common Council adopted a 5-year update to the City of Appleton *Comprehensive Plan 2010-2030*. The Comprehensive Plan includes several recommendations on potential changes to the City's Zoning Ordinance. Listed below are related excerpts from the

Comprehensive Plan 2010-2030. In order to align with these recommendations, Community Development Department staff has prepared draft amendments to various sections of the Zoning Ordinance.

OBJECTIVE 9.1 Economic Development:

Implement the Appleton Economic Development Strategic Plan.

Business Retention & Expansion:

Streamline permitting process. Continue fast-track permitting. Review commercial permitting processes and streamline where appropriate to assure that permits are issued in a predictable and professional manner, and customers receive clear communication.

PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight/analysis regarding that specific amendment/change.

The proposed text amendment includes the removal of uses relating to consumption of alcohol as a special use to a permitted use in the C-1, C-2, and CBD zoning districts.

The City does not have a great deal of discretion to deny a Special Use Permit application for uses relating to consumption of alcohol in accordance with Wisconsin Act 67. Staff is proposing uses related to consumption of alcohol as a permitted use rather than by special use permit which requires newspaper and neighborhood notices and a public hearing. Businesses intending to serve alcohol on their premises must obtain an alcohol license from the City Clerk's Office. Community Development Staff participates in alcohol license review pursuant to the Alcohol Policy process, which requires License Committee and Common Council action.

Comments: The amendment eliminates terms that were specific to alcohol consumption uses. The term amusement arcade is being added into the definition of commercial entertainment.

ARTICLE II. DEFINITIONS

Sec. 23-22. Words and terms defined.

Amusement arcade means a use in which fifteen (15) or more pinball machines, video games or other similar player operated amusement devices (see §9-126) are maintained. Principal uses which require a special use permit are not considered an amusement arcade (e.g. taverns, neighborhood recreation centers).

Commercial entertainment means a use that provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, skate park, bowling alleys, pool and billiard halls, amusement arcade, concerts or music halls and similar entertainment activities.

~~**Painting/Craft Studio with alcohol sales** means a use that is primarily engaged in the business~~

~~of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.~~

~~Painting/Craft Studio without alcohol sales~~ means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that may offers customers the opportunity to purchase food, alcoholic and/or non-alcoholic beverages for consumption while they paint and/or make crafts.

~~Restaurant (with alcohol)~~ means a use involving a business establishment, ~~with a valid liquor license issued by the City,~~ with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual serving or in non-disposable containers.

~~Restaurant (without alcohol)~~ means a use involving a business establishment, ~~without a liquor license issued by the City,~~ with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual serving or in non-disposable containers.

Comments: The amendment provides clarification that existing special use permits are null and void if moved from special use to a permitted use.

ARTICLE III. GENERAL PROVISIONS

Sec. 23-35. Transition rules.

(f) Previously Approved Special Use Permits.

(1) When a special use is no longer listed in the applicable use table, aAll special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter shall remain in full force and effect under the terms and conditions of the special use permit approval. Any expansions or change of use of a previously approved special use permit may require compliance with the nonconforming building, structure, use and lot and/or special use permit provisions of this chapter.

~~(2)~~(2) When a special use becomes a permitted use in the applicable use table. All special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter, are no longer needed and become null and void. The provisions of the special use permits are no longer applicable for uses that are listed as a principal permitted use in the corresponding zoning district.

ARTICLE IV. ADMINISTRATION

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

(f) Guarantees, validity period and revocation.

(1) Expiration of special use permits.

d. A special use permit shall expire when a special use becomes a principal permitted in the applicable use table in the respective zoning district.

Comments: The amendment removes reference to special use permits in special regulations section.

(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.

(19) **Microbrewery/Brewpubs and Craft-Distilleries.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- ~~d. Tasting rooms require a Special Use Permit in the C-1, C-2 and CBD Zoning District.~~
- e. Tasting rooms are accessory uses to a Microbrewery/Brewpubs and Craft-Distilleries located in the M-1 and M-2 Zoning District ~~and requires a Special Use Permit.~~
- f. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

(20) **Brewery and Distilleries.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Brewery and Distilleries located in the M-1 and M-2 Zoning District ~~and requires a Special Use Permit.~~
- c. Retail sales of business merchandise on the brewery and distillery premises shall be an accessory use to the brewery and distillery manufacturing operations ~~or an accessory use to an use approved off-premises by Special Use Permit pursuant to Section 23-66(h)(20)b.~~
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

(21) **Winery.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Winery located in the Ag, M-2 and M-1 Zoning District ~~and requires a Special Use Permit.~~
- c. Retail sales of business merchandise on the winery premises shall be an accessory use to the winery manufacturing operations ~~or an accessory use to an use approved off-premises by Special Use Permit pursuant to Section 23-66(h)(21)b.~~

d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

Comments: The amendment include the zoning district tables that are proposing to remove bar, tavern, craft-distillery, microbrewery/brewpub, tasting rooms, winery, paint/crafting studio with alcohol sales, and restaurants with alcohol sales as a special use to a permitted use. These uses will continue to have the same special provisions that would have been applicable for the uses.

ARTICLE VI. COMMERCIAL DISTRICTS

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.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • <u>Bar or Tavern pursuant to §23-66(h)(6)</u> • <u>Craft-Distillery pursuant to §23-66(h)(19)</u> • <u>Microbrewery/Brewpub pursuant to §23-66(h)(19)</u> • <u>Painting/Craft studio without alcohol sales</u> • <u>Restaurants (without alcohol)</u> • <u>Tasting rooms pursuant to §23-66(h)(19, 20, or 21)</u> • <u>Winery pursuant to §23-66(h)(21)</u>

(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"> • Bar or Tavern pursuant to §23-66(h)(6) • Craft-Distillery pursuant to §23-66(h)(19) • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Painting/Craft studio with alcohol pursuant to §23-66(h)(6) • Restaurants with alcohol pursuant to §23-66(h)(6)

		<ul style="list-style-type: none"> • Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21) • Winery pursuant to §23-66(h)(21) • Amusement Arcade
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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:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • Bar or Tavern pursuant to §23-66(h)(6) • Craft-Distillery pursuant to §23-66(h)(19) • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Painting/Craft studio pursuant to §23-66(h)(6) without alcohol sales • Restaurants pursuant to §23-66(h)(6) (without alcohol) • Tasting rooms pursuant to §23-66(h)(19, 20, or 21) • Winery pursuant to §23-66(h)(21)

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • Bar or Tavern pursuant to §23-66(h)(6) • Craft-Distillery pursuant to §23-66(h)(19) • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Painting/Craft studio with alcohol pursuant to §23-66(h)(6) • Restaurants with alcohol pursuant to §23-66(h)(6)

		<ul style="list-style-type: none"> • Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21) • Winery pursuant to §23-66(h)(21) • Amusement Arcade
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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"> • <u>Bar or Tavern pursuant to §23-66(h)(6)</u> • <u>Craft-Distillery pursuant to §23-66(h)(19)</u> • <u>Microbrewery/Brewpub pursuant to §23-66(h)(19)</u> • <u>Painting/Craft studio pursuant to §23-66(h)(6) without alcohol sales</u> • <u>Restaurants pursuant to §23-66(h)(6) (without alcohol)</u> • <u>Tasting rooms pursuant to §23-66(h)(19, 20, or 21)</u> • <u>Winery pursuant to §23-66(h)(21)</u>

(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"> • Bar or Tavern pursuant to §23-66(h)(6) • Craft-Distillery pursuant to §23-66(h)(19) • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Painting/Craft studio with alcohol pursuant to §23-66(h)(6) • Restaurants with alcohol pursuant to §23-66(h)(6) • Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21)

		<ul style="list-style-type: none"> • Winery pursuant to §23-66(h)(21) • Amusement Arcade
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CHAPTER 9 – LICENSES, PERMITS AND BUSINESS REGULATIONS

ARTICLE VI. FOOD AND FOOD SERVICE ESTABLISHMENTS

DIVISION 4. SIDEWALK CAFES

9-262. Conduct of business generally.

(b) If a permit holder is going to serve alcoholic beverages within the parameters of the sidewalk café, the permit holder shall also be subject to the following:

(1) The permit holder must hold a Class B license.

(2) The description for the premise on the Class B license must include the parameters of the sidewalk café.

~~(3) The permit holder must obtain a Special Use Permit.~~

~~(34)~~ The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.

~~(45)~~ A licensed operator working for the permit holder must serve the alcoholic beverages in the sidewalk café.

~~(56)~~ Customers are not allowed to carry alcoholic beverages outside the sidewalk café.

RECOMMENDATION

Staff recommends, the proposed text amendments to Chapter 9 Licenses, Permits and Business Regulations and Chapter 23 Zoning of the Municipal Code, **BE APPROVED** for the following Chapters, Articles, and Sections:

Sec. 9-262 Conduct of business generally, Sec. 23-22 Words and terms defined, Sec. 23-35 Transition rules, Sec. 23-66 Special use permits and special regulations, Sec. 23-112 C-1 neighborhood mixed use district, Sec. 23-113 C-2 general commercial district, and Sec. 23-114 CBD central business district.

ARTICLE II. DEFINITIONS

Sec. 23-22. Words and terms defined.

Commercial entertainment means a use that provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, skate park, bowling alleys, pool and billiard halls, amusement arcade, concerts or music halls and similar entertainment activities.

Painting/Craft Studio means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that may offer customers the opportunity to purchase food, alcoholic and/or non-alcoholic beverages for consumption while they paint and/or make crafts.

Restaurant means a use involving a business establishment, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state.

ARTICLE III. GENERAL PROVISIONS

Sec. 23-35. Transition rules.

(f) Previously Approved Special Use Permits.

- (1) When a special use is no longer listed in the applicable use table, all special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter shall remain in full force and effect under the terms and conditions of the special use permit approval. Any expansions or change of use of a previously approved special use permit may require compliance with the nonconforming building, structure, use and lot and/or special use permit provisions of this chapter.
- (2) When a special use becomes a permitted use in the applicable use table. All special use permits approved prior to the effective date of this chapter or subsequent amendments to this chapter, are no longer needed and become null and void. The provisions of the special use permits are no longer applicable for uses that are listed as a principal permitted use in the corresponding zoning district.

ARTICLE IV. ADMINISTRATION

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

(f) **Guarantees, validity period and revocation.**

(1) Expiration of special use permits.

d. A special use permit shall expire when a special use becomes a principal permitted in the applicable use table in the respective zoning district.

(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.

(19) **Microbrewery/Brewpubs and Craft-Distilleries.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- e. Tasting rooms are accessory uses to a Microbrewery/Brewpubs and Craft-Distilleries located in the M-1 and M-2 Zoning District.
- f. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

(20) **Brewery and Distilleries.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Brewery and Distilleries located in the M-1 and M-2 Zoning District
- c. Retail sales of business merchandise on the brewery and distillery premises shall be an accessory use to the brewery and distillery manufacturing operations.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

(21) **Winery.**

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. Tasting rooms are accessory uses to a Winery located in the Ag, M-2 and M-1 Zoning District.
- c. Retail sales of business merchandise on the winery premises shall be an accessory use to the winery manufacturing operations.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

ARTICLE VI. COMMERCIAL DISTRICTS

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.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • Bar or Tavern pursuant to §23-66(h)(6) • Craft-Distillery pursuant to §23-66(h)(19) • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Painting/Craft studio • Restaurants • Tasting rooms pursuant to §23-66(h)(19, 20, or 21) • Winery pursuant to §23-66(h)(21)

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses

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:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • Bar or Tavern pursuant to §23-66(h)(6) • Craft-Distillery pursuant to §23-66(h)(19) • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Painting/Craft studio pursuant to §23-66(h)(6) • Restaurants pursuant to §23-66(h)(6) • Tasting rooms pursuant to §23-66(h)(19, 20, or 21) • Winery pursuant to §23-66(h)(21)

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses

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"> • Bar or Tavern pursuant to §23-66(h)(6) • Craft-Distillery pursuant to §23-66(h)(19) • Microbrewery/Brewpub pursuant to §23-66(h)(19) • Painting/Craft studio pursuant to §23-66(h)(6) • Restaurants pursuant to §23-66(h)(6) • Tasting rooms pursuant to §23-66(h)(19, 20, or 21) • Winery pursuant to §23-66(h)(21)

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

Residential Uses	Public and Semi Public Uses	Non-Residential Uses

CHAPTER 9 – LICENSES, PERMITS AND BUSINESS REGULATIONS

ARTICLE VI. FOOD AND FOOD SERVICE ESTABLISHMENTS

DIVISION 4. SIDEWALK CAFES

9-262. Conduct of business generally.

(b) If a permit holder is going to serve alcoholic beverages within the parameters of the sidewalk café, the permit holder shall also be subject to the following:

- (1) The permit holder must hold a Class B license.
- (2) The description for the premise on the Class B license must include the parameters of the sidewalk café.

(3) The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.

(4) A licensed operator working for the permit holder must serve the alcoholic beverages in the sidewalk café.

(5) Customers are not allowed to carry alcoholic beverages outside the sidewalk café.