

ADOPTED: October 4, 2023
PUBLISHED: October 9, 2023
Office of the City Clerk

118-23

AN ORDINANCE AMENDING SECTION 23-43(d) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCESSORY USES, BUILDINGS AND STRUCTURES; GENERAL REGULATIONS FOR ACCESSORY USES, BUILDINGS AND STRUCTURES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-43(d) of Chapter 23 of the Municipal Code of the City of Appleton, relating to accessory uses, building and structures; general regulations for accessory uses, buildings and structures, is hereby amended to read as follows:

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

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

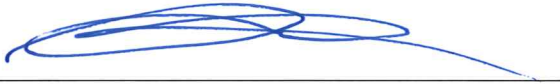
- (1) No accessory use, building and/or structure shall be constructed or established on a lot prior to the principal use or building being present or under construction.
- (2) When attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the principal building, unless otherwise stated, including, but not limited to setback requirements, building height limits, maximum lot coverage standards.
- (3) No truck, truck tractor, truck trailer, canopy or bus, or portion thereof, shall be used for, storage purposes, as a principal use and/or structure or an accessory use and/or structure in any zoning district, unless otherwise stated in this chapter.
- (4) Accessory uses, buildings and/or structures may contain toilet facilities that are installed in accordance with applicable Municipal Code regulations, including but not limited to, State of Wisconsin Uniform

Dwelling Code, Water Utility, Sewer and Wastewater Disposal regulations.

- (5) Accessory uses, buildings and/or structures shall be located on the same lot as the principal use, structure or building.
- (6) Only one (1) detached garage or detached carport shall be permitted on a lot whose principal use is a single or two-family dwelling.
- (7) Detached accessory buildings shall not be used as a secondary dwelling, unless the provisions of Sec. 23-55 are met.
- (8) Dumpster enclosures are exempt from (5) above, refer to 23-47 Refuse container and dumpster enclosure standards.

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

Dated: October 4, 2023



Jacob A. Woodford, Mayor



Kami Lynch, City Clerk

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119-23

AN ORDINANCE AMENDING SECTION 23-47 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO REFUSE CONTAINER AND DUMPTER ENCLOSURE STANDARDS.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-47 of Chapter 23 of the Municipal Code of the City of Appleton, relating to refuse container and dumpster enclosure standards, is hereby amended to read as follows:

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

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

(a) Refuse containers of appropriate size are required for all non-residential and multifamily properties. Refuse containers and dumpster enclosures are exempt from Section 23-43(d)(5) and Section 23-50(d)(4).

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

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

- (1) Location:
 - a. Side and rear yard, unless otherwise specified in this chapter.
 - b. Refuse containers and dumpster enclosures are allowed to be placed within the front yard adjacent to a public alley.
 - c. Refuse containers and dumpster enclosures can be placed on a parking lot, even if it is a separate parcel, that is associated with, or adjacent to, the principal use.

- d. Refuse containers and dumpster enclosures may be shared between adjacent properties.
- e. Refuse containers and dumpster enclosures are not permitted on vacant properties that do not have an established principal use.
- f. On corner lots and double frontage lots, if it is demonstrated that is it impractical to place the dumpster enclosure in the side or rear yard, the Community & Economic Development Director can approve the enclosure to be located in the front yard. The dumpster enclosure shall meet the front yard setback requirement of the principal structure.

(2) Setbacks:

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

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

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

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

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120-23

AN ORDINANCE AMENDING SECTION 23-91(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO AG AGRICULTURAL DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-91(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to AG agricultural district; accessory uses, is hereby amended to read as follows:

Sec. 23-91. AG Agricultural district.

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

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

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121-23

AN ORDINANCE AMENDING SECTION 23-96(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO R-3 MULTIFAMILY DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-96(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to R-3 multifamily district; accessory uses, is hereby amended to read as follows:


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

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

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

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

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122-23

AN ORDINANCE AMENDING SECTION 23-100(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P-I PUBLIC INSTITUTIONAL DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-100(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P-I public institutional district; accessory uses, is hereby amended to read as follows:

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

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

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

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

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123-23

AN ORDINANCE AMENDING SECTION 23-101(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NC NATURE CONSERVANCY DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-101(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to NC nature conservancy district; accessory uses, is hereby amended to read as follows:

Sec. 23-101. NC nature conservancy district.

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

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

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

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124-23

AN ORDINANCE AMENDING SECTION 23-111(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-O COMMERCIAL OFFICE DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-111(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-O commercial office district; accessory uses, is hereby amended to read as follows:

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

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

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

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

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125-23

AN ORDINANCE AMENDING SECTION 23-112(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-1 NEIGHBORHOOD MIXED USE DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-112(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to C-1 neighborhood mixed use district; accessory uses, is hereby amended to read as follows:

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

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

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

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

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126-23

AN ORDINANCE AMENDING SECTION 23-113(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO C-2 GENERAL COMMERCIAL DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

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

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

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

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

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

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127-23

AN ORDINANCE AMENDING SECTION 23-114(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CBD CENTRAL BUSINESS DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-114(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to CBD central business district; accessory uses, is hereby amended to read as follows:

Sec. 23-114. CBD central business district.

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

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

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128-23

AN ORDINANCE AMENDING SECTION 23-115(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO P PARKING DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-115(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to P parking district; accessory uses, is hereby amended to read as follows:

Sec. 23-115. P parking district.

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

- (1) Earthen berm.
- (2) Fences and walls pursuant to §23-44.
- (3) Private drives.
- (4) Refuse containers and dumpster enclosures pursuant to §23-47.

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

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129-23

AN ORDINANCE AMENDING SECTION 23-131(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-1 INDUSTRIAL PARK DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

Section 1: That Section 23-131(c) of Chapter 23 of the Municipal Code of the City of Appleton, relating to M-1 industrial park district; accessory uses, is hereby amended to read as follows:

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

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

- c. The industrial character of the property is maintained.
- (7) Fences and walls pursuant to §23-44.
- (8) Refuse containers and dumpster enclosures pursuant to §23-47.

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

Dated: October 4, 2023



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130-23

AN ORDINANCE AMENDING SECTION 23-132(c) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO M-2 GENERAL INDUSTRIAL DISTRICT; ACCESSORY USES.

(City Plan Commission – 10-04-2023)

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

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

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

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

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the M-2 district.
- (2) Day care, group; occupying not more than twenty-five percent (25%) of the gross floor area of the building or structure.
- (3) Drive through facility pursuant to §23-49.
- (4) Outdoor display pursuant to §23-46.
- (5) Outdoor storage pursuant to §23-46.
- (6) Personal service; occupying not more than twenty-five percent (25%) of the gross floor area of the building or structure.
- (7) Showrooms and incidental retail sales provided as follows, unless otherwise stated in this chapter:
 - a. Such showrooms and on-premises sales are limited in floor area to no more than twenty-five percent (25%) of the total gross floor area occupied by the permitted or special use and,

- b. All goods being displayed or offered for sale are the same as those being manufactured and/or stored/distributed on the premises; and
 - c. The industrial character of the property is maintained.
- (8) Fences and walls pursuant to §23-44.
 - (9) Refuse containers and dumpster enclosures pursuant to §23-47.

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

Dated: October 4, 2023



Jacob A. Woodford, Mayor



Kami Lynch, City Clerk