



NEENAH PLAN COMMISSION

March 28th, 2023

4:15 P.M.

Hauser Room, City Administration Building

1. Approval of Minutes: **March 7, 2023**
2. Public Appearances (Ten minutes divided among those wishing to speak on topics pertinent to the Plan Commission)
3. Public Hearings: None
4. Action Items:
 - a. Zoning Code Amendment - Residential Driveways (Amend **Sec. 26-550(1)**) - Ord. No. 2023-03
 - b. Zoning Code Amendment - Non-Residential Portable Storage Containers (Amend **Sec. 26-550(2)**) - Ord. No. 2023-04
 - c. Annexation #228 - 1495 Breezewood Lane (Town of Neenah)
5. Announcements and future agenda items:
 - a. Next Meeting: April 11, 2023

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Neenah will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance, or reasonable accommodation in participating in this meeting or event due to a disability as defined under the ADA, please call the Community Development Department Administrative Assistant at 920-886-6125 or the City's ADA Coordinator at (920) 886-6106 or e-mail attorney@ci.Neenah.wi.us at least 48 hours prior to the scheduled meeting or event to request an accommodation.

MINUTES OF THE NEENAH PLAN COMMISSION
Tuesday, March 7, 2023
4:15 p.m.

Present:

| | | | | | |
|---------------------------------|---------|--|---------|-------------------|---------|
| Mayor Jane Lang, Chairperson | PRESENT | Gerry Kaiser, Director of Public Works | PRESENT | Sarah Moore-Nokes | PRESENT |
| Kate Hancock-Cooke | ABSENT | Karen Genett | PRESENT | Betsy Ellenberger | PRESENT |
| Gerry Andrews | ABSENT | Ald. Dan Steiner | PRESENT | | |

Also Present:

| | | |
|---|---------------------------------------|---|
| Brad Schmidt, Deputy Director of Community Development | Kayla Kubat, Administrative Assistant | Chris Haese, Director of Community Development |
| Ald. Cari Lendrum | Ald. Kathie Boyette | Diane Eparvier, 669 Elm St |
| Scott Becher, 1061 Green Acres Ln | Tamara Hasz, 301 E. Wisconsin Ave | Forrest Genett, 957 Betty Ave |

Minutes: MSC, Genett/Moore-Nokes the Plan Commission to approve the February 7, 2023 meeting minutes. All aye. Motion passed. Member Ellenberger abstained.

Public Appearances: Chairperson Mayor Lang opened public appearances to topics not related to the agenda.

Scott Becher (1061 Green Acres Ln) - provided a handout regarding the City of Waukegan Illinois' Home Repair Loan Program.

Tamara Hasz (301 E. Wisconsin Ave) - concerned about 2-foot easement in the proposed driveway amendment and how that would affect current driveways.

Diane Eparvier (669 Elm St) - question regarding if existing driveways would be grandfathered in or would they have to meet the standards of the new ordinance if they are reconstructed.

Alderman Kathie Boyette- brought up an area on 2nd street with an alleyway and how their driveways may be affected by a new driveway ordinance.

Mayor Lang reiterated to those in attendance the public hearing portion of the agenda is when to discuss these topics and asked if anyone had topics to discuss not related to the agenda. No one in attendance spoke. Chairperson Mayor Lang closed public appearances.

Public Hearings:

a. Zoning Code Amendment- Residential Driveways (Sec. 26-550(1))

Tamara Hasz (301 E. Wisconsin Ave) asked what homes with two vehicles are to do if residents cannot park in front of their homes and driveway does not accommodate two vehicles.

No one else in attendance spoke and Mayor Lang closed the public hearing.

b. Zoning Code Amendment- Non-Residential Portable Storage Containers (Sec. 26-550(2))

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Tamara Hasz (301 E. Wisconsin Ave) is suggesting a permit fee so these portable storage containers can be monitored on a regular basis.

No one else in attendance spoke and Mayor Lang closed the public hearing.

c. Zoning Code Amendment- Outdoor Lighting (Chapter 26, Article XVI)

Alderman Kathie Boyette asked if this is regarding residential or commercial properties. Deputy Director Schmidt said it is regarding commercial properties.

Tamara Hasz (301 E. Wisconsin Ave) is concerned about light pollution on residential properties from City street lights.

No one else in attendance spoke and Mayor Lang closed public hearing.

Mayor Lang stated there is no rush or time constraint on these amendments. The purpose of this agenda is to start the discussion and ask staff questions.

Action Items:

a. Zoning Code Amendment -- Residential Driveways (Amend Sec 26-500(1))- Ord. No. 2023-03

Deputy Director Schmidt provided a presentation on the proposed code amendments related to residential driveway standards. Currently, the City does not regulate the width, location and surface material of residential driveways which includes both the driveway portion on private property and the driveway apron within in the public right-of-way.

The proposed maximum width for driveway aprons when measured at the curb line are 36 feet for single-family residences and 42 feet for two-family residences with a side-by-side garage. When measured from the right-of-way line (front property line), the width cannot exceed 30 feet for single-family and 36 for two-family with side-by-side garage.

In addition, driveways outside of the public right-of-way could not exceed the width of a garage by more than 8 feet (15 feet if no garage present).

Location – Driveways are prohibited from extending in front of a residential dwelling unless a circular/looped driveway has been approved. Pedestrian walks and other hard surface areas in front of the residential dwelling are permitted so long as they are not used for vehicular access or vehicular parking.

Minimum Setbacks – All driveways must maintain a minimum of a 2-foot setback from side property lines.

Surface Material – New driveway construction and driveway expansions must be constructed with a hard surface material such as asphalt or concrete. Driveway expansions along the side of the garage may be constructed with gravel or a hard surface material.

Deputy Director Schmidt went over other municipality standards in the surrounding area. Also showed an examples of driveway complaints that the City has received over the years.

Member Ellenberger asked if it possible to change the proposed amendment to one-foot easement instead of two feet. Also, would the amendment be able to say that the driveway cannot exceed 40% of lot frontage. She asked if the Eagle Crest subdivision average meets standards.

Deputy Director Schmidt answered that there are some driveways in Eagle Crest that exceed these proposed driveway standards. Gravel driveways and parking in front yards is more of an issue due to complaints received in existing neighborhoods.

Member Kaiser explained how cul-de-sacs are a big challenge when residents have larger driveways due to snow plowing. In new subdivisions, there seem to be wider and wider driveways and this makes for a lot of pavement in the front of the home, leading to complaints from property owners that too much snow is being left in their driveway.

Member Genett is concerned about property value in terms of driveways with residents who want to take care of their yards. When residents decide to park in front of the home, the neighborhood value goes down.

Alderman Steiner asked how this proposed amendment would handle repairs of driveways.

Deputy Director Schmidt stated repairs were not addressed in this proposed amendment. Only expansions and new construction. This is something that can be researched and brought back to the Commission.

Alderman Steiner asked what the cut off is of a resident who is grandfathered into these standards and when someone needs to abide by these standards.

Member Kaiser answered it would be when the permit was pulled and there may be neighbors who are under two different ordinances

Tamara Hasz (301 E. Wisconsin Ave) brought up a green driveway solution that would meet requirements of not having mud runoff.

Chairperson Mayor Lang reminded those in attendance this discussion is mainly for the committee members.

Deputy Director Schmidt responded to the green driveway solution stating that would meet standards and would be encouraged.

Member Genett asked if a driveway (impervious area) can only be a certain percentage of the lot.

Director Haese said currently only structures can be a certain percentage of the lot.

Member Moore-Nokes asked about the gravel from gravel driveways in the sewer. How much of a problem is it?

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Member Kaiser said he is concerned about any matter getting into the sewer but also caking in the sewers and catch basins. Also explained how gravel, depending on the environment, can create a concrete-like material when it hardens.

Deputy Director Schmidt indicated the intent of this proposed amendment is to recognize the City currently doesn't have driveway standards but to create standards close to what is already found in the City. He then asked the committee their thoughts about existing driveways and how to handle expansions, especially in older parts of town.

Member Steiner said we should not make home owners incur additional cost just for driveway improvements.

Director Haese asked the committee if the setback requirement is eliminated from the proposed amendment, would that still be a concern with the older homes.

Member Genett clarified if a permit is needed for a driveway reconstruction.

Member Kaiser answered for a driveway apron, there is no charge for replacing, but widening there is a fee and permit.

Member Moore-Nokes asked if there is a code you cannot park in your front yard.

Deputy Director Schmidt states the code does not allow residents to park on grass only hard surface or gravel. Also, the parking of 3 or more cars within the front yard is prohibited. The proposed standards are trying to eliminate driveways taking up all of a resident's front yard, creating parking lots. The goal is uniformity and openness in neighborhoods and parking lots in front yards eliminates this. Also the need to balance resident's rights to enjoy the city and cut down on code enforcement calls.

MSC Steiner/Genett, the Plan Commission to postpone the recommendation to Common Council related to residential driveway standards until Plan Commission meeting on March 28th, 2023. All voting aye. Motion passed.

Member Ellenberger was excused for the remainder of the meeting.

- b. **Zoning Code Amendment – Non-Residential Portable Storage Containers (Amend Sec. 26-550(2)) – Ord. No. 2023-04**

Deputy Director Schmidt provided a presentation related to the proposed ordinance amendment. Portable storage containers are not permitted in non-residential zoning districts, however, they have become more prevalent in the past several years. Due to this, enforcement for the removal of these containers has increased. Portable storage containers are permitted on a temporary basis in residential districts. The purpose of this ordinance is to provide some consistency between residential and non-residential districts and create minimum standards for the temporary placement of portable storage containers such as shipping containers, PODs, and semi-trailers (used for storage) in non-residential districts.

MSC Genett/Steiner, the Plan Commission, to recommend to Common Council approve Ordinance No. 2023-04, amending Section 26-3 and Section 26-550(4) of the City's Code of Ordinances related to portable storage containers.

Member Kaiser asked if current portable storage containers are required to get a permit or are on an honor system.

Deputy Director Schmidt answered it would be like the residential PODS, non-residential would also be on an honor system and we let them know of the ordinance.

Member Kaiser asked if there anything about construction containers in our current code.

Deputy Director Schmidt stated there is nothing in our code in regards to construction containers.

Member Moore-Nokes asked if the purpose of this code is to eliminate the deterioration of these containers.

Deputy Director Schmidt answered these shipping containers are not a permanent structure. The design of these shipping containers is not for permanent storage, but for moving goods. These containers tend to be found on a more permanent site for long-term storage rather than on construction sites. Also, starting to see them on residential properties.

Member Genett and Member Steiner withdrew previous motion.

Deputy Director Schmidt asked the committee if we should look into the timeframes from other cities.

Member Moore-Nokes said the City should look into other exemptions (retail and construction)

MSC Genett/Steiner, the Plan Commission, to postpone the recommendation to Common Council related to portable storage containers until Plan Commission meeting on March 28th, 2023. All voting aye. Motion passed.

c. **Zoning Code Amendment – Outdoor Lighting (Create Chapter 26, Article XVI) – Ord. No. 2023-05**

Deputy Director Schmidt provided an overview of the proposed ordinance, creating outdoor lighting requirements for non-residential properties. The City does not currently regulate outdoor lighting for non-residential properties, but does review lighting plans based on guidelines that are not enforceable.

The following are highlights of the proposed ordinance:

- Lighting levels at any property line shared with a single-family or two-family use or zoned R1 or R2 shall not exceed 0.0 foot-candles. – The purpose of this is to prohibit light spillover/trespass from a non-residential property onto a residential property.

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- Lighting levels at any property line shared with a non-residential use or zoning district shall not exceed 0.5 foot-candles. – It is recognized that some light spillover/trespass is accepted when the adjoining property is not residential.
- The illumination uniformity ratio not exceed: Ratio of average illumination to minimum illumination of 4:1 and Ratio of maximum illumination to minimum illumination of 10:1. – The uniformity ratios ensure that the lighting levels are uniform so as to avoid lighting hot spots which can be viewed as a nuisance.
- Average lighting level shall be less than or equal to 1.5 foot candles. – Limiting the lighting level to 1.5 foot candles on average, ensures the overall illumination on the property is minimized.
- Full cut-off lighting fixtures. – A full cut-off light fixtures hides the lighting element and faces the light directly towards the ground at a 90 degree angle.
- Limit the height to where light fixtures can be placed to no more than 25 feet or the height of the principal structure, whichever is less. Plan Commission can increase the height after careful review and consideration of surrounding properties. – The higher a light fixture, the more visible the light source is to those on the ground and adjacent properties
- Limit placement of light fixtures to no less than 10 feet from property lines. – This standard is consistent with parking lot setbacks and bufferyard landscaping standards. The further a light fixture is from a property line shared by a single-family or two-family property, the less impact the light fixture will have on that property.

Member Kaiser asked about the placement of lights and if the property would not be able to put any lighting in the landscape.

Deputy Director Schmidt states no lighting in landscape due to the concern it would trespass onto residential property.

MSC Kaiser/Moore-Nokes, the Plan Commission recommend Common Council approve Ordinance No. 2023-05, creating Chapter 26, Article XVI of the Code of Ordinances relating to Outdoor Lighting. All voting aye. Motion passed.

Discussion Items:

a. **912 S Commercial Street** – Special Use Permit – One-Year Review

Deputy Director Schmidt has talked with owner of Easy Towing Fox Valley and states the business is going well. He also talked with her regarding the increase in cars being stored on the lot and the owner states the increase in vehicles is due to the recent snowfall. A tow lot (storage of vehicles related to the tow business) was not permitted, however it was recognized some cars may be temporarily stored on the site waiting pick-up from an owner. Staff will continue to work with the owner to ensure the requirements of the special use permit are followed.

b. **Community Development Annual Report (2022)**

Deputy Director Schmidt encouraged committee members to take a look at the annual report showcasing the projects and accomplishments of the Community Development Department.

Announcements and Future Agenda Items: Next meeting is March 28th, 2023

Adjournment: The Commission adjourned its meeting at 5:45. MSC Genett/Kaiser. All Aye. Motion passed.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kayla Kubat". The signature is written in a cursive, flowing style.

Kayla Kubat

Administrative Assistant, Community Development



M E M O R A N D U M

DATE: March 28, 2023
TO: Mayor Lang and Plan Commission
FROM: Brad Schmidt, AICP, Deputy Director of Community Development
RE: Residential Driveway Standards – Sec. 26-550(1) – (Ord. No. 2023-03)

The City Plan Commission held a public hearing and reviewed an ordinance creating residential driveway standards at its March 7, 2023, meeting. The Plan Commission ultimately voted to postpone action and requested for further clarification on how these standards would impact existing driveways.

As stated at the March 7, 2023, Plan Commission meeting, the primary purpose of this ordinance amendment is to create standards for residential driveways as no standards currently exist in the Municipal Code. The standards are focused on newly constructed driveways. However, this ordinance does try to address common complaints regarding existing driveways related to location, material, and size.

The proposed ordinance is intended to clarify the standards of new driveways, constructed after May 1, 2023, and existing driveways, constructed before May 1, 2023. Below is a framework of the proposed driveway standards.

New Residential Driveways / Driveway Expansions – Constructed after 5/1/2023

- Driveway Apron (Public Side)**

| | Maximum Width | | Material |
|-------------------------------------|---------------|-----------|--------------|
| | R/W Line | Curb Line | |
| Single-Family | 30 feet | 36 feet | Hard Surface |
| Two-Family (w/ side-by-side garage) | 36 feet | 42 feet | Hard Surface |

- Driveway (Private Side)**

| | Front Property Line (Max width) | Max Width (w/ garage) | Max Width (no garage) | Side Yard Setback | Material | Location |
|-------------------------------------|---------------------------------|-----------------------|-----------------------|--|--------------|---------------------------------|
| Single-Family | 30 feet | 8 feet beyond garage | 15 feet | 2 feet (outside of drainage easements) | Hard Surface | Prohibited in front of dwelling |
| Two-Family (w/ side-by-side garage) | 36 feet | 8 feet beyond garage | 15 feet | 2 feet (outside of drainage easements) | Hard Surface | Prohibited in front of dwelling |

Residential Driveways Reconstruction/ Driveway Expansions – Constructed before 5/1/2023

- **Driveway Apron (Public Side)**

| | Max Widths | | Non-Conforming Aprons | Expansion/Reconstruction |
|-------------------------------------|------------|---------|---------------------------------|--------------------------|
| | R/W | Curb | | |
| Single-Family | 30 feet | 36 feet | Cannot extend beyond max widths | Hard Surface |
| Two-Family (w/ side-by-side garage) | 36 feet | 42 feet | Cannot extend beyond max widths | Hard Surface |

- **Driveway (Private Side)**

All Residential Driveways

Expansions

- No expansions in front of dwelling
- Side Yard Setback - up to but not on property line (can't impede storm water drainage)
- Existing gravel driveways - can be maintained and expanded with gravel subject to the limitation noted above (width, location requirements)
- Existing paved driveways - can expand subject to the limitations noted above and must expand with similar hard surface

Reconstruction

- Full driveway reconstruction requires hard surface material, but footprint may stay the same (w/ the exception of parking in front of dwelling)

Recommendation

Appropriate action at this time is for Plan Commission to recommend Common Council approve Ordinance No. 2023-03, amending Section 26-550(1) of the City's Code of Ordinances related to residential driveway standards.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Amending Neenah Municipal Code Section 26-550(1) of the Zoning Code relating to Residential Driveway Standards.

ORDINANCE NO. 2023-03

Introduced: _____

Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, does ordain as follows:

Section 1. That Neenah Municipal Code, Section 26-550(1) of the Zoning Code is hereby amended by deleting the stricken language noted in subsection (1)d, and adding the highlighted language as new subsection (1)l, so as to now read as follows:

Sec. 26-550. District regulations.

The following regulations shall be applied to each of the described zoning districts:

- (1) R-1 and R-2 Districts.
 - a. All automobiles parked outside must be parked on a graveled or paved surface and must be licensed and operable;
 - b. Not more than three vehicles per dwelling unit, shall be parked in the required front yard, one of which may be a recreational vehicle. All vehicles must be on a graveled or paved driveway surface;
 - c. A single large recreational vehicle may be parked in the required front setback area between April 15 and November 15. These vehicles must be parked on a graveled or paved surface;
 - d. No more ~~then~~ **than** three recreational vehicles may be parked in the side or rear yards, one of which may be a large recreational vehicle. A large recreational vehicle must maintain a minimum three-foot setback from all property lines and must be parked on a graveled or paved surface;
 - e. Portable storage containers may be used for a maximum of 30 days, subject to the following conditions:
 1. Not more than one portable storage container shall be allowed per property, and shall maintain a minimum ten-foot setback from all property lines;

2. No portable storage container shall be placed on public streets or sidewalks without prior approval of the City; and
 3. Portable storage containers shall be kept locked when not in use and shall be no larger than eight feet wide by 16 feet long by eight feet high.
- f. Portable storage containers (dumpsters, PODS, etc.) are permitted during construction to store on-site tools, materials or construction debris. The temporary portable storage containers must be removed immediately upon completion or cessation of construction, subject to the following conditions;
1. Not more than two portable storage containers shall be allowed per property during construction, with a minimum ten-foot setback from all property lines; and
 2. No portable storage container shall be placed on public streets or sidewalks without prior approval of the City.
- g. No commercial vehicle with a weight in excess of 8,000 pounds, over 20 feet in length, or having a height of more than eight feet, shall be parked or stored in a residential district, except when rendering a service; and
- h. No parking of any kind shall be allowed in the vision clearance area or vision clearance triangle.
- i. **Residential Driveway Standards**
1. **New residential driveways and the expansion of driveways constructed after May 1, 2023, shall meet the following requirements:**
 - a. **Driveways shall be constructed with a hard surface material such as concrete, asphalt, permeable pavers, or other material approved by the Zoning Administrator.**
 - b. **Maximum Driveway Width:**
 1. **Front Property line – 30 feet for single-family and 36 feet for two-family with side-by-side garage.**
 2. **Up to eight feet wider than garage.**
 3. **15 feet for properties without a garage.**
 4. **15 feet for Looped/Circular driveways.**
 - c. **Driveways shall be setback a minimum of 2 feet from a side property line.**
 - d. **Driveways are prohibited from extending in front of a dwelling unit unless a circular/looped driveway has been permitted. Pedestrian walks and other hard surface areas attached to the driveway, but not used for vehicular access or parking purposes, may be constructed in front of a dwelling unit.**
 2. **Driveway aprons, the portion of the driveway located within the public right-of-way, shall not exceed the following maximum widths:**
 - a. **Single-Family Dwellings: 36 feet in width when measured at the curb.**
 - b. **Two-Family Dwellings with side-by-side garages: 42 feet in width when measured at the curb.**
 - c. **Single-Family Dwellings: 30 feet when measured at the right-of-way line.**
 - d. **Two-Family Dwellings with side-by-side garages: 36 feet when measured at the right-of-way line.**
 - e. **Driveway aprons shall be constructed with a hard surface material at the time a street is finished with curb and gutter.**

- f. Prior to construction/reconstruction or modification of a driveway opening, a right-of-way permit is required pursuant to the City Municipal Code of Ordinances.
- 3. Driveways constructed before May 1, 2023, shall meet the following requirements related to expansions and reconstruction:
 - a. No driveway shall be expanded in front of a dwelling unit.
 - b. Expanded or reconstructed driveways can be built up to, but not on a side property line and must not impede storm water drainage.
 - c. Expansions of gravel driveways shall not exceed the width of a garage by more than eight feet. For properties without a garage, the maximum driveway width is 15 feet.
 - d. Expansions of hard surface driveways shall be constructed with a similar hard surface material. Gravel expansions are prohibited.
 - e. Driveway aprons may be expanded, but the width of the expansion is limited to the maximum widths outlined in Sec. 26-550 (i)(2) and the driveway apron shall be constructed with a hard surface material.
- 4. A driveway may be extended along the side of a garage by a maximum of eight feet and must maintain a setback of two feet from the side property line. Driveways expanded along the side of a garage may be constructed with a hard surface material or gravel. All areas in front of the garage must be constructed with a hard surface material.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance be for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not otherwise affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Jane B. Lang, Mayor

Attest:

Charlotte Nagel, City Clerk

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney David C. Rashid
211 Walnut Street
Neenah, WI 54956
State Bar No. 1056542



M E M O R A N D U M

DATE: March 28, 2023
TO: Mayor Lang and Plan Commission
FROM: Brad Schmidt, AICP, Deputy Director of Community Development
RE: Portable Collection Containers – Sec. 26-550(4) (**Ord. No. 2023-04**)

The Plan Commission, at its March 7, 2023, meeting, reviewed and provided comments related to the proposed ordinance creating standards for portable storage containers on non-residential property. Based on input from the public and the Plan Commission, I'm including a revised ordinance addressing those comments.

This ordinance proposes to allow portable storage containers, as a temporary use, on non-residential properties. The definition of portable storage containers is amended to mean “a portable receptacle designed and used for the storage or shipment of household goods, refuse, building material or merchandise, including, but not limited to, dumpsters, construction trailers, shipping containers, semi-trailers, portable on demand storage units (PODS) or other similar containers on wheels, or placed on the ground, and typically used for transportation or storage purposes.” The new definition expands the types of containers including shipping containers, semi-trailers and other similar containers on wheels or placed on the ground. These are not structures and therefore are not regulated as such in the Zoning Code.

Portable storage containers can assist in providing for the temporary storage of finished goods (i.e. overstock items, seasonal merchandise, or equipment) and unfinished goods (i.e. raw materials). These are typically used by large retail chains over the holiday season to store seasonal merchandise, or contractors who store equipment and materials on a construction site. The proposed ordinance includes the following standards:

- Limited to up to 120 days in a calendar year.
- No more than two can be placed on a property.
- Prohibits the storage of refuse material, tires, or opened containers of paint, oil, gas, or any other hazardous material.
- Must be placed on a hard surface behind the principal structure and outside of any required yard, building setback, or bufferyard area.
- Shall not be placed in an area which obstructs drive aisles or impacts off-street parking.
- Exempts construction-related portable storage containers.
- Provides flexibility to extend time (up to one year) and number of containers (up to 5) with Plan Commission approval.

Recommendation

Appropriate action at this time is for Plan Commission to recommend Common Council approve Ordinance No. 2023-04, amending Section 26-3 and Section 26-550(4) of the City's Code of Ordinances related to portable storage containers.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Amending Neenah Municipal Code Section 26-3 and Section 26-550(2) of the Zoning Code relating to Portable Collection Containers in Non-Residential Districts.

ORDINANCE NO. 2023-04
Introduced: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, does ordain as follows:

Section 1. That Neenah Municipal Code, Section 26-3 of the Zoning Code is hereby amended by deleting the stricken language under the definition of “Portable storage container” and by adding the new highlighted language so as to now read as follows:

Portable storage container means a portable receptacle designed and used for the storage or shipment of household goods, refuse, building material or merchandise, including, but not limited to, dumpsters, construction trailers, **shipping containers, semi-trailers, and portable on demand storage units (PODS) or other similar containers on wheels, or placed on the ground, and typically used for transportation or storage purposes.**

Section 2. That Neenah Municipal Code, Section 26-550(2) of the Zoning Code is hereby amended by and adding the new highlighted language to new subsection (2)(k)1-8, so as to now read as follows:

Sec. 26-550. District regulations.

The following regulations shall be applied to each of the described zoning districts:

- (2) M-1, M-2, C-1, C-2, I-1 and 1-2 Districts.
 - a. Driveways and parking areas for all multifamily, commercial and industrial uses shall be free from dust or loose particles and surfaced with a durable material acceptable to the Department of Community Development at time of building and principal use occupancy;

- b. Parking spaces shall be in conformance with the required district setback regulations;
- c. No parking shall be allowed in the vision clearance area;
- d. A minimum six-inch curb wall or bumper guard shall be constructed so that no part of any vehicle shall extend over or beyond any property line, public rights-of-way or required front yard area;
- e. Any lights used to illuminate a parking area shall be so arranged and screened as to reflect the light away from adjacent R-1 and R-2 uses or districts, and streets;
- f. Parking spaces and driveways shall be so arranged as to require ingress or egress from the parking area to a street, by forward motion of a vehicle;
- g. Required parking spaces shall be adequately marked;
- h. No addition or enlargement of an existing building or use shall be permitted unless all parking requirements are met for the entire building or use;
- i. All required parking spaces shall be located on the lot which the use is located, or on a contiguous lot. Parking within 300 feet from the principal use or building may be permitted if approved by the Department of Community Development; and
- j. No motor vehicle repair work of any kind shall be permitted in such parking areas.
- k. **Portable Storage Containers may be placed on a property subject to the following conditions:**
 - 1. **A portable storage container may be placed on a property for up to 120 days during any calendar year.**
 - 2. **No more than two portable storage containers may be placed on a single lot at any one time.**
 - 3. **Portable storage containers may only be used for the storage of finished goods (i.e. overstock items, seasonal merchandise, or equipment), or unfinished goods (i.e. raw materials). The storage of refuse material, tires, or opened containers of paint, oil, gas, or any other hazardous material is prohibited.**
 - 4. **Portable storage containers shall be placed on a hard surface area such as asphalt or concrete.**
 - 5. **Portable storage containers shall be located behind the principal structure or otherwise located to preclude their visibility from public streets.**
 - 6. **Portable storage containers shall not encroach upon any required yard, building setback or buffer yard area required by ordinance.**
 - 7. **Portable storage containers shall not obstruct any drive or other space necessary for access by fire vehicles, equipment or other apparatus.**

8. The placement of a portable storage container shall not reduce the number of parking spaces below the minimum number required for the zoning district in which the use is located.
9. Portable storage containers used in conjunction with a construction project, for which a building permit has been issued, are exempt from these standards. The temporary portable storage container must be removed immediately upon completion or cessation of construction.
10. The City's Plan Commission, upon review, may permit the temporary placement of portable storage containers for periods longer than 120 days during any calendar year and for the placement of more than two on the property. In no case shall the Plan Commission approve the placement of a portable storage container for more than one year or the placement of more than five containers on a property.

Section 3. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance be for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not otherwise affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 4. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Jane B. Lang, Mayor

Attest:

Charlotte Nagel, City Clerk

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney David C. Rashid
211 Walnut Street
Neenah, WI 54956
State Bar No. 1056542



MEMORANDUM

DATE: March 28, 2023
TO: Mayor Lang, and Members of Plan Commission
FROM: Brad Schmidt, AICP, Deputy Director
RE: Annexation #228 (1495 Breezewood Lane) – 2.77 Acres

Brett McCormick, owner of property located at 1495 Breezewood Lane, has submitted a petition requesting annexation of his property to the City. The property, located on the northwest corner of Breezewood Lane and Alpine Lane, is 2.77 acres in size and includes a single-family residence, several outbuildings, and undeveloped land located on the eastern portion of the property. The property is in the Town of Neenah.

Mr. McCormick intends to subdivide his property and sell the eastern portion for the development of future single-family homes. Per the Town of Neenah/City of Neenah Boundary Agreement, the subdivision of Town property in City Growth Areas is prohibited. A subdivision can only be approved if the property owner annexes to the City.

Upon annexation the subject land will become part of the R-1, Single-Family Residence District. The City's Comprehensive Plan Future Land Use Map (2017) currently identifies the annexation area as on the border of High Density Residential and Residential Neighborhood Investment Area. The proposed use and zoning are consistent with the City's Comprehensive Plan.

Future land division and development will require Plan Commission approval. A water service line and sanitary sewer lateral are located along Breezewood Lane which can serve the existing house. There are no laterals along Alpine Lane. Any development along the eastern portion of this property will require lateral installation prior to development.

Recommendation

Appropriate action at this time is for Plan Commission to recommend Common Council approve Annexation #228 (Ordinance #2023-06) and the property also receive an R-1, Single-Family Residence District zoning classification.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Annexing – 2.77 acres of land located at 1495
Breezewood Lane in the Town of Neenah to
the City of Neenah.

ORDINANCE NO. 2023-06

Introduced: _____

Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Pursuant to Section 66.0217(2), Wis. Stats., the following described territory contiguous to the City of Neenah and presently in the Town of Neenah, be and the same hereby is, annexed to the City of Neenah, and the corporate limits of said City are hereby extended so as to include the following described property and shown on the attached Exhibit A:

BEING PART OF THE SW 1/3 OF THE SW ¼ OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, BOUND AED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SECTION 32; THENCE N89°52'38"E, 561.60 FEET ALONG THE SOUTH LINE OF THE SW ¼ OF SECTION 32 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LANDS DESCRIBED IN DOCUMENT NO. 1833798; THENCE N01°10'26"W, 40.01 FEET ALONG SAID EXTENSION OF THE NORTH LINE OF BREEZEWOOD LANE AND THE POINT OF BEGINNING; THENCE CONTINUING N01°10'26"W, 380.34 FEET ALONG THE WEST LINE OF SAID DESCRIBED LAND TO THE SOUTH LINE OF BLOCK 10 OF THE 2ND ADDITION TO CONANT HEIGHTS PLAT; THENCE N89°54'52"E, 317.95 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF ALPINE LANE; THENCE S01°10'26"E, 380.13 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF BREEZEWOOD LANE THENCE S89°52'38"W, 317.95 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

Section 2. Said annexation is proposed to be zoned R-1, Single-Family Residence District upon annexation.

Section 3. The petition for annexation is conducted under unanimous approval (Wisconsin State Statute Sec. 66.0217(2)). The Wisconsin Department of Administration issued this annexation petition Municipal Boundary Review number 14575. The annexation area is 2.77 acres in size and is wholly located in the Town of Neenah, Winnebago County. The parcel number of the land being annexed is 010036701 and the population of all people living on the transferred land is 2.

Section 4. That the limits of the Third Aldermanic District in the City of Neenah are hereby extended in such manner as to include said territory.

Section 5. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 5. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Adopted: _____

Jane B. Lang, Mayor

Published: _____

Attest:

Charlotte Nagel, City Clerk

ANNEXATION MAP

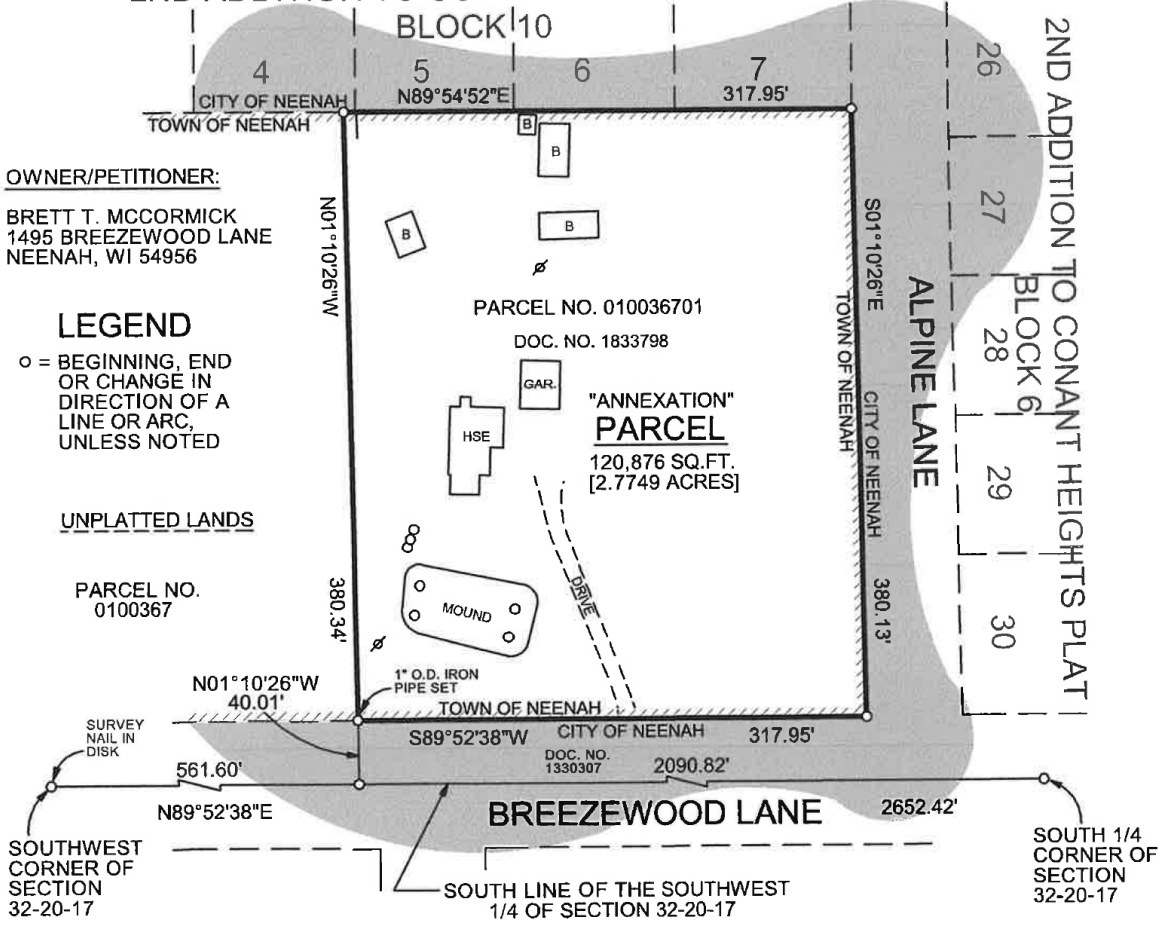
BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN

"ANNEXATION" PARCEL DESCRIPTION:

BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32; THENCE N89°52'38"E, 561.60 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 32 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LANDS DESCRIBED DOCUMENT NO. 1833798; THENCE N01°10'26"W, 40.01 FEET ALONG SAID EXTENSION TO THE NORTH LINE OF BREEZEWOOD LANE AND THE POINT OF BEGINNING; THENCE CONTINUING N01°10'26"W, 380.34 FEET ALONG THE WEST LINE OF SAID DESCRIBED LAND TO THE SOUTH LINE OF BLOCK 10 OF THE 2ND ADDITION TO CONANT HEIGHTS PLAT; THENCE N89°54'52"E, 317.95 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF ALPINE LANE; THENCE S01°10'26"E, 380.13 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF BREEZEWOOD LANE; THENCE S89°52'38"W, 317.95 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.



2ND ADDITION TO CONANT HEIGHTS PLAT



OWNER/PETITIONER:

BRETT T. MCCORMICK
1495 BREEZEWOOD LANE
NEENAH, WI 54956

LEGEND

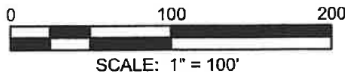
o = BEGINNING, END OR CHANGE IN DIRECTION OF A LINE OR ARC, UNLESS NOTED

UNPLATTED LANDS

PARCEL NO. 0100367

SURVEY NAIL IN DISK
SOUTHWEST CORNER OF SECTION 32-20-17

SOUTH 1/4 CORNER OF SECTION 32-20-17



REVISED: 3/7/2023

A2302.8 ANNEX

| | | |
|---------------------------------------|------------------|--------------|
| CAROW LAND SURVEYING CO., INC. | | |
| 615 N LYNNDAL DRIVE | | |
| APPLETON, WI 54914 | | |
| DATE: 3/1/2023 | SCALE: 1" = 100' | DRAWN BY: CP |

ANNEXATION MAP

BEING PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN

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2ND ADDITION TO CONANT HEIGHTS PLAT

OWNER/PETITIONER:
 BRETT T. MCCORMICK
 1495 BREEZEWOOD LANE
 NEENAH, WI 54956

LEGEND

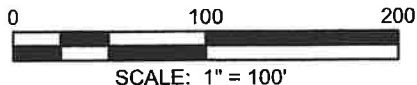
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UNPLATTED LANDS

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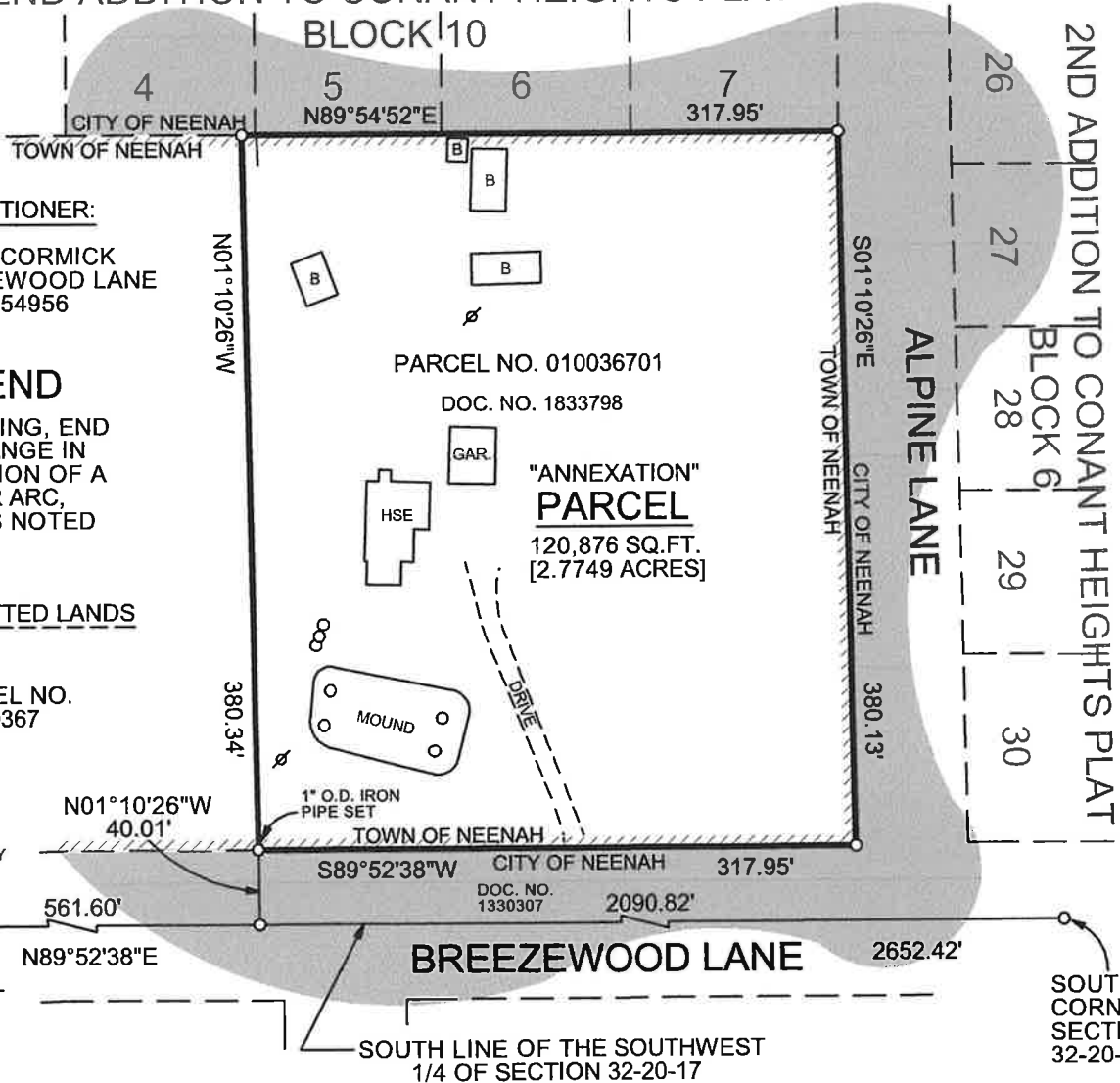
SURVEY NAIL IN DISK

SOUTHWEST CORNER OF SECTION 32-20-17



REVISED: 3/7/2023

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