



**APPLICATION FOR PLANNED DEVELOPMENT  
REZONING**

Community Development Department  
 100 N. Appleton St. PH: 920-832-6468  
 Appleton, WI 54911 FAX: 920-832-5994

Stamp date received

PROPERTY OWNER		APPLICANT (owner's agent)	
Name		Name	
Mailing Address		Mailing Address	
Phone	Fax	Phone	Fax
E-mail		E-mail	

PROPERTY INFORMATION	
Property Tax # (31-0-0000-00)	
Site Address/Location	
Legal Description of Land proposed for Rezoning including to the center line of right of way(s) <b>*Please submit an electronic copy of the legal description in Microsoft Word format.</b>	
Current Zoning:	Proposed Zoning:
Current Uses:	Proposed Uses:
Lot Dimensions and Area:	

PLEASE STATE REASON(S) FOR PLANNED DEVELOPMENT REZONING REQUEST

Date	Owner/Agent Signature (Agents must provide written proof of authorization)

OFFICE USE ONLY			
Application Complete _____	_____/_____/____	Date Filed _____	_____/_____/____
Fee \$400.00	Acct #15020.5002	Receipt # _____	Date Paid _____

## **WHAT IS A PLANNED DEVELOPMENT REZONING?**

A Planned Development (PD) is an overlay to existing zoning that establishes criteria for a parcel of land or contiguous parcels of land controlled by a single landowner or by a group of landowners with a common agreement as to control. The Planned Development is to be developed as a single entity, the environment of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located.

## **WHERE DO I START?**

Contact the Community Development Department to discuss interest in a PD Rezoning. The staff will provide information regarding the 2010-2030 Comprehensive Plan, permitted uses, surrounding uses, possible nonconformities and the Implementation Plan Document (IPD). A PD has both a Development Plan (DP) and an IPD. The DP is a detailed concept plan for the proposed development. The Community Development Department creates a Draft IPD, which is then amended to reflect the elements specific to the development.

## **WHAT'S NEXT?**

A complete submittal includes a completed application, a legal description of the land to be rezoned, a PD (provided as an AutoCAD drawing on compact disc or by electronic mail), an IPD and the appropriate fee. The Community Development Department will file the complete submittal with the City Clerk.

City departments make recommendations to the Plan Commission. The Plan Commission holds an Informal Public Hearing to review staff comments and makes its recommendations to the Common Council. Notice of the hearing is sent to the petitioner, alderperson of the district, property owners within 100 feet of the lot to be rezoned and/or the Town Clerk. A recommendation to the Common Council is made within 45 days of the Informal Hearing.

Notice of the Public Hearing is published in the newspaper for two consecutive weeks before the Common Council meeting. At the Public Hearing, the Common Council formally approves, refers the item back to the Plan Commission, modifies the conditions or denies the PD Rezoning. If approved, the City Attorney drafts an Ordinance. The Common Council approves or denies the Ordinance.

*Note: If the Plan Commission unanimously denies a PD Rezoning request or if a valid remonstrance is filed, the PD Rezoning will not become effective except by the favorable vote of three-fourths of the Common Council.*

## **WHAT IS THE FINAL ACTION?**

The approved Ordinance is published in the local newspaper. Upon publication, the PD Rezoning is final. The IPD must be filed in the County Register of Deeds office. Once this is filed, the Community Development Department receives a copy and the specific criteria will be applied to the development project. The PD zoning designation runs with the land and remains the designation of the property until a rezoning action is submitted and approved.

*NOTE: If the Common Council denies a PD Rezoning request, the applicant must wait a year before submitting the same rezoning request. If the applicant withdraws the submittal prior to Common Council action to deny, the year wait to resubmit does not apply.*

## **IMPLEMENTATION PLAN DOCUMENT AND DEVELOPMENT PLAN INFORMATION**

The Implementation Plan Document (IPD) is recorded in the County Register of Deeds office. The IPD informs all who deal with the PD of the restrictions placed upon the land and acts as a customized zoning district. The IPD will include the Development Plan (DP), in which case requirements of the Development Plan checklist will also apply and will provide an analysis of the surrounding area in addition to the site-specific requirements of the IPD. The Development Plan (DP) shall generally locate buildings and site improvements and analyze the surrounding area to determine needs and compatibility.

The approval of the DP and IPD for a PD shall not constitute approval of the future final IPD. Rather, it shall be deemed an expression of approval of the concepts and details of the DP and IPD and as a

specific guide to the preparation of final documents, which are required as part of the application for approval of the final IPD and an Implementation Plan (Site Plan). Further, it indicates approval of the details in the application and a commitment by the applicant to such details.

The DP and IPD, as approved by the Common Council, shall remain valid for a period of 365 days during which time the Implementation Plan (Site Plan) must be submitted for review to the Director of Community Development. The Common Council may extend this period upon recommendation of the City Plan Commission. Failure to submit the Implementation Plan (Site Plan) for review will constitute abandonment of the PD and related approvals and any assumed development rights over that allowed through the base zoning district.

### **INFORMAL HEARING PROCEDURE BEFORE THE CITY PLAN COMMISSION**

The City Plan Commission, as a matter of policy, conducts Informal Hearings on all Zoning Ordinance amendments referred to it by the Common Council. While the law does not require these hearings, the Commission believes they are useful as an additional means of providing an opportunity for public comment on zoning and land use issues. In order that these hearings may be conducted in an orderly and productive fashion, the Plan Commission has established the following procedures:

1. A representative of the Community Development Department (which provides technical staff support for the Plan Commission) reviews the facts of the case and makes a recommendation for Commission action.
2. The Chair of the Plan Commission invites the applicant to address the Commission and to comment on the reasons for making the request for a change.
3. The Plan Commission may address questions to the applicant.
4. The Chair invites the public to comment on the merits of the request and to present planning evidence in support of or in opposition to the requested amendment. The public is asked to keep its comments brief and to the point on the particular zoning question at hand. Duplicating or inflammatory statements are discouraged.
5. The Plan Commission may address questions to the applicant, to the public or to the staff.
6. The Chair shall declare the Informal Hearing closed. At this time, the Plan Commission will debate the issue among themselves and act to either postpone the request or make a recommendation to the Common Council favoring or opposing the request.

Upon completion of the Informal Hearing and action by the Plan Commission, the case is referred to Common Council for its consideration at a formal public hearing.

## Development Plans

The specific contents of the development plan for a Planned Development (PD) Overlay District are listed in the Municipal Code, Chapter 23-151(n). This checklist is provided to assist you in preparing a complete set of plans, prior to submission.

Development plans and supporting data shall include all items listed in this section:

- 1. Topographic survey and location map
- 2. Detailed plan, drawn at a scale not less than one-inch equals 100 feet, or as considered appropriate by the Community Development Director. This plan should include:
  - Proposed streets
  - Lots
  - All buildings, showing setback dimensions to lot lines and use
  - Common open space
  - Recreation facilities
  - Parking areas, showing setback dimensions to lot lines
  - Service areas and other facilities to indicate the character of the development
  - Note identifying the lot coverage percentage of impervious surface coverage within the PD
  - Note identifying the percentage of permanent common open space within the PD
- 3. Boundary lines, including bearings, distances and acreage
- 4. Easement locations including width and purpose
- 5. Existing land use on the PD property and up to 150 feet on adjacent lots.
- 6. Other conditions on adjoining land, including:
  - Actual direction and gradient of ground slope, including embankments and retaining walls
  - Character and location of major buildings
  - Railroads
  - Power lines
  - Towers
  - Other nearby non-residential land uses or adverse influences
  - Owners of platted land, referred to by subdivision plat name, recording date and number
  - Approximate percentage built-up, typical lot sizes and dwelling types of platted land
- 7. Zoning on and adjacent to the tract
- 8. Streets on and adjacent to the tract, including:
  - Street names
  - Right-of-way widths
  - Existing or proposed centerline elevations
  - Pavement types
  - Walks
  - Curbs
  - Gutters
  - Culverts
- 9. Location of residential and non-residential buildings, including
  - Purpose
  - Height
- 10. General map data, including
  - Name of development
  - North arrow
  - Scale
  - Date of preparation
- 11. Accurate legal description of the entire area within the PD

- \_\_\_\_\_ 12. Identification and explanation of those aspects of the proposed PD overlay district that vary from the zoning ordinance requirements applicable to the underlying zoning district and from other applicable regulations of the City.
- \_\_\_\_\_ 13. Explanation of the character of the PD overlay district and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed PD overlay district meets the objectives of this section.
- \_\_\_\_\_ 14. Titles and certificates, including
  - \_\_\_\_\_ Present tract designation according to official record in the County Register of Deeds
  - \_\_\_\_\_ Title under which the development is to be recorded, with names and addresses of owners and notation stating acreage; owners include beneficial owners of any land trust
- \_\_\_\_\_ 15. A general landscape and lighting plan for the site, including the effects of lighting on adjacent properties

*The following items may be waived by the Community Development Director:*

- \_\_\_\_\_ 1. Proposed public improvements
- \_\_\_\_\_ 2. Utilities on and adjacent to the tract, including
  - \_\_\_\_\_ Location of: \_\_\_\_\_ sanitary and storm sewers
  - \_\_\_\_\_ electric, telephone and gas lines
  - \_\_\_\_\_ fire hydrants
  - \_\_\_\_\_ street lights
  - \_\_\_\_\_ Size and invert elevation of sanitary and storm sewers
  - \_\_\_\_\_ Direction, distance to and size of nearest water mains adjacent to the tract
  - \_\_\_\_\_ Direction, distance to, size and invert elevation of nearest sewers adjacent to the tract
- \_\_\_\_\_ 3. Ground elevation on the tract and the first 50 feet on all adjacent tracts, including
  - \_\_\_\_\_ One foot contours for land which slopes less than .5%
  - \_\_\_\_\_ All breaks in grade at drainage changes or swales
  - \_\_\_\_\_ All breaks in grade at selected points not more than 100 feet apart in all directions
  - \_\_\_\_\_ Two foot contours for land that slopes more than .5%
  - \_\_\_\_\_ Land within the 100 year flood plain
- \_\_\_\_\_ 4. Subsurface conditions on the tract, including tests to ascertain subsurface soil, rock and groundwater conditions and depth to groundwater, unless test pits are dry at a depth of five feet
- \_\_\_\_\_ 5. Other conditions: water courses, marshes, rock outcrops, wooded areas, isolated trees one foot or more in diameter, existing structures and other significant features.
- \_\_\_\_\_ 6. Names and addresses, including
  - \_\_\_\_\_ Those who should receive hearing notices
  - \_\_\_\_\_ The subdivider or developer, the designer of the subdivision or development, owners of land immediately adjoining the land to be platted
- \_\_\_\_\_ 7. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with purpose indicated
- \_\_\_\_\_ 8. A drainage plan signed by a Wisconsin Registered Professional Engineer that conforms to City standards for site drainage
- \_\_\_\_\_ 9. Tabulation of each separate subdivided use area, including
  - \_\_\_\_\_ Land area
  - \_\_\_\_\_ Number of buildings
  - \_\_\_\_\_ Number of dwelling units per acres
- \_\_\_\_\_ 10. An accurate legal description of each separate unsubdivided use area, including open area

- \_\_\_\_\_ 11. A stormwater management plan signed by a Wisconsin Registered Professional Engineer that conforms to the City Stormwater Management Ordinance
- \_\_\_\_\_ 12. Miscellaneous documents that may be required by the Community Development Director as requested after the preapplication conference

The following items may be required by the Community Development Director:

- \_\_\_\_\_ 1. Development schedule indicating,
  - \_\_\_\_\_ Stages in which the project will be built with emphasis on:
    - area
    - density
    - use and public facilities, i.e. open space to be developed with each stage
  - \_\_\_\_\_ Each stage described and mapped as a unit of the project; overall design of each unit shall be shown on the plan and through supporting graphic material
  - \_\_\_\_\_ Dates for beginning and completion of each stage
- \_\_\_\_\_ 2. Proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the PD and any of its common open space
- \_\_\_\_\_ 3. Proposed condominium declaration and bylaws of condominium form of ownership or homeowner's association if it is to be used in the PD
- \_\_\_\_\_ 4. Information on the type and amount of non-residential uses, including
  - \_\_\_\_\_ Building locations
  - \_\_\_\_\_ Building heights
  - \_\_\_\_\_ Building sizes
  - \_\_\_\_\_ Amount and location of common open space
  - \_\_\_\_\_ Hours of operation
  - \_\_\_\_\_ Number of employees
  - \_\_\_\_\_ Specific uses
- \_\_\_\_\_ 5. Preliminary architectural plans for all primary buildings, with sufficient detail to indicate
  - \_\_\_\_\_ Style of the development
  - \_\_\_\_\_ Design elements of the buildings
  - \_\_\_\_\_ Number, size and type of dwelling units
- \_\_\_\_\_ 6. Development plans and feasibility reports for:
  - \_\_\_\_\_ Streets (including classification, width of right-of-way, width of pavement, construction details)
  - \_\_\_\_\_ Sidewalks
  - \_\_\_\_\_ Sanitary sewers
  - \_\_\_\_\_ Storm drainage
  - \_\_\_\_\_ Water supply system
  - \_\_\_\_\_ Street lighting
  - \_\_\_\_\_ Public utilities
- \_\_\_\_\_ 7. Community-benefit analysis indicating the fiscal impact of the PD overlay district on major taxing bodies including the municipal corporation, school district(s) and others, including detailed estimates on:
  - Expected population of the development
  - Operating cost to be incurred by each taxing body
  - Additional major capital investments required because of the PD overlay district
  - Revenue generated for each taxing body by the PD overlay district to offset service and fiscal demands created
- \_\_\_\_\_ 8. Traffic analysis, studying the impact of the PD overlay district on the street and highway system in the City

- \_\_\_\_\_ 9. Market information, indicating extent of market demand for uses in the PD overlay district, including:
- Analysis of demographics
  - Sales potentials
  - Competitive alignment
  - Assessment of market share
  - Market positioning of each component of the PD overlay district
- \_\_\_\_\_ 10. Environmental analysis that discloses the major impacts, positive and negative, on the environment by the PD overlay district, including the effects on:
- discrete ecosystems
  - deteriorated air quality in the immediate vicinity and along arterial and collector roads leading to the PD overlay district over a distance determined by the City Engineer
  - deterioration in the groundwater or surface water quality
  - sensitive land areas such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures
- \_\_\_\_\_ 11. Open space standards effecting all open space, which at the election of the City, shall be:
- Conveyed to the City
  - Conveyed to a not-for-profit group or entity established for the purpose of benefiting the owners and tenants of the PD overlay district or adjacent property owners
  - Guaranteed by a restrictive covenant running with the land for the benefit of residents of the PD overlay district or adjacent property owners

NOTE TO THE PREPARER: Read this document carefully and assure all items apply to the specific development, e.g. #3 could list exact number of spaces, #8 might not be included, etc. Retype this document and **complete the highlighted areas**. The space to the right of the vertical line must be left blank for Register of Deeds' recording information.

**DRAFT**

## **IMPLEMENTATION PLAN DOCUMENT FOR PLANNED DEVELOPMENT**

### **PLANNED DEVELOPMENT DESIGNATION**

This Planned Development Designation, to be known as **(Insert Development name)** is approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Common Council of the City of Appleton, Wisconsin, a Wisconsin Municipal Corporation, (hereinafter referred to as the "City") for certain real property located in Appleton and described in attached **Exhibit \_\_\_\_\_** (hereinafter referred to as the "Property"). This Implementation Plan Document for Planned Development **(PD) # \_\_\_\_\_** is made and entered into by and between **\_\_\_\_\_** (hereinafter referred to as the "Owner/Developer") and the City.

WHEREAS, Section 23-151 of the Appleton Municipal Code requires the recordation of a

Implementation Plan Document for Planned Developments undertaken in the City; and  
Department

WHEREAS, the actual Implementation Plan Document contemplated under the aforementioned Ordinance is too voluminous and cumbersome for easy recordation by the **(Insert County Name)** County Register of Deeds; and

WHEREAS, the parties hereto wish to notify all interested parties of the existence of said Implementation Plan Document;

NOW, THEREFORE, in consideration of the foregoing recitals, the Owner/Developer and the City hereby notify all interested parties as follows:

1. **Existence of Implementation Plan Document for PD # \_\_\_\_\_**. The parties hereto have entered into mutually agreeable Development and Implementation Plans for the Property. This designation establishes the general uses which shall be permitted on the property, a general development plan, a specific implementation plan and a statement of development guidelines and conditions that must be complied with by the Owner/Developer and all subsequent property

Record and return copy to:

City of Appleton  
Community Development

100 N. Appleton Street  
Appleton, WI 54911

owners or agents of the property owners. This designation also specifies improvements that must be made and conditions that must be fulfilled in conjunction with this designation by the Owner/Developer.

2. **Location of Implementation Plan Document.** The Implementation Plan Document for PD # \_\_\_\_\_ approved by Appleton Common Council action on \_\_\_\_\_, 20\_\_\_\_ and executed by the parties on the date of filing with the (Insert County Name) County-Register of Deeds' office is on file with the Appleton Community Development Department, 100 North Appleton Street, Appleton, WI, and is subject to review and reproduction by all interested parties upon request.

3. **Subsequent Purchasers.** A Planned Development (PD) is a zoning overlay district under the City of Appleton Zoning Ordinance. The Implementation Plan Document exists for Planned Developments (PDs) under this zoning category and are covenants that run with the land. Accordingly, all future purchasers of property zoned PD should become familiarized with the individual requirements attached to that specific property.

4. **Amendments to the Recorded Development Plans and Implementation Plan Document.** Pursuant to Section 23-151 of the Appleton Municipal Code, major changes in a PD require approval by the City Council and subsequent recording of the amendment. The Community Development Director may approve Minor Amendments.

5. **Development Guidelines and Conditions.** The Development Guidelines and Conditions include, but are not limited to, the following:

A. **ALLOWED LAND USES**

1. Any uses as listed in the \_\_\_\_\_ District are allowed in PD # \_\_\_\_\_ but if required, may be subject to conditional regulation: (See below)

*(The applicant may list desired land uses as listed underlying zoning district)*

2. In addition to the uses allowed in the underlying district the following uses are consistent with the use regulation exception criteria established by Appleton Municipal Code Section 23-151 and are allowed uses in PD # \_\_\_\_\_:

*(The applicant may list desired land uses not as listed underlying zoning district or state "NONE")*

B. **DEVELOPMENT STANDARDS**

1. **Principal Use** All principal uses, buildings and structures shall comply with the minimum development standards (lot area, lot width, front, rear and side yard setbacks, building height and other requirements) of the underlying zoning district of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

**Development Standard Exceptions:** (If not applicable indicate "N/A")

- 2. Accessory uses, building and structures** – All Accessory uses, buildings and structures shall comply with the development standards (front, rear and side yard setbacks, building height and other requirements) of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

**Development Standard Ordinance Exceptions:** (If not applicable indicate "N/A")

- 3. Off-Street Parking and Loading Standards** –All uses established, expanded, change in use shall provide off-street parking space(s), stacking space(s) and loading space(s) in accordance with the requirements of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

**Off-Street Parking and Loading Standard Ordinance Exceptions:** (If not applicable indicate "N/A")

- 4. Outdoor Lighting Standards** – All outdoor lighting shall comply with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

**Outdoor Lighting Standard Ordinance Exceptions:** (If not applicable indicate "N/A")

- 5. Landscaping Standards** - Landscaping improvements shall be required as part of any site plan. Landscaping shall conform with the requirements of the City's Landscape Standards, including but not limited to, plantings around the parking/driveway areas, the dumpster enclosures, and the base of the ground signs. A detailed Landscape Plan shall be prepared and submitted to the Community Development Department as part of the Site Plan Review and approval process pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

**Landscaping Standard Ordinance exceptions:** (If not applicable indicate "N/A")

- 6. Sign Standards** – All signs shall comply with the Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

**Sign Standard Ordinance exceptions:** (If not applicable indicate "N/A")

- 7. Design Standards**

The exterior of all buildings shall be compatible and consistent with the materials and colors within the development. Samples of the exterior building materials and colors or color renderings of the exterior of the building(s) are required to be submitted to the Community Development Department as part of the Site Plan Review and approval process. Any future buildings, building additions or building alterations shall be compatible with this theme, as shown in (Exhibit \_\_\_) and the building materials listed below.

- Roofing type and color \_\_\_\_\_.
- Type and color of soffit and fascia \_\_\_\_\_.
- Type and color of window trim \_\_\_\_\_.
- Type and color of exterior doors \_\_\_\_\_.
- Exterior wall (north, south, east west elevations) type and color \_\_\_\_\_.

#### 8. Designated Open Space Areas

Open Space Areas. Open Space Areas may either be passive or active in nature and shall fully complement the Property. Such open space may take the form of required yards, parks, playgrounds, landscaped green space, nature walks and natural areas.

PD # \_\_\_\_\_ shall provide permanent open space areas in accordance with the requirements of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

**Open Space Standard Ordinance exceptions:** (If not applicable indicate "N/A")

The permanent open space areas be shown and identified on (Exhibit \_\_\_\_\_) attached, which demonstrates approximately \_\_\_\_\_% open space shall remain open and free from all improvements except for landscaping, utility work, and access or other elements.

#### 9. Density of Development

Densities of development indicated in Exhibit \_\_\_\_\_ represent the maximum permitted densities and levels of use. Each development phase must meet all applicable standards and requirements of Chapter 23, Appleton Zoning Code as unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

**Density Standard Ordinance exceptions:** (If not applicable indicate "N/A")

10. **Site Plan Review** is required for construction projects within PD# \_\_\_\_\_ pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.

11. **Construction/Phasing Schedule** - (Applicant indicate the date for beginning and complete of the development, if the developed in stages indicate dates for beginning and completion of each stage).

12. **Words and Terms Defined** – All words and terms wherever they occur in this Implementation Plan Document for PD # \_\_\_\_\_, shall be defined and interpreted in accordance with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.

13. **Nonconformity** - Any existing building, structure or characteristic and any existing use within PD # \_\_\_\_\_ 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 provided in Chapter 23, Appleton Zoning Code as now in effect or hereafter amended with respect to nonconforming, structures, uses and characteristics.

a. **PLATTING REQUIREMENTS** - No person, firm or corporation shall combine lots, adjust lot lines, or divide any land within the jurisdictional limits of these regulations which results in a lot combination, lot line adjustment, subdivision, minor land division, or a replat as defined herein; no such lot combination, lot line adjustment, subdivision, minor land division, or replat, as defined herein shall be entitled to recording and no street shall be laid or public improvement made to land without compliance with all requirements of Chapter 17 of the Municipal Code.

b. **INSTALLATION OF REQUIRED IMPROVEMENTS** – The installation of all required improvements including but not limited to stormwater, streets, sidewalks, bike paths, water systems, sewer systems, fire protection, utilities shall be consistent with terms and conditions specified in the Development Agreement Document made by and between the City of Appleton and (Insert Development name) and on file with the Appleton City Attorney’s Office or shall be in accordance with all applicable City Appleton regulations .

**E. GENERAL PROVISIONS**

**1. Enforcement**

The provisions of the (Insert Development name) is Planned Development designation and the development plan relating to the use of the land shall be effective and in force unless so amended as required by the Appleton Municipal Code Section 23-151.

**2. Breach of Provisions of PD Designation**

If at any time any provision or requirements stated in the (Insert Development name) Planned Development designation have been breached by the Owner/Developer, the City may withhold approval of any or all platting or the issuance of any or all grading or building permits or occupancy permits applied for on the property, until such breach has been remedied.

**3. Binding Effect**

This (Insert Development name) Planned Development designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter

acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the Appleton Municipal Code Section 23-151. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

**4. Entire Designation**

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to (Insert Development name) PD#\_\_\_\_\_, except as modified by subsequent action of the Appleton Common Council in accordance with procedures set forth in the Appleton Municipal Code Section 23-151 to amend planned developments, and except that nothing contained herein shall be construed as waiving any requirements of the Appleton Municipal Code or other regulations otherwise applicable to the development of the Property.

**5. Period of Validity**

The Implementation Plan and Development Plan (Exhibit(s)\_\_\_\_\_) as approved by the Common Council shall remain valid of a period of one (1) year during which time a building permit must be applied for and received. If the applicant does not apply for and receive a building permit within one (1) year from the date of Common Council approval of PD overlay district PD#\_\_\_\_\_, Development Plan and Implementation Plan Document (IPD), the Development Plan and Implementation Plan Document (IPD) will constitute abandonment of the PD overlay district and related approvals, and any assumed development rights over that allowed through the underlying zoning district and shall be subject to the regulations in Section 23-151, Proof of validity and expiration of plans, of this chapter.

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

This designation must be signed by both the City and the Owner/Developer and must be recorded by the (Insert Applicant's Name) in the (Insert County Name) Register of Deeds' Office and a recorded copy of the Development Plan and Implementation Plan Document (IPD) shall be provided to the Community Development Department. This constitutes approval of the Development Plan and Implementation Plan Document (IPD), conditions applied, modifications and any density premiums, which may be granted, and exceptions, if any, to the plan shown in the application ordered by the Common Council.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Owner

Title:

By: \_\_\_\_\_  
Owner

Title:

STATE OF WISCONSIN )  
 )ss  
COUNTY OF \_\_\_\_\_ )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
the above named \_\_\_\_\_, and \_\_\_\_\_,  
to me known to be the persons who executed the foregoing instrument and  
acknowledged the same in the capacity and for the purposes therein intended.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission expires

The above Implementation Plan for PD # \_\_\_\_\_ was drafted by the undersigned at the  
request of the Property Owner.

\_\_\_\_\_  
(Insert Applicants Name)  
Drafter's Signature

\_\_\_\_\_  
Date

Approved as to form: CITY OF APPLETON, a Wisconsin  
Municipal Corporation

James P. Walsh  
Appleton City Attorney

By: \_\_\_\_\_  
Timothy M. Hanna, Mayor

Attest: \_\_\_\_\_  
Cynthia Hesse, City Clerk

STATE OF WISCONSIN )  
 )ss  
COUNTY OF OUTAGAMIE )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above-  
named Timothy M. Hanna, Mayor of City of Appleton, and Cynthia Hesse, City Clerk of  
City of Appleton, to me known to be the persons who executed the foregoing instrument  
and acknowledged the same in the capacity and for the purposes therein intended.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission expires