



Common Council

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Agenda

Tuesday, April 18, 2023

7:30 PM

Council Chambers and Virtual

Pursuant to Wisconsin Statute 19.84, Notice is hereby given to the public that a meeting of the **Common Council** of the City of De Pere will be held on **April 18, 2023** at **7:30 PM** in the **COUNCIL CHAMBERS, 2ND FLOOR CITY HALL, 335 S. BROADWAY STREET, DE PERE.**

The public may attend the meeting either in person in the Council Chambers or electronically/telephonically. Electronic or telephonic access to the meeting is provided below:

Computer/smart phone accessing <https://www.gotomeet.me/DePere>

OR

You can also dial in using your phone.
United States (Toll Free): [1 866 899 4679](tel:18668994679)
United States: [+1 \(312\) 757-3117](tel:+13127573117)
Access Code: 154-883-285

This meeting may also be rebroadcast on TV throughout the week and available on demand at <http://deperecitywi.igm2.com/>.

THERE WILL BE A BRIEF SWEARING-IN CEREMONY FOR ELECTED OFFICIALS PRIOR TO COMMENCEMENT OF THE COUNCIL MEETING.

Call to Order

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Approval of the minutes of the April 5, 2023 Common Council meeting.
4. Public Hearing on the Repeal and Reenactment of Chapter 16, De Pere Municipal Code regarding the Floodplain Zoning Ordinance.
 - A. Notice of Public Hearing.
 - B. Ordinance #23-04 Repealing and Reenacting Chapter 16 Floodplain Zoning Ordinance of the De Pere Municipal Code.
5. Public Hearing on the Amendment of Chapter 14 Zoning Ordinance of the De Pere Municipal Code including amendments to the Official District Map.
 - A. Notice of Public Hearing.
 - B. Ordinance #23-05 Amending Chapter 14 Zoning Ordinance of the De Pere Municipal Code including Amendments to the Official District Map.
6. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Common Council. §6-3(f) DPMC.
7. Special commendations for state champion teams.

8. Recommendation from Plan Commission to approve a 2-lot and 1-outlot CSM at 2200-2300 BLK American BL (Parcel WD-L492-B).
9. Recommendation from the Finance/Personnel Committee to authorize expenditure of \$5,000 from the Wisconsin Grant Allocation to purchase recruitment materials, backdrops, signage, and branding materials for the Police Department.
10. Recommendation from the Finance/Personnel Committee to authorize expenditure of \$20,000 from the Wisconsin Grant Allocation to fund repairs and updates to common areas in the Police Department.
11. Recommendation from the Finance/Personnel Committee to authorize the overhire of 1 Police Officer.
12. Recommendation from Finance & Personnel Committee to over hire one Firefighter position for the Fire Department.
13. Consideration and Possible Action on fire engine purchase for Fire Department.
14. Recommendation from Board of Public Works on approval of a pilot program allowing use of City owned parking lots (Rock the Dock).
15. Recommendation from the Board of Public Works on award of Contract 23-09 Pond and Drainage System Construction to Advance Construction, Inc.
16. Recommendation from Board of Public Works to approve reconstruction of additional alley under Contract 23-02 Ridgeway and East River Drive Pavement Rehabilitation.
17. Recommendation from Board of Public Works on wayfinding signs.
18. Consideration and Possible Action on Noise Consultant Study and Chapter 146 Noise Ordinance.
19. Ordinance #23-06 Amending Section 74-10 of the De Pere Municipal Code Regarding Noxious Weeds and Planned Natural Landscaping Area.
20. Resolution #23-36 Authorizing the Guarantee and Commitment of Match Funds and Certification of Match Funds Secured for the 2023 Community Development Block Grant - Public Facilities (CDBG-PF) Application Related to the City of De Pere's Participation in the CDBG Program.
21. Resolution #23-37 Authorizing Agreement for Contractor Services Between the City of De Pere and Water Tower Clean and Coat, Inc. (Enterprise Reservoir Cleaning & Overcoating).
22. Resolution #23-38 Authorizing First Amendment to Agreement for Consulting Services Between the City of De Pere and Vierbicher Associates, Inc. (Community Development Block Grant Special Project Grant Program).
23. Resolution #23-39 Authorizing First Amendment to the Consulting Services Agreement Between the City of De Pere and Walker Consultants, Inc. (Parking Study Implementation and Parking Analysis).
24. Appointments and reappointments to boards and commissions by Mayor Boyd.
25. Elections by the Common Council.
 - A. Alderperson members of the Plan Commission.
 - B. President of the Common Council.

- 26. Voucher approval.
- 27. Future agenda items.
- 28. Discussion and Possible Action on Potential Acquisition of Private Property for Public Purposes.

PLEASE TAKE NOTICE THAT, pursuant to Wis. Stat. §19.85(1)(e), the Council may convene in closed session for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The Council may then reconvene in open session to take action on any matter discussed in closed session or for such other purposes as are allowed by law.

- 29. Adjournment.

Carey Danen
City Clerk

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk's office at 339-4050 by Noon, the previous day so that arrangements can be made.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Approval of the minutes of the April 5, 2023 Common Council meeting.

ATTACHMENTS:

- 4-5-23 Common Council Minutes_draft (PDF)



Common Council

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Draft Minutes

Wednesday, April 5, 2023

7:30 PM

Council Chambers and Virtual

1. Call to Order. The meeting was called to order at 7:30 PM by Mayor James Boyd.

Attendee Name	Title	Status	Arrived
Dan Carpenter	Aldersperson	Present	
Pamela Gantz	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Amy Chandik Kundinger	Aldersperson	Present	
Shana Defnet Ledvina	Aldersperson	Present	
Devin Perock	Aldersperson	Present	
John Quigley	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	
James Boyd	Mayor	Present	

2. Pledge of Allegiance to the Flag.

3. Approval of the minutes of the March 21, 2023 Common Council meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Aldersperson
SECONDER:	Dean Raasch, Aldersperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

4. Public Hearing on a proposed application for Community Development Block Grant (CDBG) Public Facilities (PF) program funds.

A. Notice of Public Hearing.

The public hearing notice was published in the Green Bay Press Times on March 17, 2023.

B. Resolution #23-32 Authorizing Submission of a Community Development Block Grant (CDBG) (Public Facility Improvement Application Relating to the City of De Pere Participation in the Community Development Block Grant - Public Facilities Program [CDBG-PF]).

Ben Andrews from MSA Professional Services provided an overview of the program. The City has applied for the grant in order to make water facility improvements on sections of S. Superior and Bomier. He noted that there are no anticipated residential or business displacements.

Mayor Boyd declared the public hearing open. Property owner Susan Danen indicated that there is a huge tree at 816-818 S. Superior St which is causing problems. She asked that the City look at the trees in the project area because they are a safety issue. No one else wished to speak, so Mayor Boyd declared the hearing closed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

5. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Common Council. §6-3(f) DPMC.

None.

6. Green Schools Day Proclamation.

7. Proclamation for Sexual Assault Awareness Month.

8. Recommendation from the Board of Park Commissioners to accept a \$1,750 donation from Immel Construction for July Beer Garden.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

9. Recommendation from the Board of Park Commissioners to accept a \$1,750 donation from Durr Systems for August Beer Garden.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

10. Recommendation from the Board of Park Commissioners to accept a \$600 donation from Graef for Beer Gardens.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

11. Recommendation from the Board of Park Commissioners to accept a banner donation from Tundra Apparel & Promotions and Wonder Sign for Beer Gardens valued at \$500.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

12. Recommendation from the Board of Park Commissioners to accept a \$500 donation from the De Pere Optimist Club for Easter Egg Hunt.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

13. Recommendation from the Board of Park Commissioners to accept a \$500 donation from the De Pere Optimist Club towards Summer Day Camp t-shirts.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Devin Perock, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

14. Recommendation from the Board of Park Commissioners to accept a \$300 donation from De Pere Area Men's Club for Summer Carnival.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

15. Recommendation from the Board of Park Commissioners to accept a \$300 donation from De Pere Area Men's Club for Senior Picnic.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

16. Recommendations from the Board of Park Commissioners regarding the replacement of Truck #4.

A. To approve the bid from Broadway Automotive in the amount of \$78,330, with the \$18,330 overage to come from unassigned reserves.

Maintenance Supervisor Tom Blohowiak answered questions about the state bid process, pricing, and delivery backlogs. He explained that the current vehicle has several maintenance issues which would cost money if staff waited for a state-purchased truck. Discussion followed regarding the possibility of placing an order with the state and then

cancelling if the delivery timeframe got delayed. City Administrator Larry Delo stated that staff plans to bring forward a pre-order plan for consideration.

RESULT:	APPROVED BY ROLL CALL VOTE [5 TO 3]
MOVER:	Shana Defnet Ledvina, Alderperson
SECONDER:	Amy Chandik Kunding, Alderperson
AYES:	Gantz, Hansen, Kunding, Ledvina, Quigley
NAYS:	Carpenter, Perock, Raasch

B. To approve the expenditure of \$4,000 from unassigned reserves for truck wrap of the new Parks Department vehicle.

RESULT:	APPROVED BY ROLL CALL VOTE [5 TO 3]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	John Quigley, Alderperson
AYES:	Gantz, Hansen, Kunding, Ledvina, Quigley
NAYS:	Carpenter, Perock, Raasch

17. Recommendation from Plan Commission to approve a 35 lot and 5 outlot final plat of The Kingston Preserve at the 2000 BLK Lawrence DR (Parcels WD-D0034, WD-D0034-1, WD-D0034-2, WD-D0034-3, WD-D0035).

RESULT:	APPROVED WITH STAFF RECOMMENDATIONS [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kunding, Ledvina, Perock, Quigley, Raasch

18. Discussion about the City's proposed FINAL DRAFT Floodplain Zoning Ordinance (Municipal Code Chapter 16).

Development Services Director Dan Lindstrom reported that the City is required by the Department of Natural Resources to update this ordinance to meet state requirements.

19. Discussion about revisions to the City's Zoning Ordinance (Municipal Code Chapter 16) and the Official Zoning Map.

Development Services Director explained that this will come back to the Council meeting on April 18th for approval. The revision will make several corrections, as well as create additional options for nonconforming setbacks in older neighborhoods.

20. Resolution #23-33 Authorizing Amended and Restated Agreement for Contractor Services Between the City of De Pere and Nicholas Herman Uecker, d/b/a On Site Logging (Tree and Stump Removal Services in City Right-of-Way City Designated Sections E1, E2, W1 and W3).

City Forester Don Melichar explained that this contract will complete the necessary work in all zones, noting that staff did the removals in section W-2 that were not being treated.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

21. Resolution #23-34 Authorizing Agreement for Services Between the City of De Pere and GRAEF-USA, Inc. (Wilson Park Master Plan).

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Devin Perock, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

22. Resolution #23-35 Authorizing Agreement for Services Between the City of De Pere and Mead and Hunt, Inc. (Comprehensive Park and Outdoor Recreation Plan Update).

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

23. Voucher approval.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Quigley, Alderperson
SECONDER:	Devin Perock, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

24. Future agenda items.

Alderperson Raasch asked for a future discussion on the possible elimination of No Mow May; he acknowledged that it would not be for this year's program.

Alderperson Carpenter asked that staff prepare a protocol for pre-planning of capital purchases. This will go to Board of Public Works.

25. Adjournment.

Alderperson Raasch moved, seconded by Alderperson Gantz to adjourn the meeting at 8:34 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Public Hearing on the Repeal and Reenactment of Chapter 16, De
Pere Municipal Code regarding the Floodplain Zoning Ordinance.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023
DEPARTMENT: City Clerk
FROM: Carey Danen
SUBJECT: A. Notice of Public Hearing.

ATTACHMENTS:

- Public Hearing Notice - Floodplain Zoning Ordinance March-April 2023 (PDF)

Publish: March 31, 2023 and April 7, 2023 in the Press-Times (Class 2 Notice)

NOTICE OF PUBLIC HEARING

Notice is hereby given, that on Tuesday, **April 18, 2023 at 7:35 PM** or as soon thereafter as can be heard, a public hearing will be held by the Common Council of the City of De Pere to act on the following: the repeal and recreation of Chapter 16, De Pere Municipal Code regarding the Floodplain Zoning Ordinance, which governs development in mapped floodplain areas.

The public may attend the meeting either in person in the Council Chambers (2nd Floor City Hall, 335 S Broadway ST, De Pere, WI) or electronically. Electronic or telephonic access to the meeting is below: Computer/smart phone accessing <https://www.gotomeet.me/DePere> OR dial by phone: United States (Toll Free): 1-866 899-4679 United States: +1 (312) 757-3117 Access Code: 154-883-285.

A copy of the spreadsheets with the proposed updates to the Chapter 16 Floodplain Zoning Ordinance are available online at <https://www.deperewi.gov/departments/photos/index.php?structureid=124> or by emailing Peter Schleinz at pschleinz@deperewi.gov.

Dated this 28th day of March, 2023.

BY ORDER OF THE COMMON COUNCIL

James G. Boyd
Mayor

Carey E. Danen
City Clerk



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

SUBJECT: B. Ordinance #23-04 Repealing and Reenacting Chapter 16
Floodplain Zoning Ordinance of the De Pere Municipal Code.

On April 5, 2023, Common Council discussed the FINAL DRAFT ordinance.

On March 30, 2023, the Wisconsin Department of Natural Resources revised the map panels and dates in Section 16-05(2)(a). The revisions are shown in the attached FINAL DRAFT ordinance.

On March 27, 2023, Plan Commission unanimously recommended to repeal and reenact the FINAL DRAFT ordinance by a vote of 5-0.

On February 27, 2023, Plan Commission discussed the FINAL DRAFT ordinance.

ATTACHMENTS:

- Ord23-04 (PDF)
- FP ord_final 03302023 (PDF)

ORDINANCE #23-04

REPEALING AND REENACTING CHAPTER 16 FLOODPLAIN ZONING
ORDINANCE OF THE DE PERE MUNICIPAL CODE

WHEREAS, the Common Council of the City of De Pere, having reviewed the recommendation of the City Plan Commission regarding repealing Chapter 16 (Floodplain Zoning Ordinance) of the City of De Pere Municipal Code and having scheduled a public hearing then to be decided by the Common Council; and

WHEREAS, the City Clerk, having published a Class 2 Notice of Public Hearing regarding such proposed Floodplain Zoning Ordinance repeal and reenactment, and pursuant thereto, a public hearing having been held on the 18th day of April, 2023 at 7:35 p.m. and the Common Council having heard all interested parties, their agents and/or attorneys;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 16 – FLOODPLAIN ZONING ORDINANCE shall be repealed in its entirety and reenacted with the Chapter 16 – FLOODPLAIN ZONING ORDINANCE as attached hereto and incorporated herein by reference.

Section 2. That all other ordinances in conflict herewith are hereby repealed.

Section 3. That this ordinance incorporated herein by reference shall take effect upon passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of April, 2023.

Ordinance #23-04
Page 2 of 2

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee/Commission Approval: 03/27/2023

Publication Date: _____

**PROPOSED TIMELINE
FOR THE
REPEAL AND REENACTMENT
OF THE
FLOODPLAIN ZONING ORDINANCE**

February 27, 2023	Plan Commission Discussion
March 27, 2023	Plan Commission Recommendation to Common Council
March 31, 2023	Public Hearing Notice Published (Class II)
April 5, 2023	Common Council Discussion
April 7, 2023	Public Hearing Notice Published (Class II)
April 18, 2023	Common Council Repeal and Reenact Decision
April 21, 2023	Floodplain Zoning Ordinance Effective
April 22-May 9, 2023	WDNR Publication or Posting of Notice of Enacted Ordinance
April 22-May 9, 2023	WNDR Submits Documentation to FEMA

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ARTICLE I. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

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16-01 Statutory Authorization

This ordinance is adopted pursuant to the authorization in s. 61.35 and 62.23, for villages and cities and the requirements in s. 87.30, Wis. Stats.

16-02 Finding of Fact

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base.

16-03 Statement of Purpose

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health, and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate

the activity, use or structure outside of the floodplain.

16-04 Title

This ordinance shall be known as the Floodplain Zoning Ordinance for City of De Pere, Wisconsin.

16-05 General Provisions

(1) Areas to be regulated

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, or AE on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

(2) Official Maps and Revisions

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, or AO on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in Section [16-05\(2\)\(a\)](#). Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in Section [16-05\(2\)\(b\)](#). These maps and revisions are on file in the office of the Development Services Department, City of De Pere.

(a) Official Maps based on the Flood Insurance Study (FIS).

1. Flood Insurance Rate Map (FIRM), panel numbers 55009C0254G and 55009C0258G, , dated 05/09/2023;
2. Flood Insurance Rate Map (FIRM), panel numbers 55009C0242F,

55009C0244F, 55009C0253F, 55009C0259F, 55009C0261F, 55009C0262F, 55009C0263F, 55009C0264F, 55009C0266F, 55009C0267F, and 55009C0268F, dated 08/18/2009;

3. Flood Insurance Study (FIS) for City of De Pere (Brown County) 55009CV001C, 55009CV002C, 55009CV003C, and 55009CV004C, dated 05/09/2023.
 4. Approved by: The DNR and FEMA.
- (b) Official Maps based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

(3) Establishment of Floodplain Zoning Districts

The flood hazard areas regulated by this ordinance are divided into districts as follows:

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to Section [16-40\(5\)](#).
- (b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to Section [16-40\(5\)](#), within A Zones shown on the FIRM.
- (c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and includes shallow flooding areas identified as AH and AO zones on the FIRM.

(4) Locating Floodplain Boundaries

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field

conditions may be resolved using the criteria in Section [16-05\(4\)\(a\)](#) or [16-05\(4\)\(b\)](#). If a significant difference exists, the map shall be amended according to Article [VIII Amendments](#). The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to Section [16-63\(3\)](#) and the criteria in Section [16-05\(4\)\(a\)](#) and Section [16-05\(4\)\(b\)](#) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article [VIII Amendments](#).

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist for projects, including any boundary of zone A, or AO the location of the boundary shall be determined by the map scale.

(5) Removal of Lands from Floodplain

- (1) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended according to Article [VIII Amendments](#).
- (2) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A

completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- (3) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stats. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) Compliance

- (a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- (b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Article [VIII Amendments](#).
- (c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Article [VIII Amendments](#).

(7) Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Wis. Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) Abrogation and Greater Restrictions

- (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 62.23 for cities or s. 87.30, Wis. Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) Interpretation

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) Warning and Disclaimer of Liability

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood

damage that may result from reliance on this ordinance.

(11) Severability

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) Annexed Areas for Cities and Villages

The Brown County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

ARTICLE II. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

16-10	Purposes	2-1
16-11	Hydraulic and Hydrologic Analyses	2-1
16-12	Watercourse Alterations	2-1
16-13	Chapter 30, 31, Wis. Stats., Development	2-2
16-14	Public or Private Campgrounds	2-2

16-10 Purposes

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- (1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
 - (a) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (b) Be constructed with flood-resistant materials;
 - (c) Be constructed by methods and practices that minimize flood damages; and
 - (d) Mechanical and utility equipment must be elevated to or above the flood protection elevation.
- (2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:
 - (a) Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
 - (b) Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

and

- (c) Adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in Section [16-60\(2\)](#).

16-11 Hydraulic and Hydrologic Analyses

- (1) No floodplain development shall:
 - (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - (b) Cause any increase in the regional flood height due to floodplain storage area lost.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article [VIII Amendments](#) are met.

16-12 Watercourse Alterations

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Section [16-11](#) must be met and the flood carrying capacity of any altered or relocated

watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Article [VIII Amendments](#), the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

16-13 Chapter 30, 31, Wis. Stats., Development

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Article [VIII Amendments](#).

16-14 Public or Private Campgrounds

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and

the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in Section [16-14\(4\)](#) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- (6) All mobile recreational vehicles placed on site must meet one of the following:
 - (a) Be fully licensed, if required, and ready for highway use; or
 - (b) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - (c) Meet the requirements in either Article [III Floodway District \(FW\)](#), Article [IV Floodfringe District \(FF\)](#) or Section [16-40](#) for the floodplain district in which the structure is located;
- (7) A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with Section [16-14\(6\)](#) and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

- (10) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (11) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and
- (12) Standards for structures in a campground:
- (a) All structures must comply with Section [16-14](#) or meet the applicable requirements in Article [III Floodway District \(FW\)](#), Article [IV Floodfringe District \(FF\)](#) or Section [16-40](#) for the floodplain district in which the structure is located;
 - (b) Deck / landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with Section [16-14\(2\)](#). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - (c) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
 - (d) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with Section [16-14\(2\)](#).
 - (e) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with Section [16-14\(2\)](#).
- (13) A land use permit shall be obtained as provided under Section [16-60\(2\)](#) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

ARTICLE III. FLOODWAY DISTRICT (FW)

16-20	<u>Applicability</u>	3-1
16-21	<u>Permitted Uses</u>	3-1
16-22	<u>Standards for Development in the floodway</u>	3-1
16-23	<u>Prohibited Uses</u>	3-3

16-20 Applicability

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section [16-40\(5\)](#).

16-21 Permitted Uses

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- (a) The open space uses are not prohibited by any other ordinance;
 - (b) The open space uses meet the standards in Section [16-22](#) and Section [16-23](#); and
 - (c) All permits or certificates have been issued according to Section [16-61](#).
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Section [16-22\(4\)](#).
 - (4) Uses or structures accessory to open space uses or classified as historic structures that comply with Section [16-22](#) and Section [16-23](#).
 - (5) Extraction of sand, gravel or other

materials that comply with Section [16-22\(4\)](#).

- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Wis. Stats.
- (7) Public utilities, streets and bridges that comply with Section [16-22\(3\)](#).
- (8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.
- (9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
- (10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- (11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

16-22 Standards for Development in the floodway

(1) General

- (a) Any development in the floodway shall comply with Article II and have a low flood damage potential.
- (b) Applicants shall provide an analysis

calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to Section [16-11](#) and Section [16-61\(2\)\(c\)](#). The analysis must be completed by a registered professional engineer in the state of Wisconsin.

- (c) Any encroachment in the regulatory floodway is prohibited unless the data submitted for Section [16-22\(1\)\(b\)](#) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in Section [16-05\(5\)](#).

(2) Structures

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage;
- (b) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

(1) Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

(2) Have structural components capable of meeting all provisions of Section [16-22\(2\)\(g\)](#) and;

(3) Be certified by a registered professional engineer or architect, using a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section [16-22\(2\)\(g\)](#).

- (c) Must be anchored to resist flotation, collapse, and lateral movement;
- (d) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- (e) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (f) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets Section [16-22\(2\)\(a\)](#) through Section [16-22\(2\)\(e\)](#) and meets or exceeds the following standards:

(1) The lowest floor must be elevated to or above the regional flood elevation;

(2) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(3) The bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters, otherwise must remain open; and

(4) The use must be limited to parking, building access or limited storage.

(g) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

(1) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

(2) Construction of wells, water supply systems

and waste treatment systems to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Section [16-23\(4\)](#) and Section [16-23\(5\)](#);

(3) Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;

(4) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

(5) Placement of utilities to or above the flood protection elevation.

(3) Public Utilities, Streets, and Bridges

Public utilities, streets and bridges may be allowed by permit, if:

(a) Adequate floodproofing measures are provided to the flood protection elevation; and

(b) Construction meets the development standards of Section [16-11](#).

(4) Fills or Disposition of Materials

Fills or disposition of materials may be allowed by permit, if:

(a) The requirements of Section [16-11](#) are met;

(b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

(c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(d) The fill is not classified as a solid or hazardous material.

16-23 Prohibited Uses

All uses not listed as permitted uses in Section 16-21 are prohibited, including the following uses:

(1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;

(3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

(6) Any solid or hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and

(8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE IV. FLOODFRINGE DISTRICT (FF)

16-30	<u>Applicability</u>	4-1
16-31	<u>Permitted Uses</u>	4-1
16-32	<u>Standards for Development in the Floodfringe</u>	4-1

16-30 Applicability

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section [16-40\(5\)](#).

16-31 Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Section [16-32](#) are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in Section [16-60](#) have been issued.

16-32 Standards for Development in the Floodfringe

Article II shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article [VI Nonconforming Uses](#);

(1) Residential Uses

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet, or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Article [VI Nonconforming Uses](#);

- (a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet Section [16-05\(5\)](#).
- (b) Notwithstanding Section [16-32\(1\)\(a\)](#), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to

make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;

- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Section [16-32\(1\)\(d\)](#).
- (d) In developments where existing street or sewer line elevations make compliance with Section [16-32\(1\)\(c\)](#) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 1. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(2) Accessory Structures or Uses

In addition to Article II, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) Commercial Uses

In addition to Article II, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of Section [16-32\(1\)](#). Subject to the

requirements of Section [16-32\(5\)](#), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) Manufacturing and Industrial Uses

In addition to Article II, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Section [16-64](#). Subject to the requirements of Section [16-32\(5\)](#), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) Storage of Materials

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Section [16-64](#). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) Public Utilities, Streets, and Bridges

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with Section [16-64](#).
- (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) Sewage Systems

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Section [16-64\(3\)](#), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS

383, Wis. Adm. Code.

(8) Wells

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Section [16-64\(3\)](#), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) Solid Waste Disposal Sites

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) Deposition of Materials

Any deposited material must meet all the provisions of this ordinance.

(11) Manufactured Homes

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse, or move laterally during a flood.
- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Section [16-32\(1\)](#).

(12) Mobile Recreational Vehicles

All mobile recreational vehicles must be on site for less than 180 consecutive days and be

either:

- (a) fully licensed and ready for highway use; or
- (b) shall meet the elevation and anchoring requirements in Section [16-32\(11\)\(b\)](#) and Section [16-32\(11\)\(c\)](#).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

ARTICLE V. OTHER FLOODPLAIN DISTRICTS

16-40 **General Floodplain District (GFP)**5-1

16-40 General Floodplain District (GFP)

elevated:

(1) Applicability

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in Section [16-05\(2\)\(a\)](#).

1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
2. If the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.

(2) Floodway Boundaries

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in Section [16-05\(2\)\(a\)](#), the boundaries of the regulatory floodway shall be determined pursuant to Section [16-40\(5\)](#). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of Article [III Floodway District \(FW\)](#). If the development is located entirely within the floodfringe, the development is subject to the standards of Article [IV Floodfringe District \(FF\)](#).

- (b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- (c) In AO zones and AH zones, provide adequate drainage paths to guide floodwaters around structures.
- (d) All development in AO zones and AH zones shall meet the requirements of Article [IV Floodfringe District \(FF\)](#) applicable to flood fringe areas.

(3) Permitted Uses

Pursuant to Section [16-40](#) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (Section [16-21](#)) and Floodfringe (Section [16-31](#)) Districts are allowed within the General Floodplain District, according to the standards of Section [16-40\(4\)](#) provided that all permits or certificates required under Section [16-60](#) have been issued.

(5) Determining Floodway and Floodfringe Limits

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

(4) Standards for Development in the General Floodplain District

Article III applies to floodway areas, determined to pursuant to Section [16-40\(5\)](#); Article [IV Floodfringe District \(FF\)](#) applies to floodfringe areas, determined to pursuant to Section [16-40\(5\)](#).

- (a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement,

- (a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood

flows, regional flood elevation and to determine floodway boundaries.

1. A Hydrologic and Hydraulic Study as specified in Section [16-60\(2\)\(c\)](#).
2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and

existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

ARTICLE VI. NONCONFORMING USES

16-50	General	6-1
16-51	Floodway District	6-5
16-52	Floodfringe District	6-6

16-50 General

(1) Applicability

- (a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Wis. Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
- (b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.

(2) Existing Lawful Uses

The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement

of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in

compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section [16-32\(1\)](#). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

- (e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with [16-32\(1\)](#). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- (f) If on a per event basis the total value of the work being done under Section [16-50\(2\)\(d\)](#) and Section [16-50\(2\)\(e\)](#) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section [16-32\(1\)](#).
- (g) Except as provided in Section [16-50\(2\)\(h\)](#), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially

damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

- (h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Section [16-64\(2\)](#).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section [16-40\(4\)](#).
- f. In AO Zones, shall have adequate

drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- a. Shall meet the requirements of Section [16-50\(2\)\(h\)1.a.](#) through Section [16-50\(2\)\(h\)1.f.](#)
- b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Section [16-64\(1\)](#) or Section [16-64 \(2\)](#).
- c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section [16-40\(4\)](#).

(3) Nonconforming Historic Structures

A nonconforming historic structure may be altered if the alteration does not preclude the structure's continued designation as a historic structure, the alteration will comply with Section [16-22\(1\)](#), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 16-64 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Section [16-50\(2\)\(h\)1.](#) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(4) Nonconforming Buildings

Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:

- (a) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;

- (b) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
- (c) The nonconforming building is permanently changed to conform to the applicable requirements of Article [II General Standards Applicable to all Floodplain Districts](#);
- (d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of Section [16-22\(1\)](#), Section [16-22\(2\)\(b\)](#) through Section [16-22\(2\)\(e\)](#), Section [16-22\(3\)](#), Section [16-22\(4\)](#), and Section [16-51](#). Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Section [16-40\(5\)](#). If the encroachment is in the floodway, it must meet the standards in Section [16-22\(4\)](#);
- (e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of Section [16-32](#) and Section [16-52](#);
- (f) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;
- (g) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

- i. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section [16-50\(4\)\(g\)](#) above.
 - ii. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
- (h) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
- i. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
 - ii. The bottom of all openings must be no higher than one foot above the adjacent grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- (i) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- (j) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- (k) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:
- i. Be on site for fewer than 180 consecutive days; or
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. Meet the elevation and anchoring requirements for manufactured homes in Section [16-50\(4\)\(i\)](#) above;

- (l) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (m) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet Section [16-50\(4\)\(f\)](#) through Section [16-50\(4\)\(l\)](#) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Section [16-40\(5\)](#). If the encroachment is in the floodway, it must meet the standards in Section [16-22\(4\)](#). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (n) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Section [16-40\(5\)](#). If the encroachment is in the floodway, it must meet the standards in section [16-22\(4\)](#). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (o) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or
- (p) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in Section [16-50\(4\)\(g\)](#) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

16-51 Floodway District

(1) Modifications or Additions

No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

- (a) Has been granted a permit or variance which meets all ordinance requirements;
- (b) Meets the requirements of Section [16-50](#);
- (c) Shall not increase the obstruction to flood flows or regional flood height;

- (d) Any addition to the existing structure shall be floodproofed, pursuant to Section [16-64](#), by means other than the use of fill, to the flood protection elevation; and
- (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.

(2) Sewage Disposal Systems

No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, Section [16-64\(3\)](#) and ch. SPS 383, Wis. Adm. Code.

(3) Wells

No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable

requirements of all municipal ordinances, Section [16-64\(3\)](#) and chs. NR 811 and NR 812, Wis. Adm. Code.

16-52 Floodfringe District

(1) Modifications or Additions

No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of Section [16-32](#).

(2) Variances

Where compliance with the provisions of Section [16-52\(1\)](#) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Section [16-62](#), may grant a variance from those provisions of Section [16-52\(1\)](#) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
- (b) Human lives are not endangered;
- (c) Public facilities, such as water or sewer, shall not be installed;
- (d) Flood depths shall not exceed two feet;
- (e) Flood velocities shall not exceed two feet per second; and
- (f) The structure shall not be used for storage of materials as described in Section [16-32\(5\)](#).

(3) Sewage Disposal Systems

All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, Section [16-64\(3\)](#) and ch.

SPS 383, Wis. Adm. Code.

(4) Wells

All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, Section [16-64\(3\)](#) and ch. NR 811 and NR 812, Wis. Adm. Code.

ARTICLE VII. ADMINISTRATION

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Where a zoning administrator, planning agency or a Board of Appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also administer this ordinance.

16-60 Zoning Administrator

(1) Duties and Powers

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations;
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures

including changes, appeals, variances and amendments.

- 5. All substantial damage assessment reports for floodplain structures.
- 6. List of nonconforming structures and uses.

(e) Submit copies of the following items to the Department Regional office:

- 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
- 2. Copies of case-by-case analyses and other required information.
- 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of amendments to the FEMA Regional office.

(2) Land Use Permit

A land use permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) General Information

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) Site Development Plan

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area, and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether the requirements of Article III or Article IV are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood

height or discharge according to Section [16-11](#). This may include any of the information noted in Section [16-22\(1\)](#).

(c) Hydraulic and Hydrologic Studies to Analyze Development

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains and in AE zones within which a floodway is not delineated:
 - a. Hydrology
The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - b. Hydraulic modeling
The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation and the following*:
 - i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - ii. Channel sections must be surveyed.
 - iii. Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - iv. A maximum distance of 500 feet between cross sections is allowed

in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

- v. The most current version of HEC-RAS shall be used.
- vi. A survey of bridge and culvert openings and the top of road is required at each structure.
- vii. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- ix. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping
A work map of the reach studied shall be provided, showing all cross-section locations,

floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
2. Zone AE Floodplains
- a. Hydrology
If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - b. Hydraulic model
The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - i. Duplicate Effective Model
The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall

be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations

and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) Expiration

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

(3) Certificate of Compliance

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification

signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of Section [16-64](#) are met.

(e) Where applicable pursuant to Section 16-40(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

(f) Where applicable pursuant to Section 16-40(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by Section [16-40\(4\)](#).

(4) Other Permits

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

16-61 Zoning Agency

(1) The Development Services Department shall:

- (a) Oversee the functions of the office of the zoning administrator; and
- (b) Review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
- (c) Publish adequate notice pursuant to Ch. 985, Wis. Stats., specifying the date, time, place, and subject of the public hearing.

(2) The Development Services Department

shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
- (b) amend the text or zoning maps in place of official action by the governing body.

16-62 Board of Appeals

The Board of Appeals, created under s. 62.23(7)(e), Wis. Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board of Appeals shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(1) Duties and Powers

The Board of Appeals shall hear and decide the following:

- (a) Appeals -- Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance;
- (b) Boundary Disputes -- Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- (c) Variances -- Hear and decide, upon appeal, variances from the ordinance standards.

(2) Appeals

(a) Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board of Appeals, by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board of Appeals all records regarding the matter appealed.

(b) Notice and Hearing for Appeals Including Variances**1. Notice - The Board of Appeals shall:**

- (a) Fix a reasonable time for the hearing;
- (b) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
- (c) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent. The Board of Appeals shall:

- (a) Resolve boundary disputes according to Section [16-62\(3\)](#);
 - (b) Decide variance applications according to Section [16-62\(4\)](#); and
 - (c) Decide appeals of permit denials according to Section [16-63](#).
- (c) Decision – The final decision regarding the appeal or variance application shall:
- 1. Be made within a reasonable time;
 - 2. Be sent to the Department Regional office within 10 days of the decision;
 - 3. Be a written determination signed by the chairman or secretary of the Board of Appeals;
 - 4. State the specific facts which are the basis for the Board of Appeal's decision;
 - 5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - 6. Include the reasons for granting an

appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board of Appeals proceedings.

(3) Boundary Disputes

The following procedure shall be used by the Board of Appeals in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals; and
- (c) If the boundary is incorrectly mapped, the Board of Appeals should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Article [XIII Amendments](#).

(4) Variances

(a) The Board of Appeals may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

- 1. Literal enforcement of the ordinance will cause unnecessary hardship;
- 2. The hardship is due to adoption of the floodplain zoning ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
- 3. The variance is not contrary to the public interest; and
- 4. The variance is consistent with the purpose of this ordinance in Section [16-03](#).

(b) In addition to the criteria in Section [16-](#)

[62\(4\)\(a\)](#), to qualify for a variance under FEMA regulations, the Board of Appeals must find that the following criteria have been met:

- 1. The variance shall not cause any increase in the regional flood elevation;
- 2. The applicant has shown good and sufficient cause for issuance of the variance;
- 3. Failure to grant the variance would result in exceptional hardship;
- 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

(c) A variance shall not:

- 1. Grant, extend or increase any use prohibited in the zoning district;
- 2. Be granted for a hardship based solely on an economic gain or loss;
- 3. Be granted for a hardship which is self-created.
- 4. Damage the rights or property values of other persons in the area;
- 5. Allow actions without the amendments to this ordinance or map(s) required in Article [VIII Amendments](#); and
- 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board of Appeals shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could

increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

16-63 Review of Appeals to Permit Denials

(1) Data to Review

The Zoning Agency (Section [16-61](#)) or Board of Appeals shall review all data related to the appeal. This may include:

- (a) Permit application data listed in Section [16-60\(2\)](#);
- (b) Floodway/floodfringe determination data in Section [16-40\(5\)](#);
- (c) Data listed in Section [16-22\(1\)\(b\)](#) where the applicant has not submitted this information to the zoning administrator; and
- (d) Other data submitted with the application or submitted to the Board of Appeals with the appeal.

(2) Appeals of all Denied Permits

For appeals of all denied permits the Board of Appeals shall:

- (a) Follow the procedures of Section [16-62](#);
- (b) Consider zoning agency recommendations; and
- (c) Either uphold the denial or grant the appeal.

(3) Appeals Concerning Increases in Regional Flood Elevation

For appeals concerning increases in regional flood elevation the Board of Appeals shall:

- (a) Uphold the denial where the Board of Appeals agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article [VIII Amendments](#);

and

- (b) Grant the appeal where the Board of Appeals agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

16-64 Floodproofing Standards

(1) Non-residential Structure Designed to be Watertight Below the Regional Flood Elevation

No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in [Article II General Standards Applicable to All Floodplain Districts](#), [Article III Floodway District \(FW\)](#), [Article IV Floodfringe District \(FF\)](#), or Section [16-40](#).

(2) Structure Designed to Allow the Entry of Floodwaters

For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan that is either:

- (a) Certified by a registered professional engineer or architect; or
- (b) Meeting or exceeding the following standards:
 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the

automatic entry and exit of floodwaters.

(3) Floodproofing Measures

Floodproofing measures shall be designed, as appropriate, to:

- (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
- (b) Protect structures to the flood protection elevation;
- (c) Anchor structures to foundations to resist flotation and lateral movement;
- (d) Minimize or eliminate infiltration of flood waters;
- (e) Minimize or eliminate discharges into flood waters;
- (f) Placement of essential utilities to or above the flood protection elevation; and
- (g) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human

intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

- 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
- 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
- 4. The use must be limited to parking, building access or limited storage.

16-65 Public Information

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

ARTICLE VIII. AMENDMENTS

16-70	<u>When Permitted</u>	8-1
16-71	<u>General</u>	8-1
16-72	<u>Procedures</u>	8-1

16-70 When Permitted

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section [16-71](#).

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section [16-71](#). Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Section [16-71](#).

16-71 General

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in Section [16-72](#) below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in Section [16-](#)

[05\(2\)\(b\)](#);

- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

16-72 Procedures

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Wis. Stats., for cities and villages. The petitions shall include all data required by Section [16-40\(5\)](#) and Section [16-60\(2\)](#). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Wis. Stats., for cities and villages.
- (2) No amendments shall become effective until reviewed and approved by the Department.

- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all

adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

ARTICLE IX. ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation

shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Wis. Stats.

ARTICLE X. DEFINITIONS

16-91 General Definitions

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

(1) Terms beginning with "A"

A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

AH ZONE – See "AREA OF SHALLOW FLOODING".

AO ZONE – See "AREA OF SHALLOW FLOODING".

ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure, or building. An accessory structure shall not be used for human habitation.

ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

(2) Terms beginning with "B"

BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.

BREAKAWAY WALL – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

BUILDING – See STRUCTURE.

BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

(3) Terms beginning with "C"

CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.

(4) Terms beginning with “D”

DEPARTMENT – The Wisconsin Department of Natural Resources.

DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

(5) Terms beginning with “E”

ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.

(6) Terms beginning with “F”

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE STUDY – A technical

engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)

FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been considered during analysis in reducing the regional flood discharge.

FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

(7) Terms beginning with “G”

Reserved.

(8) Terms beginning with “H”

HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE – Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the

National Register;

- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

(9) Terms beginning with “I”

INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

(10) Terms beginning with “J”

Reserved.

(11) Terms beginning with “K”

Reserved.

(12) Terms beginning with “L”

LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).

(13) Terms beginning with “M”

MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the

replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.

MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the

definition of "mobile recreational vehicles."

MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.

(14) Terms beginning with "N"

NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after

the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.

NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.

NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

(15) Terms beginning with "O"

OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in Section [16-05\(2\)](#), which has been approved by the Department and FEMA.

OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(16) Terms beginning with “P”

PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

(17) Terms beginning with “Q”

Reserved.

(18) Terms beginning with “R”

REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation,

or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(19) Terms beginning with “S”

STRUCTURE – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

SUBDIVISION – Has the meaning given in s. 236.02(12), Wis. Stats.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not

preclude the structure's continued designation as a historic structure.

(20) Terms beginning with "T"

Reserved.

(21) Terms beginning with "U"

UNNECESSARY HARDSHIP – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

(22) Terms beginning with "V"

VARIANCE – An authorization by the Board of Adjustment or Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(23) Terms beginning with "W"

WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(24) Terms beginning with "X"

Reserved.

(25) Terms beginning with "Y"

Reserved.

(26) Terms beginning with "Z"

Reserved.

#END#



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Public Hearing on the Amendment of Chapter 14 Zoning Ordinance of the De Pere Municipal Code including amendments to the Official District Map.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: A. Notice of Public Hearing.

ATTACHMENTS:

- Public Hearing Notice - Zoning Ordinance and Official Zoning Map - March-April 2023 (PDF)

Publish: March 31, 2023 and April 7, 2023 in the Press-Times (Class 2 Notice)

NOTICE OF PUBLIC HEARING

Notice is hereby given, that on **Tuesday, April 18, 2023 at 7:35 PM** or as soon thereafter as can be heard, a public hearing will be held by the Common Council of the City of De Pere to act on the following: Resulting from a quarterly review, 41-44 updates to Chapter 14, De Pere Municipal Code regarding the Zoning Ordinance, and 6 updates to the City's Official Zoning Map.

The public may attend the meeting either in person in the Council Chambers (2nd Floor City Hall, 335 S Broadway ST, De Pere, WI) or electronically. Electronic or telephonic access to the meeting is below: Computer/smart phone accessing <https://www.gotomeet.me/DePere> OR dial by phone: United States (Toll Free): 1-866 899-4679 United States: +1 (312) 757-3117 Access Code: 154-883-285.

A copy of the spreadsheets with the proposed updates to the Chapter 14 Zoning Ordinance and official Zoning Map are available online at <https://www.deperewi.gov/departments/photos/index.php?structureid=124> or by emailing Peter Schleinz at pschleinz@deperewi.gov.

Dated this 28th day of March, 2023.

BY ORDER OF THE COMMON COUNCIL

James G. Boyd
Mayor

Carey E. Danen
City Clerk



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

SUBJECT: B. Ordinance #23-05 Amending Chapter 14 Zoning Ordinance of the De Pere Municipal Code including Amendments to the Official District Map.

On April 5, 2023, Common Council discussed revisions to the Zoning Ordinance and the Official Zoning Map.

On March 27, 2023, Plan Commission unanimously recommended approval of revisions to the Zoning Ordinance and Official Zoning Map by a vote of 5-0.

ATTACHMENTS:

- Ord23-05 (PDF)
- Attachment to Ord 23-05 Zoning Ordinance FINAL Summary - 1st Quarter 2023 (DOCX)
- DRAFT Zoning Map Amendments for PC Review - Detailed (March 2023) (PDF)
- DRAFT Zoning Map for PC Review (March 2023) (PDF)
- Zoning Code Memo 11 - 18 Apr 2023 (DOCX)
- Zoning Ordinance Redlined Summary - 1st Quarter 2023 (DOCX)

ORDINANCE #23-05

AMENDING CHAPTER 14 ZONING ORDINANCE OF THE DE PERE MUNICIPAL CODE
INCLUDING AMENDMENTS TO THE OFFICIAL ZONING DISTRICT MAP

WHEREAS, the Common Council of the City of De Pere, having reviewed the recommendation of the City Plan Commission regarding amendments to Chapter 14 (Zoning Ordinance), and revisions to the Official Zoning District Map also contained in Chapter 14 of the City of De Pere Municipal Code, and having scheduled a public hearing then to be decided by the Common Council; and

WHEREAS, the City Clerk, having published a Class 2 Notice of Public Hearing regarding such proposed amendments to Chapter 14 (resulting from a quarterly review) and official zoning district map changes and, pursuant thereto, a public hearing having been held on the 18th day of April, 2023 at 7:35 p.m. and the Common Council having heard all interested parties, their agents and/or attorneys;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 14 – ZONING ORDINANCE shall be amended as attached hereto and incorporated herein by reference.

Section 2. Chapter 14 – ZONING ORDINANCE Section 14-10 Zoning Map and the City's Official Zoning District map shall be amended to incorporate the zoning district changes in the attached map and all notations, references, data and other information shown thereon to be adopted and made part of Chapter 14 and the City's Official Zoning District Map as if fully set

Ordinance #23-05

Page 2 of 2

forth herein. A certified copy of which will be on file in the Office of the City Clerk, and the City Clerk is directed to certify the Official Zoning District Map of the City of De Pere and such certified copy shall remain on file in the Office of the City Clerk.

Section 4. That all other ordinances in conflict herewith are hereby repealed.

Section 5. That this ordinance shall take effect upon passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of April, 2023.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee/Commission Approval: 03/27/2023

Publication Date: _____

FINAL Revisions for Zoning Ordinance April 18, 2023

Section 14-21(8) and (9)

(8) Average Setback

Where at least 50 percent of the neighborhood, as defined as all residential based principal buildings within 300' of the subject parcel, is built up with residential principal buildings, the front yard setback, rear yard setback, or interior side yard setback for new buildings shall be equal to the average of the existing buildings, except that any building that is set back 30 percent more or less than the average may be discounted from the formula.

(9) Design

See [Article IX](#).

Table 2-3

TABLE 2-3 — DETACHED HOUSES IN R DISTRICTS					
Regulation		R1-80	R1-60 and R2-60	R1-45 and R2-45	RM
(a) Lot					
	Minimum Lot Area (square feet)	9,000	7,000	5,000	7,500
1	Minimum Lot Width				
	Interior Lot (feet, front yard)	80	60	45	75
	Corner Lot (feet, front yard)	90	70	50	75
(b) Principal Building Siting					
2	Front	25	15	15	20
3	Front-Facade Garage Entrance	30	20	Not allowed [1]	25
4	Street Side	25	15	15	15
5	Interior Side	8	6	4 [2]	15
6	Rear	30	20	20	25
(c) Accessory Building Siting					
7	Allowed Location	Rear yard or rear half of interior side yard			
8	Minimum Side and Rear Setbacks (feet)	4 [2] [3]	4 [2][3]	4 [2][3]	4 [2][3]
	Minimum Building Separation (feet)	10			
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less			
(d) Maximum Building Height					
9	Principal Building (feet)	40	40	40	40
	Accessory Building (feet)	20 [4]	20 [4]	20 [4]	20 [4]

[1] Unless the lot does not have rear access, in which case front-facing garage is allowed with minimum 20-foot setback.

[2] UDC code requirements must be met for development near property lines.

[3] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[4] Not to exceed height of principal building.

Table 2-4

TABLE 2-4 — SEMI-DETACHED HOUSES IN R DISTRICTS				
Regulation		R2-60	R2-45	RM
(a) Lot				
	Minimum Lot Area (square feet)	4,500	2,000	2,000
1	Minimum Lot Width			
	Interior Lot (feet, front yard)	35	18	18
	Corner Lot (feet, front yard)	50	38	38
(b) Principal Building Siting				
Minimum Principal Building Setbacks (feet)				
2	Front	15	15	20
3	Front-Facade Garage Entrance	20	Not allowed [1]	25
4	Street Side	15	15	15
5	Interior Side	6 [2]	6 [2]	6 [2]
6	Rear	20	20	25
(c) Accessory Building Siting				
	Allowed Location	Rear yard or rear half of interior side yard		
	Minimum Side and Rear Setbacks (feet)	4 [3][4]		
	Minimum Building Separation (feet)	10		
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less		
(d) Maximum Building Height				
7	Principal Building (feet)	40	40	40
	Accessory Building (feet)	20 [5]	20 [5]	20 [5]

[1] Unless the lot does not have rear access, in which case front facing garage is allowed with minimum 20-foot setback.

[2] Interior side setback applies only to end units (i.e., on non-attached side)

[3] UDC code requirements must be met for development near property lines.

[4] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[5] Not to exceed height of principal building.

Table 2-5

TABLE 2-5 — TWO-UNIT HOUSES IN R DISTRICTS				
Regulation		R2-60	R2-45	RM
(a) Lot				
	Minimum Lot Area (square feet)	11,000	5,000	7,500
1	Minimum Lot Width			
	Interior Lot (feet, front yard)	90	45	75
	Corner Lot (feet, front yard)	110	50	75
(b) Principal Siting				
Minimum Principal Building Setbacks (feet)				
2	Front	15	15	20
3	Front-Facade Garage Entrance	20	Not allowed [1]	25
4	Street Side	15	15	20
5	Interior Side	6	4 [2]	6
6	Rear	20	20	25
(c) Accessory Building Siting				
7	Allowed Location	Rear yard or rear half of interior side yard		
8	Minimum Side and Rear Setbacks	4 [2][3]		
	Minimum Building Separation (feet)	10		
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less		
(d) Maximum Building Height				
9	Principal Building (feet)	40	40	40
	Accessory Building (feet)	20 [4]	20 [4]	20 [4]

[1] Unless the lot does not have rear access, in which case front facing garage is allowed with minimum 20-foot setback.

[2] UDC code requirements must be met for development near property lines.

[3] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[4] Not to exceed height of principal building.

Table 2-6

TABLE 2-6 — TOWNHOUSE BUILDINGS IN R DISTRICTS			
Regulation		RM-1	RM-2
(a) Lot			
	Minimum Lot Area Per Dwelling Unit (square feet)	2,000	2,000
1	Minimum Lot Width Per Dwelling Unit		
	Interior Lot (feet, front yard)	18	18
	Corner Lot (feet, front yard)	38	38
(b) Principal Building Siting			
Minimum Principal Building Setbacks (feet)			
2	Front	25	20
3	Front-Facade Garage Entrance	Not allowed	Not allowed
4	Street Side	25	20
5	Interior Side	8 [1]	6 [1]
6	Rear	30	25
(c) Principal Building Width			
7	Maximum Number of Attached Units	6	10
(d) Accessory Building Siting			
	Allowed Location	Rear yard only	
	Minimum Side and Rear Setbacks	4 [2][3]	
	Minimum Building Separation (feet)	10	
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less	
(e) Maximum Building Height			
8	Principal Building (feet)	45	45
	Accessory Building (feet)	20 4]	21 4]

[1] Interior side setback applies only to end units (i.e., on non-attached side)

[2] UDC code requirements must be met for development near property lines.

[3] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[4] Not to exceed height of principal building.

Section 14-26(1)

(1) Description

A multi-unit building is a residential building or residential buildings that are located on a single lot and occupied by 3 or more dwelling units.

Table 2-7

TABLE 2-7 — MULTI-UNIT BUILDINGS IN R DISTRICTS			
Regulation		RM-1	RM-2
(a) Lot			
	Minimum Lot Area (square feet)	7,500	7,500
	Minimum Lot Area per Dwelling Unit (square feet)	2,000	1,000
1	Minimum Lot Width		
	Interior Lot (feet, front yard)	75	75
	Corner Lot (feet, front yard)	75	75
(b) Principal Building Siting			
Minimum Principal Building Setbacks (feet)			
2	Front	25	20
	Front-Facade Garage Entrance	Not allowed	Not allowed
	Street Side	25	20
4	Interior Side	8	6
5	Rear	30	25
(c) Principal Building Size			
6	Maximum Number of Principal Dwelling Units	6	No maximum
(d) Accessory Building and Parking Lot Siting			
7	Allowed Location	Rear yard only	
	Minimum Side and Rear Setbacks	4 [1][2]	
	Minimum Building Separation (feet)	10	
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less	
(e) Maximum Building Height			
8	Principal Building (feet)	55	55
	Accessory Building (feet)	20 [3]	20 [3]

[1] UDC code requirements must be met for development near property lines.

[2] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[3] Lot to exceed height of principal building.

Table 2-8

TABLE 2-8 — BACKYARD COTTAGES IN R DISTRICTS		
Regulation		R DISTRICTS
(a) Lot		
	Minimum Lot Area (square feet)	Same as required for detached house
	Minimum Lot Width & Frontage (feet)	Same as required for detached house
(b) Building Siting		
	Minimum Building Setbacks (feet)	
	Front	Permitted in rear yard only
	Street Side	25
	Interior Side	10
	Rear	10 [1]
	Separation from Principal Buildings	10
() Building Size		
	Maximum Building Height (feet)	20 [2]
	Maximum Building Coverage (square feet)	650, see 14-27(4)(k)

[1] Minimum 25-foot rear setback required for backyard cottage when rear yard adjoins side yard of abutting lot.

[2] Or height of principal building, whichever is less.

Section 14-27(4)(k)

(k) Maximum Square Footage

The culmination of accessory buildings and backyard cottage total square feet may exceed 850 square feet only if the additional square footage for a backyard cottage is on a second floor or basement level.

Section 14-33(4)(a)

(a) Courtyards

One courtyard, maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards the minimum primary frontage coverage for the Storefront building.

Section 14-33(4)(c)

(c) Additional Step-Back Regulations

Where step-backs are required, upper stories that face streets must be set back a minimum of 10 feet from the street frontage. Lower stories must be capped with a permitted building cap. The roofs of the lower stories may be used for terraces.

Section 14-34

Commercial manor buildings are allowed in those districts indicated in [Table 3-2](#).

Table 3-5(a) MX3 Line 9

TABLE 3-5 — COMMERCIAL CENTER BUILDING REGULATIONS		
(a) Building Siting	MX3	References
Permitted Driveway Access Location	1 per 100 feet of street frontage Rear, interior side, or non-primary street facade	See 14-87 for hierarchy of allowed driveway access. See 14-92 for doors off street.
9 Permitted Garage Entry Facade Location		

Section 14-40(2)(a)

(a) **General.** Commercial and employment zoning districts are intended to accommodate commercial uses in auto-oriented locations and employment uses, such as office, commercial, business park, and industrial.

Section 14-40(2)(d)1. and 2.

- 1. Business Park 1 (BP-1) District.** The BP-1 district is primarily intended to accommodate smaller lot office and industrial uses that create few if any adverse land use or safety impacts on neighboring areas.
- 2. Business Park 2 (BP-2) District.** The BP-2 district is primarily intended to accommodate large-lot office and industrial uses that have operating characteristics or produce other impacts (e.g., noise, vibration, smoke, dust, odors, heat, or toxic or noxious matter) that makes them generally unsuitable for location near established residential or low-intensity commercial and mixed-use neighborhoods.

Table 4-2

TABLE 4-2 — COMMERCIAL AND EMPLOYMENT DISTRICT		LOT AND BUILDING REGULATIONS				
Regulation		O	C	BP-1	BP-2	I
Lot						
	Minimum Lot Area (square feet)	1 acre	1 acre	1 acre	2 acres	1 acre
1	Minimum Lot Frontage (feet)	100	100	100	150	100
	Maximum Lot Coverage (% of lot area)	80	80	80	80	80
	Minimum Open Space (% of area)	20	20	20	20	20
Principal Building Siting						
	Minimum Principal Building Setbacks (feet)					
2	Front	30	30	30	30	30
3	Street Side	30	30	30	30	30
4	Interior Side	10	10	20	20	20
5	Rear	20	20	20	20	20
	Transitional Yard	50 [1][2]	50 [1][2]	50 [1][2]	50 [1][2]	50 [1][2]
Building Size/Scale						
	Minimum Building Floor Area (sq. ft.)	10,000	6,000	6,000	10,000	None
6	Maximum Building Height (feet)	75 [3]	75 [3]	No max. [3]	No max. [3]	No max. [3]

[1] Required when abutting residential district. Also required when within 150 feet of residential district when a public trail or a public storm water facility is positioned between subject parcel and the abutting residential district.

[2] Additional landscaping or fence required to provide visual screening when abutting residential zoning district, as defined in 14-106(8). district

[3] 35 feet within 100 feet of residential zoning district

Table 7-1 (1 of 4)

TABLE 7-1 — PRINCIPAL USE TABLE																			
USE CATEGORY		Districts															Definition & Regulations		
Use Subcategory	Residential				Mixed-Use					Commercial & Employment				Special [1]					
	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1		PI-2	
Specific Use Type																			
Commercial Service																			
Consumer Maintenance and Repair		—	—	—	—	●	●	●	●	●	—	●	●	Ⓢ	—	—	—	—	14-73(4)
Personal Service		—	—	—	—	●	●	●	●	●	—	●	●	Ⓢ	—	—	—	—	14-73(4)
Studio or Instructional Service		—	—	—	—	●	●	●	●	●	—	●	●	Ⓢ	—	—	—	—	14-73(4)
Other Service		—	—	—	—	—	—	—	—	—	—	●	●	●	●	—	—	—	14-73(4)
Day Care																			
Day Care Home, Family		●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-73(5)
Day Care Facility, Adult		—	—	—	—	●	●	●	●	●	—	—	—	—	—	—	—	—	14-73(5)
Day Care Center, Group		—	—	—	●	●	●	●	●	●	●	●	Ⓢ	—	—	—	—	—	14-73(5)
Eating and Drinking Places																			
Restaurant		—	—	—	—	●	●	●	Ⓢ	Ⓢ	—	●	—	—	—	—	—	—	14-73(6)
Bar		—	—	—	—	●	●	●	Ⓢ	Ⓢ	—	●	—	—	—	—	—	—	14-73(6)
Financial Service																			
Financial Institution		—	—	—	—	●	●	●	●	●	●	●	—	—	—	—	—	—	14-73(7)
Convenient Cash Business		—	—	—	—	—	—	—	—	—	—	Ⓢ	—	—	—	—	—	—	14-73(7)
Pawnshop		—	—	—	—	—	—	—	—	—	—	Ⓢ	—	—	—	—	—	—	14-73(7)
Funeral or Mortuary Service																			
Funeral or Mortuary Service		—	—	—	—	—	—	●	●	●	—	●	—	—	—	—	—	—	14-73(8)
Lodging																			
Bed & Breakfast Inn		Ⓢ	Ⓢ	●	●	—	—	—	—	—	—	—	—	—	—	●	—	—	14-73(9)
Hotel		—	—	—	—	●	●	●	●	●	●	●	—	—	—	—	—	—	14-73(9)
Motel		—	—	—	—	—	—	—	—	—	—	●	—	—	—	—	—	—	
Short-term Rental		●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-73(9)
Medical Service																			
Medical Service		—	—	—	—	●	●	●	●	●	●	●	●	—	—	—	—	—	14-73(10)
Office																			
Office		—	—	—	—	●	●	●	●	●	●	●	●	●	—	—	—	—	14-73(11)
Parking, Non-accessory																			
Parking, Non-accessory		—	—	—	—	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	—	Ⓢ	Ⓢ	Ⓢ	●	—	—	—	14-73(12)
Retail Sales																			
Convenience Goods		—	—	—	—	●	●	●	●	●	—	●	—	—	—	—	—	—	14-73(13)
Consumer Shopping Goods		—	—	—	—	●	●	●	●	●	—	●	—	—	—	—	—	—	14-73(13)
Building Materials and Supplies		—	—	—	—	—	—	—	—	—	—	●	Ⓢ	Ⓢ	●	—	—	—	14-73(13)
Sexually Oriented Business																			
Sexually Oriented Business		—	—	—	—	—	—	—	—	—	—	—	—	—	Ⓢ	—	—	—	14-73(14)
Sports & Recreation, Participant																			
Indoor		—	—	—	—	●	●	●	—	—	—	●	Ⓢ	Ⓢ	Ⓢ	—	—	—	14-73(15)
Outdoor		—	—	—	—	—	—	●	—	—	—	●	Ⓢ	Ⓢ	Ⓢ	—	—	—	14-73(15)
Vehicle Sales and Service																			

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | —=prohibited

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | —=prohibited

[1] Uses allowed in CON (Conservancy) district are listed in [14-52](#)

Table 7-1 (2 of 4)

TABLE 7-1 — PRINCIPAL USE TABLE																			
USE CATEGORY		Districts																	Definition & Regulations
Use Subcategory	Residential				Mixed-Use					Commercial & Employment					Special [1]				
Specific Use Type	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1	PI-2		
RESIDENTIAL																			
Household Living																			
Single-Household	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●	-	-	14-71(1)	
Two-Household	-	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(1)	
Three-to-Six-Household	-	-	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(1)	
Seven+-Household	-	-	-	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(1)	
Live-Work	-	-	-	-	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(1)	
Group Living																			
Adult Family Home	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(2)	
Community Living Arrangement	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●	-	-	14-71(2)	
Foster Home	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(2)	
Overnight Shelter	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	14-71(2)	
Group Living not otherwise classified	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	14-71(2)	
PUBLIC AND CIVIC																			
Cemetery	Ⓢ	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	●	Ⓢ	14-72(1)	
Club or Lodge	-	-	-	●	●	●	●	●	●	-	●	-	-	-	-	●	Ⓢ	14-72(2)	
College or University	-	-	-	-	●	●	●	●	●	-	●	-	-	-	-	●	Ⓢ	14-72(3)	
Hospital	-	-	-	-	-	-	-	●	●	●	●	●	●	●	-	●	Ⓢ	14-72(4)	
Library or Cultural Center	-	-	-	-	-	-	-	●	●	●	●	●	●	●	-	●	Ⓢ	14-72(5)	
Parks and Recreation	●	●	●	●	-	-	-	●	●	●	-	●	-	-	-	-	●	14-72(6)	
Religious & Non-Secular Assembly	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	14-72(7)	
Safety Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	Ⓢ	14-72(8)	
School	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	●	Ⓢ	14-72(9)	
Utilities and Public Service Facilities																			
Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Ⓢ	14-72(10)	
Major	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	14-72(10)	
COMMERCIAL																			
Animal Service																			
Boarding	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	14-73(1)	
Grooming	-	-	-	-	●	●	●	●	●	-	●	●	●	●	●	-	-	14-73(1)	
Veterinary	-	-	-	-	●	●	●	●	●	-	●	●	●	●	●	-	-	14-73(1)	
Assembly and Entertainment																			
Small	-	-	-	-	●	●	●	●	●	-	●	-	-	-	-	-	-	14-73(2)	
Large	-	-	-	-	-	-	●	-	-	-	●	-	-	-	-	-	-	14-73(2)	
Business or Trade School	-	-	-	-	●	●	●	●	●	-	●	-	-	-	-	-	-	14-73(2)	

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | --=prohibited

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | -=prohibited

[1] Uses allowed in CON (Conservancy) district are listed in [14-52](#)

Table 7-1 (3 of 4)

TABLE 7-1 — PRINCIPAL USE TABLE																		
USE CATEGORY		Districts															Definition & Regulations	
Use Subcategory	Residential				Mixed-Use				Commercial & Employment				Special [1]					
	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1		PI-2
Specific Use Type																		
Fueling Station		-	-	-	-	-	-	●	-	-	-	●	●	●	-	-	-	14-73(16)
Vehicle Sales		-	-	-	-	●	●	-	-	-	-	●	-	-	-	-	-	14-73(16)
Vehicle Rental		-	-	-	-	●	-	-	-	-	-	●	-	-	-	-	-	14-73(16)
Vehicle Maintenance & Repair, Minor		-	-	-	-	-	Ⓢ	Ⓢ	-	-	-	●	●	●	●	-	-	14-73(16)
Vehicle Maintenance & Repair, Major		-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	14-73(16)
INDUSTRIAL																		
Fabrication and Production																		
Artisan		-	-	-	-	●	●	●	-	-	-	●	●	●	●	●	-	14-74(1)
Low-Impact		-	-	-	-	-	-	●	-	-	-	●	●	●	●	-	-	14-74(1)
Moderate-Impact		-	-	-	-	-	-	-	-	-	-	Ⓢ	●	●	-	-	-	14-74(1)
High-Impact		-	-	-	-	-	-	-	-	-	-	-	Ⓢ	●	●	-	-	14-74(1)
Industrial Service		-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	14-74(2)
Storage, Distribution and Wholesaling																		
Trucking & Transportation Terminal		-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	14-74(3)
Warehouse		-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	14-74(3)
Warehouse, Mini (Self-Storage)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Wholesale Sales and Distribution		-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	14-74(3)
Junk or Salvage Yard		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	14-74(4)
RECYCLING																		
Composting, Yard Waste		-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	Ⓢ	
Construction/Demolition Debris		-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ	●	-	-	14-75(1)
Consumer Material Drop-off		-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	14-75(2)
Consumer Material Processing		-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ	●	-	-	14-75(3)
AGRICULTURAL																		
Community Garden		●	●	●	●	●	●	●	●	●	-	-	-	-	-	●	-	14-76(1)
Animal Agriculture		-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	14-76(2)
Crop Agriculture		-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	14-76(3)

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | -=prohibited

[1] Uses allowed in CON (Conservancy) district are listed in [14-52](#)

Table 7-1 (4 of 4) (table improved, but no accessory uses changed)

Table 7-1 – PRINCIPAL USE TABLE																		
USE CATEGORY	Districts																	Definition & Regulations
Use Subcategory	Residential				Mixed-Use					Commercial & Employment					Special			
Specific Use Type	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1	PI-2	
ACCESSORY																		
Backyard Cottage	*	*	*	*														14-27
Amateur Radio Service Antennas	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(3)
Crop Agriculture										*	*	*	*	*	*			14-78(4)
Drive-in/Drive-thru Service						C	*	C	C		*							14-78(3)(5)
Electric Vehicle Charging Stations	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(6)
Geothermal Energy Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(7)
Home Occupations, Type A	*	*	*	*	a	a	a	*	*									14-78(6)(8)
Home Occupations, Type B	C	C	C	C	C	C	C	C	C									14-78(6)(8)
Outdoor Display						*	*				*							14-78(9)
Outdoor Storage											*	*	*	*				14-78(8)(10)
Residential Composting	*	*	*	*														14-78(11)
Satellite Dish Antennas	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(12)
Secondary Suite																		14-78(11)(13)
Solar Energy Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(14)
OTHER																		
Wireless Telecommunications	See 14-79																	

Section 14-73(9)(d)**(a) Short-term Rental**

A residential dwelling that is offered for rent for a fee for fewer than 29 consecutive days. Short-term rentals in R1 and R2 districts may not be offered for rent for fewer than 7 consecutive days. In all other districts, the minimum rental period is one day.

Section 14-76(3)**(3) Crop Agriculture**

An area managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution. Crop agriculture may be located on land, on a roof or within a building.

Add Section 14-78(2)**(2) Backyard Cottage**

(a) See regulations in 14-27.

Add Section 14-78 (4)**(4) Crop Agriculture**

(a) Crop agriculture may be located on land, on a roof, or within a building.

Renumber Existing Sections 14-78(3) through (14)

(3) Amateur Radio Service Antennas

(4) Crop Agriculture

(5) Drive-in and Drive-through Uses

(6) Electric Vehicle Charging Stations

(7) Geothermal Energy Systems

(8) Home Occupations

(9) Outdoor Display

(10) Outdoor Storage

(11) Residential Composting

(12) Satellite Dish Antennas

(13) Secondary Suites

(14) Solar Energy Systems

Table 8-3, Footnote [2]c.

- a. The additional driveway must extend to a vehicular garage door.

Table 8-3, Footnote [1] and [2]

[1] See paragraph (c) of this subsection for supplemental regulations.

[2] Driveways regularly used for access by semi-tractor trailers are subject to industrial driveway regulations.

Section 14-89

14-89 Loading Spaces, Trucking and Transportation Terminals

1) Loading Space Requirements

- (a) All uses engaged in receiving or shipping goods by truck or large delivery vehicles must provide loading and unloading facilities.
- (b) Loading spaces must have a minimum width of 10 feet and a minimum length of 25 feet, with a minimum overhead clearance of 15 feet.
- (c) Loading spaces may not be located on a front facade.
- (d) Except as expressly allowed in city-designated commercial loading zones, vehicle maneuvering areas and loading and unloading activities must occur on-site, not within the public right-of-way.
- (e) All loading spaces must be posted with signs prohibiting engine idling for more than 5 minutes.
- (f) All loading areas and access drives must be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the public works director.

- (g) All off-street loading areas adjacent to R zoning districts must be completely screened from view by building walls, fences, plant material at least 8 feet in height.

2) Trucking and Transportation Terminal Requirements

- a) Parking areas and access drives have the same surfacing requirements as off-street parking. See 14-86(7) for requirements.
- b) Parking areas and access drives are not allowed within front, side, street side, and rear setbacks except for access drives that connect directly to a right-of-way.
- c) Parking areas and access drives are not allowed within transitional areas.
- d) A 6' tall solid fence, hedge, or berm is required to screen the front, side, and rear of the parking areas.
- e) Street right-of-way trees are required along all street frontages. See 14-102 for requirements.
- f) A minimum of one tree is required every 35 feet along the non-street fronted property lines.

Section 14-91(1)

(1) Applicability

The regulations of this section apply to all buildings and building types in the X, RM, O, C, P, BP, and I districts, unless otherwise stated.

Section 14-103(3)(a)4.a.

- a. A vegetative screen consisting of shrubs planted to form a continuous visual barrier (hedge) at least 3 feet in height; or

Section 14-107(7)(a) through (d)

- (a) Fences must be durable and constructed with materials that are customarily used for fences, including wood, decorative rigid vinyl (polyvinyl chloride), metal or wrought iron. Fence posts must be structurally stable.
- (b) The finished side of all fences other than tree protection fences must face the adjacent property or street.
- (c) Walls, raised planting beds and planters must be constructed of brick, stone or other durable masonry material approved by the zoning administrator.
- (d) Chain-link fencing may not be used to satisfy the regulations of this article.

Section 14-107(8)

(8) Transitional Yard Areas

Additional landscaping or fence are required to provide visual screening when O, C, BP, and I districts abut residential districts. Transitional yard area requirements include all of the following:

- a) A landscaped area that is a minimum of 50 feet wide that is parallel to the residential district (unpaved and without buildings).

- b) A minimum 6 foot tall berm that is parallel to the residential district.
- c) Trees planted every 35 feet the full length of the landscaped area, on top of the berm.
- d) Storm water management features may be placed within a transitional yard area.

Table 11-1**TABLE 11-1 – PERMITTED AND PROHIBITED SIGNS**

Sign Type	Districts																			
	Residential				Mixed-Use					Commercial & Employment					Special					
	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	CON	PI-1	PI-2	PUD	ROW
Abandoned sign	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Address nameplate	○	○	○	○	○	○	○	○	○	-	-	○	○	○	○	○	○	○	○	○
Art	-	-	●	●	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	-
Awning	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●
Banner (except as otherwise expressly allowed)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Billboard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Business center	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	-	●	●	-
Canopy	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●
Changeable copy, manual	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Directional (driveway)	-	-	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	-
Directional (wall)																				
Electronic Message	-	-	-	-	-	-	●	-	●	●	●	-	-	-	-	-	●	●	●	-
Engraved (into building)	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	-
Flag	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	-
Flashing/strobe (lights)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Government	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Inflatable	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interior (visible from ROW)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	-
Marquee	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●
Menu Board (drive-through)	-	-	-	-	-	●	●	●	●	-	●	-	-	-	-	-	-	-	-	-
Monument	-	-	●	●	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	-
Mural or Ghost	-	-	-	-	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	-
Pole	-	-	-	-	-	-	●	-	●	-	●	-	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	●
Sandwich Board	-	-	-	-	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●
Search Light (except for special event)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wall	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	-
Window	-	-	-	-	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-

Table 11-2 (title only)**TABLE 11-1 – TOTAL NUMBER OF SIGNS PERMITTED PER STREET FRONTAGE****Table 11-3 (title only)****TABLE 11-3 – SIGN REGULATIONS: RESIDENTIAL DISTRICTS****Table 11-4****TABLE 11-4 – SIGN REGULATIONS: MIXED-USE DISTRICTS**

Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Marquee	MX1, MX2, GX1	1 per tenant	20, but not higher than bottom of 2nd floor window	1 per linear foot of frontage, not to exceed 30	7	7	External, backlit, halo, EMS
	MX3, GX2			1 per linear foot of frontage, not to exceed 60			
Menu Board (drive through)	MX2, MX3, GX1, GX2, C	1 per drive through lane	8	40	NA	10	External, backlit, halo, digital/monitor
Monument	MX1, MX2, GX1	1	6	30	NA	5	External, backlit, halo, EMS
	MX3, GX2	1		50			
Pole	MX3, GX2	1	15	50	10	10	External, backlit, halo
Projecting	MX1, MX2, MX3, GX1, GX2	1 per first floor tenant with street frontage. Upper floors may share 1 sign per building.	20, but not higher than bottom of 2nd floor window	8	7	NA	External, backlit, halo
Sandwich Board	MX1, MX2, MX3, GX1, GX2	1	4 (2 foot max. width)	8	NA	0 (see)	None
Wall	MX1, MX2, GX1	1 per tenant on first floor with street frontage	20, higher by Plan Commission approval	25 (each sign) or 1 per linear foot of frontage (each sign), not to exceed 50	NA	NA	External, backlit, halo, internal if lettering only
	MX3, GX2		Below parapet, 20 if no parapet exists	25 (each sign) or 1.5 per linear foot of frontage (each sign), not to exceed 75			External, backlit, halo, internal
Window	MX1, MX2, MX3, GX1, GX2	1 per street fronting window (2 window signs maximum)	NA	30% of 1st floor street fronting window area	NA	Inside window only	None
Interior (visible from ROW)	MX1, MX2, MX3, GX1, GX2	1 per street fronting window (2 interior signs maximum)	NA	30% of 1st floor street fronting window area	NA	5 (from interior of window)	NA

Table 11-5

TABLE 11-5 – SIGN REGULATIONS: OFFICE AND COMMERCIAL DISTRICTS							
Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Art	O, C	1	10	100	NA	5	External, backlit, halo, internal
Awning	O, C	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Business Center	O, C	1 total per property	20	200	7	5	External, backlit, halo, internal, EMS
Canopy	O, C	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Electronic Message	O, C	Allowed only as part of a Business Center, Marquee, or Monument sign face. Regulations of subject sign type govern number, height, dimensions, setbacks etc.,					EMS
Marquee	O, C	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal, EMS
Monument	O, C	1	8	75	NA	5	External, backlit, halo, internal, EMS
Pole	C	1 total per property	20	100	10	10	External, backlit, halo, internal
Wall	O, C	1 per tenant on first floor with street frontage	Below parapet, 20 if no parapet exists	2 per linear foot of frontage, not to exceed 150, or 250 if 200 ft. from ROW, or 350 if 500 ft from ROW, or 450 if 750 ft from ROW ^[1]	NA	NA	External, backlit, halo, internal
Window	O, C	1 per street fronting window (2 window signs maximum)	NA	30% of 1st floor street fronting window area	NA	Inside window only	None
Interior (visible from ROW)	O, C	1 per street fronting window (2 interior signs maximum)	NA	30% of first floor street fronting window area	NA	5 (from interior of window)	NA

[1] Distance may be measured from the wall sign to the nearest street fronted travel lane or highway fronted travel lane.

Table 11-6

TABLE 11-6 – SIGN REGULATIONS: BUSINESS PARK AND INDUSTRIAL DISTRICTS							
Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Art	BP-1, BP-2, I	1	10	100	NA	5	External, backlit, halo, internal
Awning	BP-1, BP-2, I	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Business Center	BP-1, BP-2, I	1 total per property	20	200	7	5	External, backlit, halo, internal
Canopy	BP-1, BP-2, I	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Directional (Wall)	BP-1, BP-2, I	NA, only allowed on non-street side and rear of building	20	15	NA	NA	External, backlit, halo, external
Marquee	BP-1, BP-2, I	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Monument	BP-1, BP-2, I	1	8	75	NA	5	External, backlit, halo, internal
Wall	BP-1, BP-2, I	1 per tenant on first floor with street frontage	Below parapet, 20 if no parapet exists	2 per linear foot of frontage, not to exceed 150, or 250 if 200 ft. from ROW, or 350 if 500 ft from ROW, or 450 if 750 ft from ROW ^[1]	NA	NA	External, backlit, halo, internal
Interior (visible from ROW)	BP-1, BP-2, I	1 per street fronting window (2 interior signs maximum)	NA	30% of first floor street fronting window area	NA	5 (from interior of window)	NA

[1] Distance may be measured from the wall sign to the nearest street fronted travel lane or highway fronted travel lane.

Table 11-7

TABLE 11-7 – SIGN REGULATIONS: SPECIAL DISTRICTS							
Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Art	CON	1	10	100	NA	5	External, backlit, halo, internal
	PI-1		8	40			
	PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)					
Business Center	PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)					
Electronic Message	AG, CON, PI-1, PI-2, PUD	Allowed only as part of a Business Center, or Monument sign face. Regulations of subject sign type govern number, height, dimensions, setbacks etc.					EMS
Monument	AG	1	6	30	NA	5	External, backlit, halo, EMS
	CON		8	75	NA	5	
	PI-1		6	50	NA	5	
	PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)					
Wall	CON, PI-1	1 per tenant on first floor with street frontage	Below parapet, 20 if no parapet exists	1 per linear foot of frontage, minimum of 25 and maximum of 50	NA	NA	External, backlit, halo, internal
	PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)					
Interior (visible from ROW)	CON, PI-1	1	NA	30% of first floor street fronting window area	NA	5 (from interior of window)	External, backlit, halo, internal
	PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)					

Table 11-8 (title only)

TABLE 11-8 – REGULATIONS FOR SIGNS PERMITTED WITHOUT A SIGN PERMIT

Section 14-118(1)(a)

- (a) The height of a sign is measured by calculating the distance from the base of the sign at normal grade to the top of the sign and sign structure. Normal grade is the lower of:

Section 14-125(1)**(1) General**

This section establishes regulations governing the granting of requests for design exceptions to the regulations of [Article II](#), [Article III](#), [Article VIII](#), or [Article IX](#). These exception regulations are divided into 2 categories:

Section 14-125(5)

(5) Minor Design Exceptions

During the site plan review process, the zoning administrator is authorized to approve the following as minor design exceptions for relief from strict compliance with the regulations of [Article II](#), [Article III](#), [Article VIII](#), or [Article IX](#), based on consideration of the general intent statement of [14-125\(2\)](#):

Section 14-125(5)(j)

- (j) Other Defined Minor Exceptions. Modify building type regulations and design regulations of [Article II](#), [Article III](#), [Article VIII](#), or [Article IX](#) that are expressly identified as eligible minor design exceptions within the text of this zoning ordinance.

Section 14-125(6)(a)

- (a) The plan commission is authorized to approve requests for relief from strict compliance with the regulations of [Article II](#), [Article III](#), [Article VIII](#), or [Article IX](#) that are not expressly authorized for processing as minor design exceptions and to hear and decide appeals of the zoning administrator's decision on any minor design exception.

Section 14-142(5)

(5) Replacement

- a) If a nonconforming structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity, the nonconforming structure may be re-established to the extent it existed before the damage or destruction, provided that no new or greater nonconformities are created and a permit application to allow the re-establishment is filed within one year of the date of damage or destruction.
- b) In the R1-45, R1-60, R2-45, and R2-60 Districts - an owner of a nonconforming primary structure or a nonconforming detached accessory structure with a driveway approach may voluntarily remove a nonconforming structure and reconstruct the structure to the extent it existed before the voluntary removal provided the following.
 1. No new or greater nonconformities created.
 2. A permit application to allow the re-establishment is filed within one year of the removal of the structure.
 3. The proposed building complies with the maximum building height in the respective zoning districts.
 4. Firewall protection is provided for building portions that are less than 5-feet from a property line.
 5. There are no existing easements or encumbrances that prohibit construction.

Section 14-163(19)

Sign, Directional (wall). A sign located on the wall of a building that guides a customer or truck to a specific entrance or exit on the building. Directional (wall) signs do not advertise a business name.

Section 14-163(25), Figure 16-10 side yard

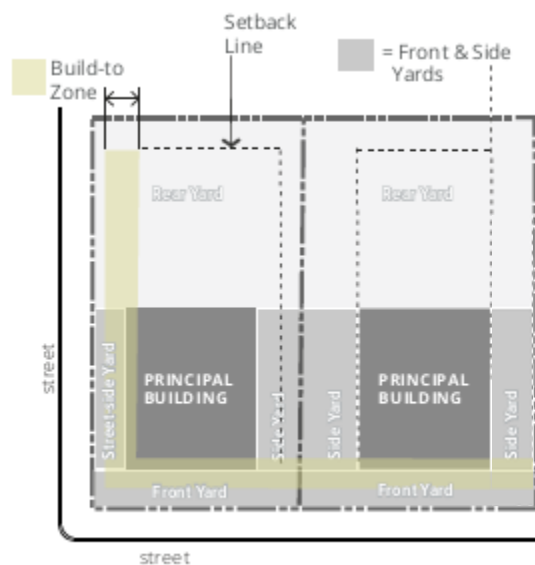
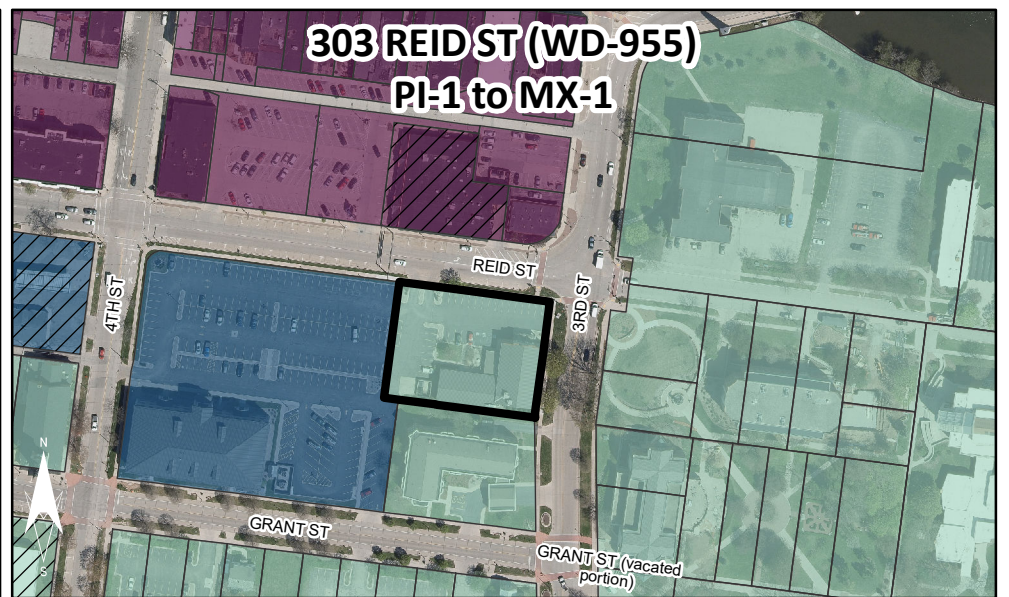
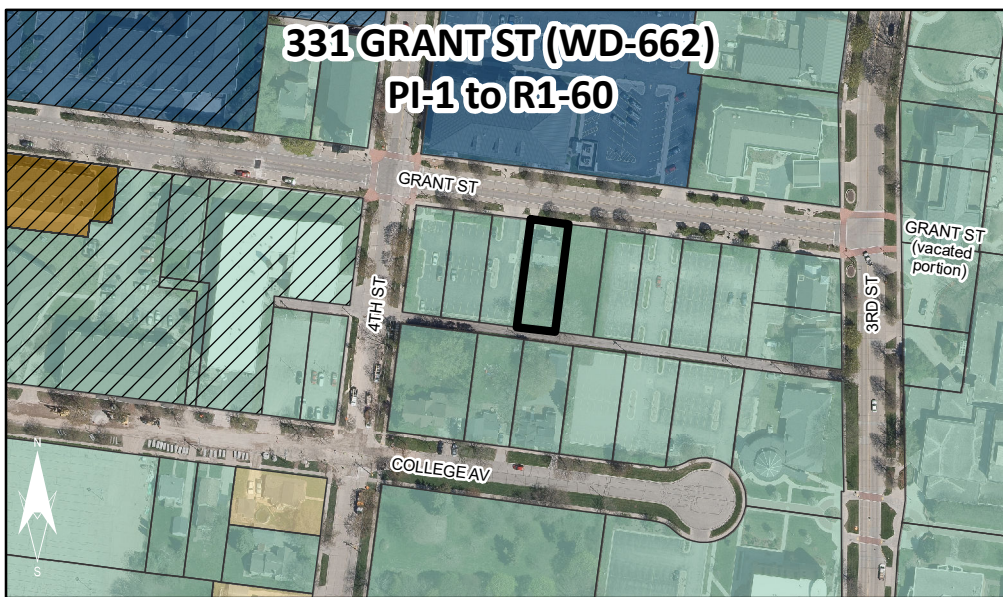
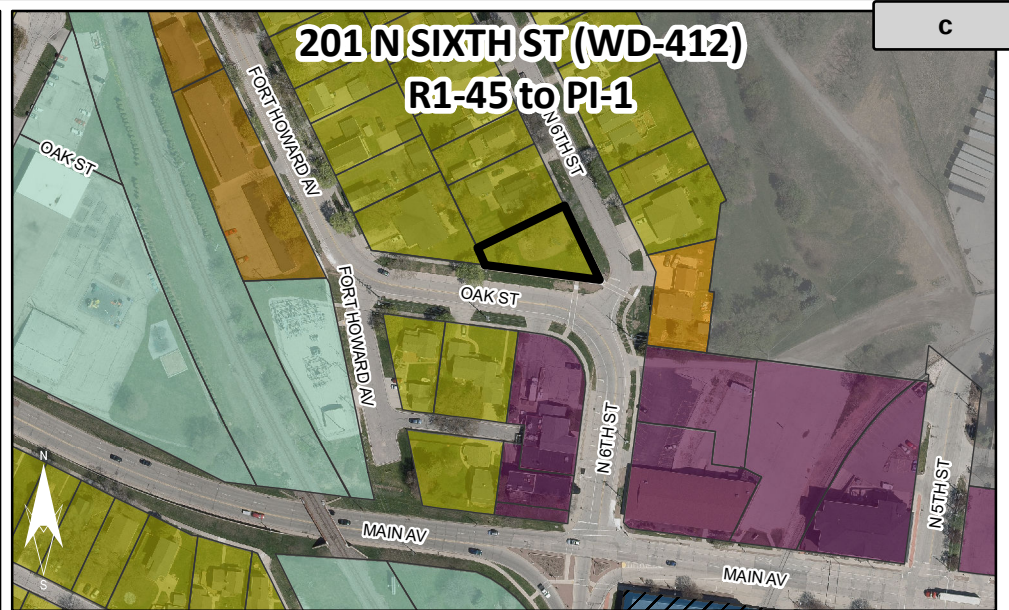
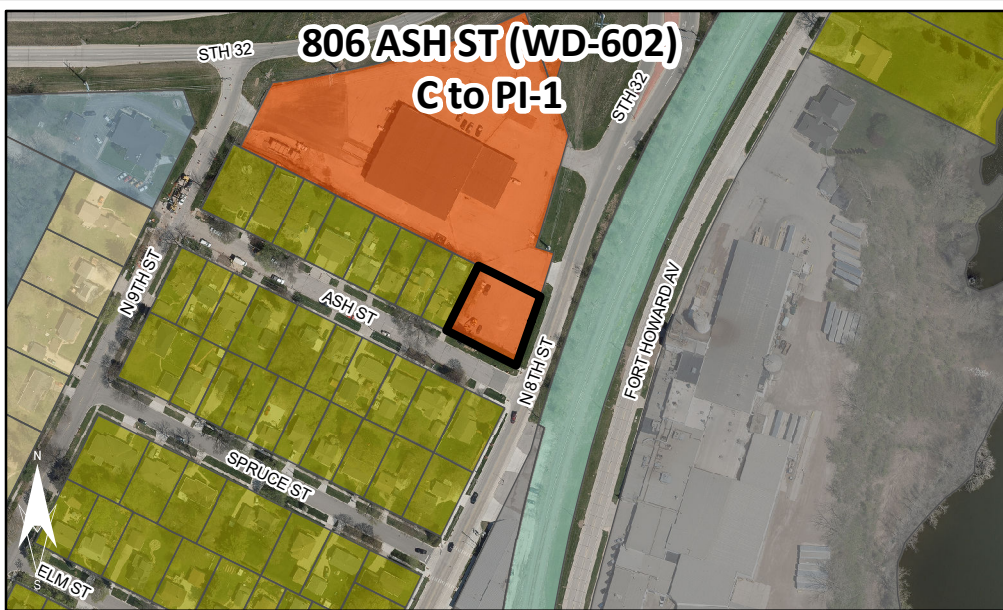


Figure 16-10. Yards



Zoning Map Amendmends Detail (Draft For Review - March 2023)

Parcels

Pre-Existing PDD (Prior to Jan 1, 2023)

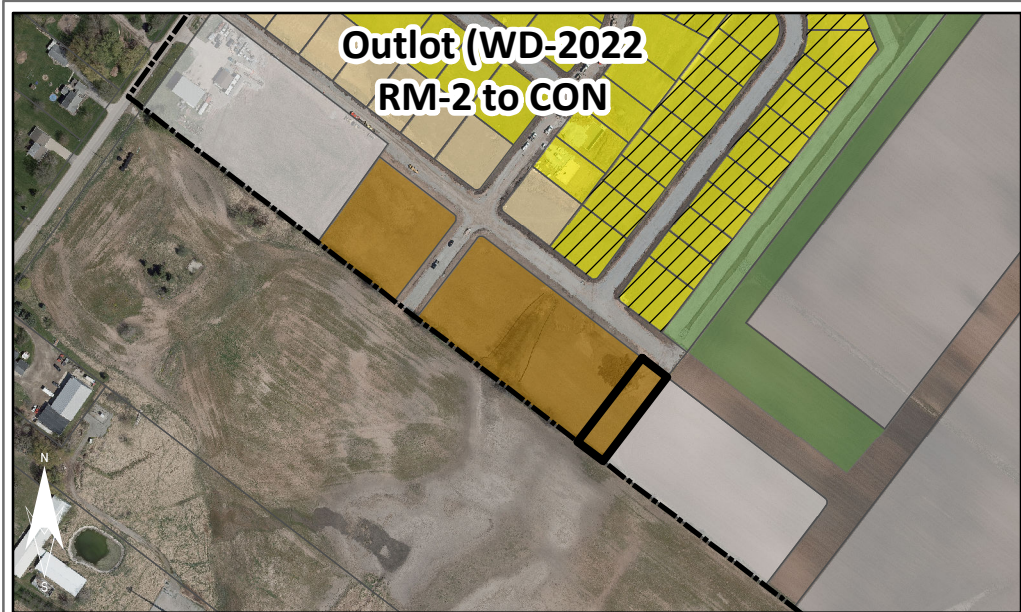
0 70 140 280 420 560 700 Feet

This map was produced utilizing a variety of sources the City of De Pere reasonably believes are reliable, including GIS data, some of which was under development at the time this map was produced. The City of De Pere makes no warranty, either expressed or implied, including no warranty as to fitness for a particular use, of the information contained in or comprising, this map.

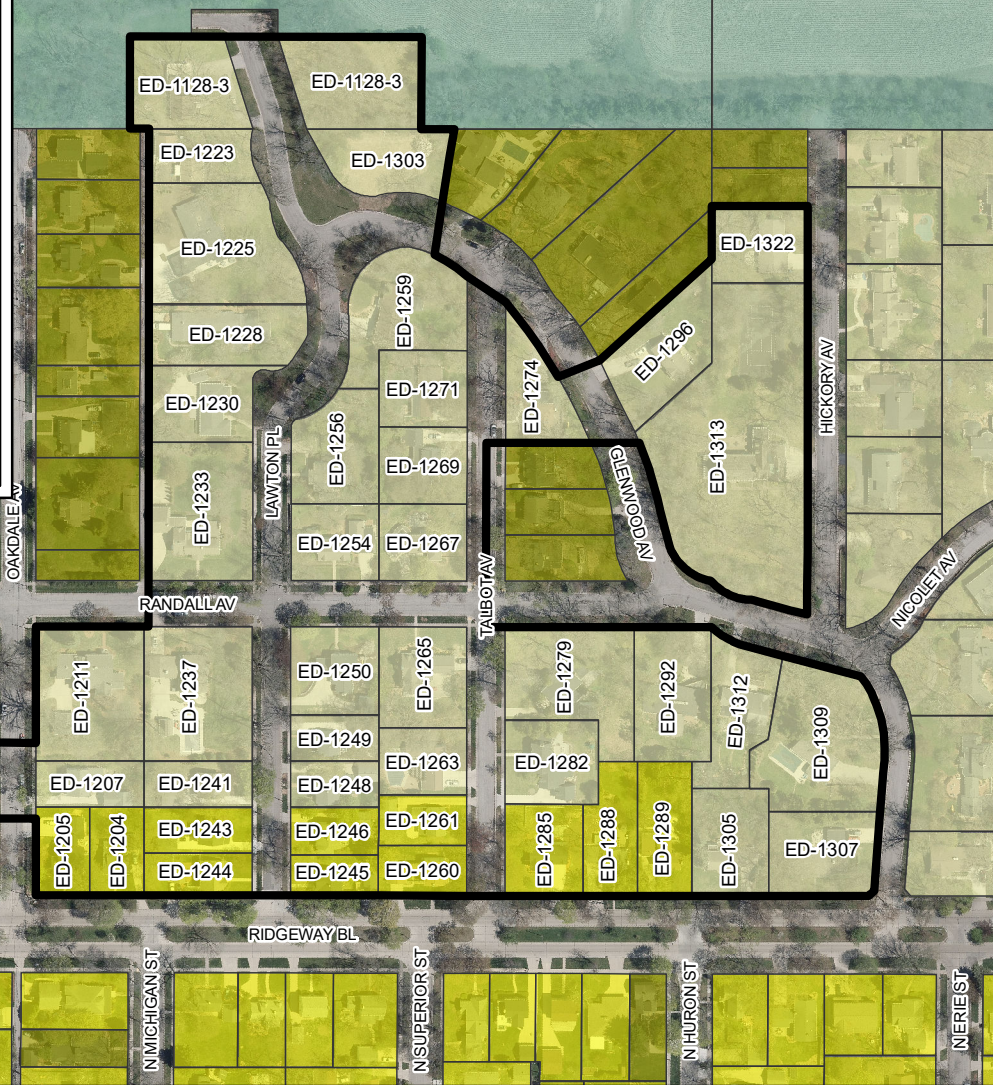
- R1-80: Single-Dwelling Detached
- R1-60: Single-Dwelling Detached
- R1-45: Single-Dwelling Detached
- R2-60: Two-Unit
- R2-45: Two-Unit
- RM-1: Multi-Unit Districts
- RM-2 Multi-Unit Districts

- MX1: Downtown Mixed-Use District
- MX2: Neighborhood Mixed-Use District
- MX3: Corridor Mixed-Use District
- GX1: Office-Residential Mix District
- GX2: Neighborhood Office-Residential
- O: Office
- C: Highway Commercial

- BP-1: Business Park 1
- BP-2: Business Park 2
- I: Industrial
- CON: Conservancy
- PI-1: Neighborhood Public & Institutional District
- PI-2: Campus Public & Institutional District
- A: Agricultural



Change privately owned One-Unit Houses from R1-60 and R1-80 to R1-45 (in/near a historic district)



Zoning Map Amendmends Detail (Draft For Review - March 2023)

Parcels

Pre-Existing PDD (Prior to Jan 1, 2023)

0 90 180 360 540 720 900 Feet

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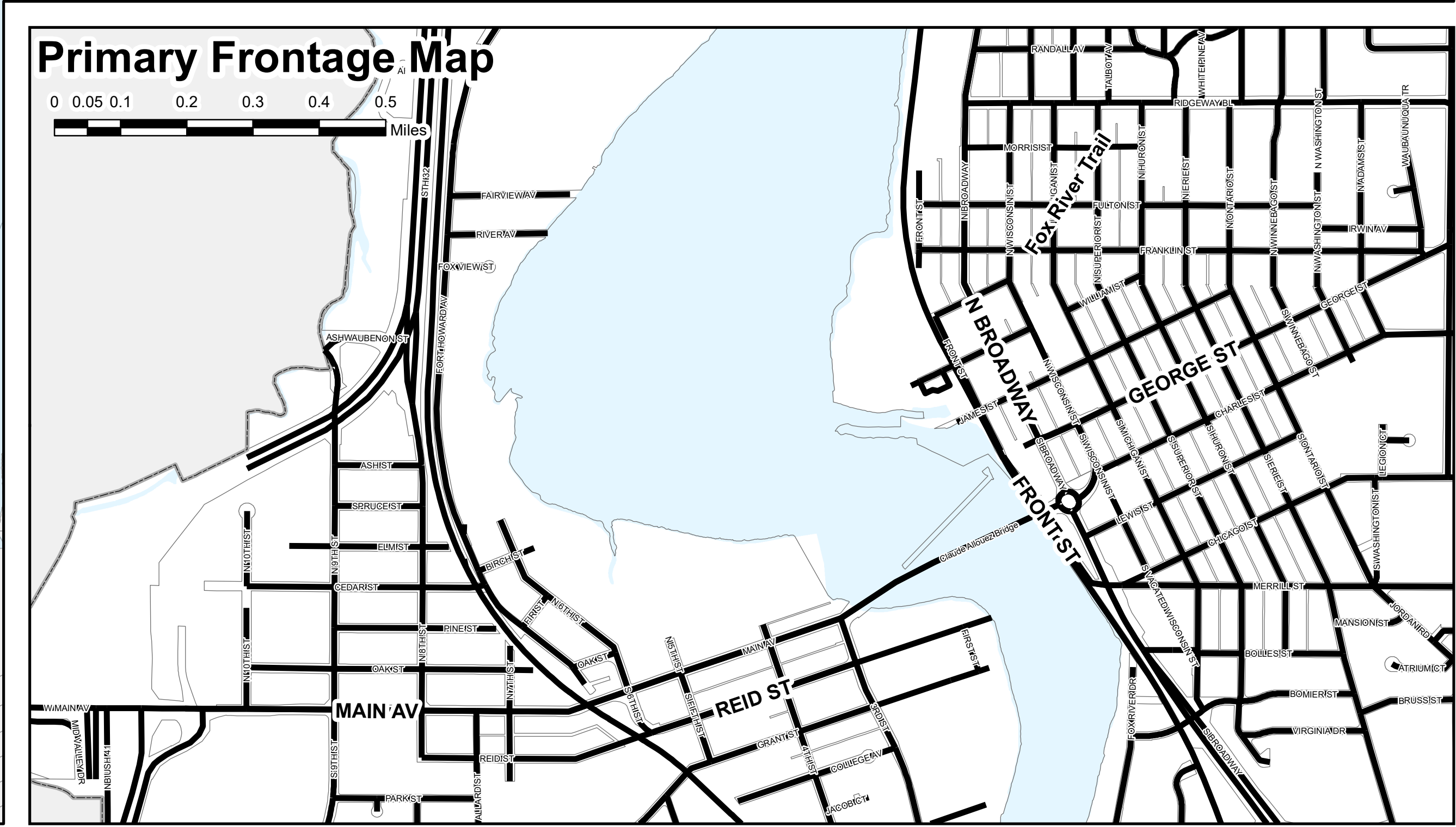
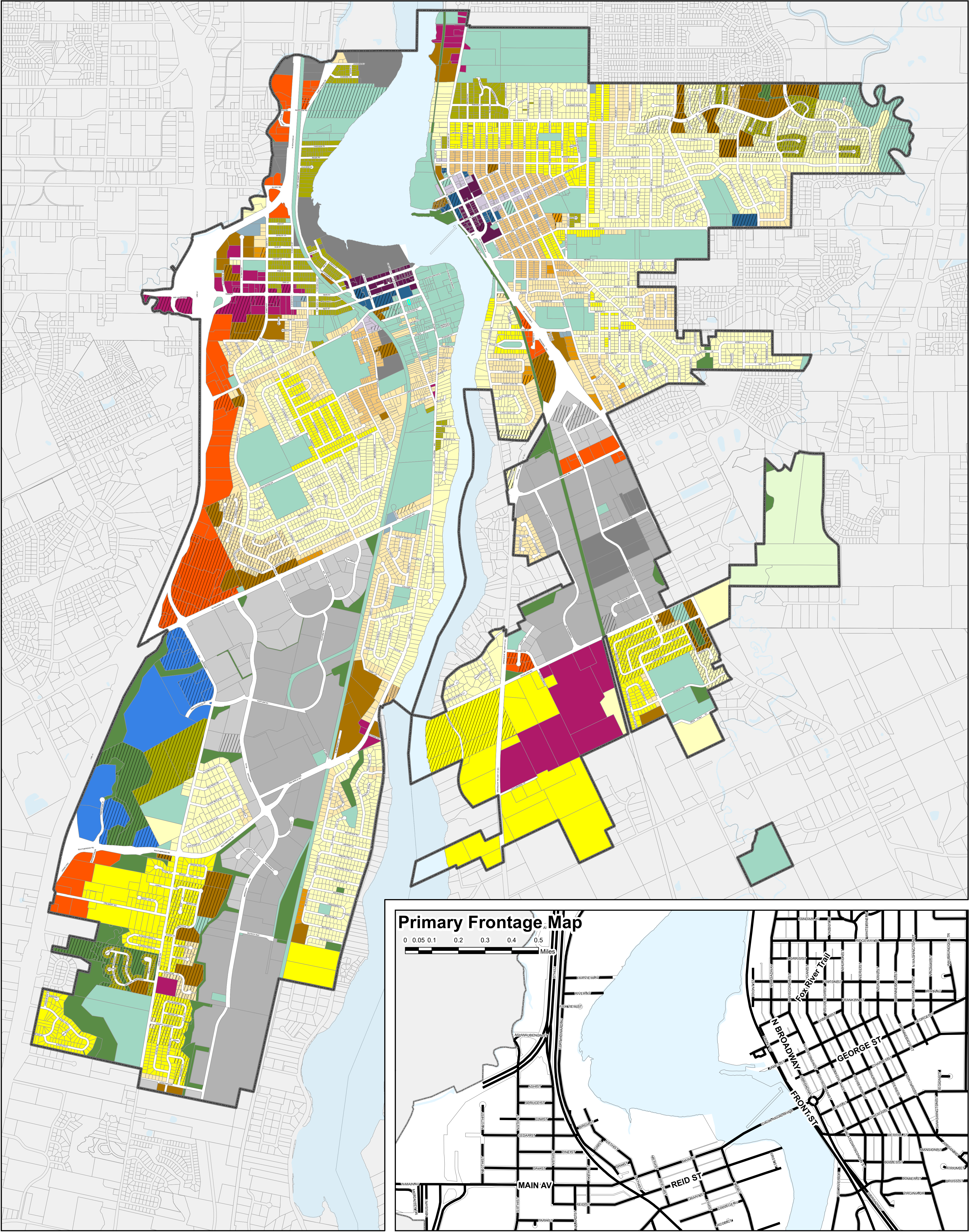
R1-80: Single-Dwelling Detached
R1-60: Single-Dwelling Detached
R1-45: Single-Dwelling Detached
R2-60: Two-Unit
R2-45: Two-Unit
RM-1: Multi-Unit Districts
RM-2 Multi-Unit Districts

MX1: Downtown Mixed-Use District
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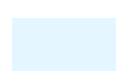
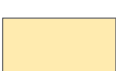
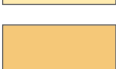
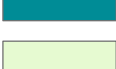
BP-1: Business Park 1
BP-2: Business Park 2
I: Industrial
CON: Conservancy
PI-1: Neighborhood Public & Institutional District
PI-2: Campus Public & Institutional District
A: Agricultural

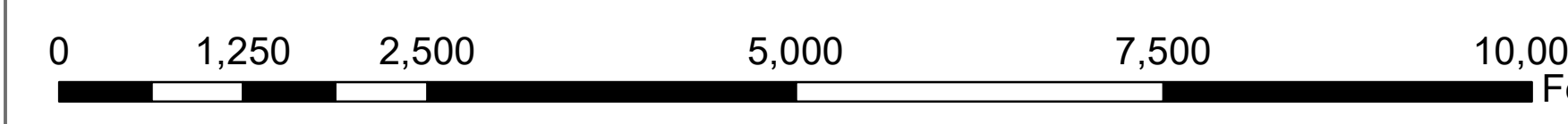
Data Source

City of De Pere - Zoning Map (Draft For Review - March 2023)





 City Boundary	 R1-80: Single-Dwelling Detached	 MX1: Downtown Mixed-Use District	 BP-1: Business Park 1
 Parcels	 R1-60: Single-Dwelling Detached	 MX2: Neighborhood Mixed-Use District	 BP-2: Business Park 2
 Pre-Existing PDD (Prior to Jan 1, 2023)	 R1-45: Single-Dwelling Detached	 MX3: Corridor Mixed-Use District	 I: Industrial
 Water	 R2-60: Two-Unit	 GX1: Office-Residential Mix District	 CON: Conservancy
	 R2-45: Two-Unit	 GX2: Neighborhood Office-Residential	 PI-1: Neighborhood Public & Institutional District
	 RM-1: Multi-Unit Districts	 O: Office	 PI-2: Campus Public & Institutional District
	 RM-2 Multi-Unit Districts	 C: Commercial	 A: Agricultural



0 1,250 2,500 5,000 7,500 10,000 Feet

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CITY OF DE PERE MEMO



To: James Boyd, Mayor
Plan Commission Members

From: Peter Schleinz, Senior Planner | Zoning Administrator

Date: April 18, 2023

RE: **Recommendation from Plan Commission to approve revisions to the Zoning Ordinance and the Official Zoning Map.**

A. Plan Commission recommendation to approve revisions to Municipal Code Chapter 14 (Zoning Ordinance).

B. Plan Commission recommendation to approve revisions to the Official Zoning Map.

Summary:

The Common Council approved a new Zoning Ordinance and new Official Zoning Map on December 20, 2022, which became effective on January 1, 2023. The new Zoning Ordinance and Official Zoning Map were designed to have a quarterly review for potential revisions and updates. This is the first of the year 2023 quarterly updates.

Potential Revisions and Updates:

Attached is a document with all revisions redlined. Also attached is the same document with the redlined revisions “accepted” to provide a clean version of what the final edit will look like if approved. Also included are proposals to revise six areas on the Zoning Map.

Note: Some revisions appear redundant because one change may impact multiple pages of the Zoning Ordinance.

Plan Commission Recommendations:

A. Common Council approve the revisions to the Zoning Ordinance, Municipal Code Chapter 14.

B. Common Council approve the revisions to the Official Zoning Map.

Redlined Revisions for Zoning Ordinance

April 18, 2023

Section 14-21(8) and (9)

(8) Average Setback

Where at least 50 percent of the neighborhood, as defined as all residential based principal buildings within 300' of the subject parcel, is built up with residential principal buildings, the front yard setback, rear yard setback, or interior side yard setback for new buildings shall be equal to the average of the existing buildings, except that any building that is set back 30 percent more or less than the average may be discounted from the formula.

(9) Design

See Article IX.

Table 2-3

TABLE 2-3 — DETACHED HOUSES IN R DISTRICTS					
Regulation		R1-80	R1-60 and R2-60	R1-45 and R2-45	RM
(a) Lot					
	Minimum Lot Area (square feet)	9,000	7,000	5,000	7,500
1	Minimum Lot Width				
	Interior Lot (feet, front yard)	80	60	45	75
	Corner Lot (feet, front yard)	90	70	50	75
(b) Principal Building Siting					
2	Front	25	15	15	20
3	Front-Facade Garage Entrance	30	20	Not allowed [1]	25
4	Street Side	25	15	15	15
5	Interior Side	8	6	6 4 [2]	15
6	Rear	30	20	20	25
(c) Accessory Building Siting					
7	Allowed Location	Rear yard or rear half of interior side yard			
8	Minimum Side and Rear Setbacks (feet)	6 4 [2] [3]	6 4 [2] [3]	6 4 [2] [3]	6 4 [2] [3]
	Minimum Building Separation (feet)	10			
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less			
(d) Maximum Building Height					
9	Principal Building (feet)	40	40	40	40
	Accessory Building (feet)	20 [34]	20 [34]	20 [34]	20 [34]

[1] Unless the lot does not have rear access, in which case front-facing garage is allowed with minimum 20-foot setback.

[2] UDC code requirements must be met for development near property lines.

[2][3] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[3][4] Not to exceed height of principal building.

Table 2-4

TABLE 2-4 — SEMI-DETACHED HOUSES IN R DISTRICTS				
Regulation		R2-60	R2-45	RM
(a) Lot				
	Minimum Lot Area (square feet)	4,500	2,000	2,000
1	Minimum Lot Width			
	Interior Lot (feet, front yard)	35	18	18
	Corner Lot (feet, front yard)	50	38	38
(b) Principal Building Siting				
Minimum Principal Building Setbacks (feet)				
2	Front	15	15	20
3	Front-Facade Garage Entrance	20	Not allowed [1]	25
4	Street Side	15	15	15
5	Interior Side	6 [12]	6 4 [12] [3]	6 [12]
6	Rear	20	20	25
(c) Accessory Building Siting				
	Allowed Location	Rear yard or rear half of interior side yard		
	Minimum Side and Rear Setbacks (feet)	64 [3] [4]		
	Minimum Building Separation (feet)	10		
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less		
(d) Maximum Building Height				
7	Principal Building (feet)	40	40	40
	Accessory Building (feet)	20 [25]	20 [25]	20 [25]

[\[1\] Unless the lot does not have rear access, in which case front facing garage is allowed with minimum 20-foot setback.](#)

[\[2\] Interior side setback applies only to end units \(i.e., on non-attached side\)](#)

[\[3\] UDC code requirements must be met for development near property lines.](#)

[\[4\] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.](#)

~~[3]~~ [\[5\]](#) Not to exceed height of principal building.

Table 2-5

TABLE 2-5 — TWO-UNIT HOUSES IN R DISTRICTS				
Regulation		R2-60	R2-45	RM
(a) Lot				
	Minimum Lot Area (square feet)	11,000	5,000	7,500
1	Minimum Lot Width			
	Interior Lot (feet, front yard)	90	45	75
	Corner Lot (feet, front yard)	110	50	75
(b) Principal Siting				
Minimum Principal Building Setbacks (feet)				
2	Front	15	15	20
3	Front-Facade Garage Entrance	20	Not allowed [1]	Not-allowed25
4	Street Side	15	15	20
5	Interior Side	6	6-4 [2]	6 [4]
6	Rear	20	20	25
(c) Accessory Building Siting				
7	Allowed Location	Rear yard only or rear half of interior side yard		
8	Minimum Side and Rear Setbacks	Same as principal building [1], 4 [2][3]		
	Minimum Building Separation (feet)	10		
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less		
(d) Maximum Building Height				
9	Principal Building (feet)	40	40	40
	Accessory Building (feet)	1520 [24]	1520 [24]	1520 [24]

[1] Unless the lot does not have rear access, in which case front facing garage is allowed with minimum 20-foot setback.

[2] UDC code requirements must be met for development near property lines.

[4][3] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[2][4] Not to exceed height of principal building.

Table 2-6

TABLE 2-6 — TOWNHOUSE BUILDINGS IN R DISTRICTS			
Regulation		RM-1	RM-2
(a) Lot			
	Minimum Lot Area Per Dwelling Unit (square feet)	2,000	2,000
1	Minimum Lot Width Per Dwelling Unit		
	Interior Lot (feet, front yard)	18	18
	Corner Lot (feet, front yard)	38	38
(b) Principal Building Siting			
Minimum Principal Building Setbacks (feet)			
2	Front	25	20
3	Front-Facade Garage Entrance	Not allowed	Not allowed
4	Street Side	25	20
5	Interior Side	8 [1]	6 [1]
6	Rear	30	25
(c) Principal Building Width			
7	Maximum Number of Attached Units	6	10
(d) Accessory Building Siting			
	Allowed Location	Rear yard only	
	Minimum Side and Rear Setbacks	Same as principal building 4 [2] [3]	
	Minimum Building Separation (feet)	10	
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less	
(e) Maximum Building Height			
8	Principal Building (feet)	45	45
	Accessory Building (feet)	20 [43]	20 [43]

[1] Interior side setback applies only to end units (i.e., on non-attached side)

[2] UDC code requirements must be met for development near property lines.

[2][3] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[3][4] Not to exceed height of principal building.

Section 14-26(1)

(1) Description

A multi-unit building is a residential building or residential buildings that ~~is~~are located on a single lot and occupied by 3 or more dwelling units.

Table 2-7

TABLE 2-7 — MULTI-UNIT BUILDINGS IN R DISTRICTS			
Regulation		RM-1	RM-2
(a) Lot			
	Minimum Lot Area (square feet)	7,500	7,500
	Minimum Lot Area per Dwelling Unit (square feet)	2,000	1,000
1	Minimum Lot Width		
	Interior Lot (feet, front yard)	75	75
	Corner Lot (feet, front yard)	75	75
(b) Principal Building Siting			
Minimum Principal Building Setbacks (feet)			
2	Front	25	20
	Front-Facade Garage Entrance	Not allowed	Not allowed
3	Street Side	25	20
4	Interior Side	8	6
5	Rear	30	25
(c) Principal Building Size			
6	Maximum Number of Principal Dwelling Units	6	No maximum
(d) Accessory Building and Parking Lot Siting			
7	Allowed Location	Rear yard only	
	Minimum Side and Rear Setbacks	Same as principal building 4 [1] [2]	
	Minimum Building Separation (feet)	10	
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less	
(e) Maximum Building Height			
8	Principal Building (feet)	55	55
	Accessory Building (feet)	±520 [23]	±520 [23]

[1] UDC code requirements must be met for development near property lines.

~~[1][2]~~ Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

~~[2][3]~~ Lot to exceed height of principal building.

Table 2-8

TABLE 2-8 — BACKYARD COTTAGES IN R DISTRICTS		
Regulation		R DISTRICTS
(a) Lot		
	Minimum Lot Area (square feet)	Same as required for detached house
	Minimum Lot Width & Frontage (feet)	Same as required for detached house
(b) Building Siting		
	Minimum Building Setbacks (feet)	
	Front	Permitted in rear yard only
	Street Side	25
	Interior Side	10
	Rear	10 [-1]
	Separation from Principal Buildings	10
() Building Size		
	Maximum Building Height (feet)	20 [2]
	Maximum Floor Area <u>Building Coverage</u> (square feet)	650, <u>see 14-27(4)(k)</u>

[1] Minimum 25-foot rear setback required for backyard cottage when rear yard adjoins side yard of abutting lot.

[2] Or height of principal building, whichever is less.

Section 14-27(4)(k)

(k) Maximum Square Footage

The culmination of accessory buildings and backyard cottage total square feet may exceed 850 square feet only if the additional square footage for a backyard cottage is on a second floor or basement level.

Section 14-33(4)(a)

(a) Courtyards

One courtyard, maximum of 30% of facade width or 30 feet wide, whichever is less, may count towards the minimum primary frontage coverage for the Storefront building. ~~Does not apply to Riverfront building.~~

Section 14-33(4)(c)

(c) Additional Step-Back Regulations

~~Where required, upper stories must be set back from lower stories a minimum 12 feet. Where step-backs are required, upper stories that face streets must be setback a minimum 10 feet from the street frontage.~~ Lower stories must be capped with a permitted building cap. The roofs of the lower stories may be used for terraces.

Section 14-34

Commercial manor buildings are allowed in those districts indicated in Table 3-2.

Table 3-5(a) MX3 Line 9

TABLE 3-5 — COMMERCIAL CENTER BUILDING REGULATIONS		
(a) Building Siting	MX3	References
Permitted Driveway Access Location	1 per 200-100 feet of street frontage	See 14-87 for hierarchy of allowed driveway access.
9 Permitted Garage Entry Facade Location	Rear, interior side, or non-primary street facade	See 14-92 for doors off street.

Section 14-40(2)(a)

(a) **General.** Commercial and employment zoning districts are intended to accommodate commercial uses in auto-oriented locations and employment uses, such as office, commercial, ~~business~~ park, and industrial.

Section 14-40(2)(d)1. and 2.

1. Business Park 1 (BP-1) District. ~~The BP-1 district is primarily intended to accommodate large lot office and industrial uses that have operating characteristics or produce other impacts (e.g., noise, vibration, smoke, dust, odors, heat, or toxic or noxious matter) that makes them generally unsuitable for location near established residential or low intensity commercial and mixed use neighborhoods.~~ The BP-1 district is primarily intended to accommodate smaller lot office and industrial uses that create few if any adverse land use or safety impacts on neighboring areas.
2. Business Park 2 (BP-2) District. ~~The BP-2 district is primarily intended to accommodate smaller lot office and industrial uses that create few if any adverse land use or safety impacts on neighboring areas.~~ The BP-2 district is primarily intended to accommodate large-lot office and industrial uses that have operating characteristics or produce other impacts (e.g., noise, vibration, smoke, dust, odors, heat, or toxic or noxious matter) that makes them generally unsuitable for location near established residential or low-intensity commercial and mixed-use neighborhoods.

Table 4-2

TABLE 4-2 — COMMERCIAL AND EMPLOYMENT DISTRICT		LOT AND BUILDING REGULATIONS				
Regulation		O	C	BP-1	BP-2	I
Lot						
	Minimum Lot Area (square feet)	1 acre	1 acre	1 acre	2 acres	1 acre
1	Minimum Lot Frontage (feet)	100	100	100	150	100
	Maximum Lot Coverage (% of lot area)	80	80	80	80	80
	Minimum Open Space (% of area)	20	20	20	20	20
Principal Building Siting						
	Minimum Principal Building Setbacks (feet)					
2	Front	30	30	30	30	30
3	Street Side	30	30	30	30	30
4	Interior Side	10	10	20	20	20
5	Rear	<u>30</u> <u>20</u>	20 <u>[2]</u>	20 <u>[1]</u>	20 <u>[1]</u>	20 <u>[1]</u>
	Transitional <u>Yard</u>	<u>50</u> <u>[1]</u> <u>[2]</u>	<u>50</u> <u>[1]</u> <u>[2]</u>	<u>50</u> <u>[1]</u> <u>[2]</u>	<u>50</u> <u>[1]</u> <u>[2]</u>	<u>50</u> <u>[1]</u> <u>[2]</u>
Building Size/Scale						
	Minimum Building Floor Area (sq. ft.)	10,000	6,000	6,000	10,000	None
6	Maximum Building Height (feet)	75 [3]	75 [3]	No max. [3]	No max. [3]	No max. [3]

[1] Required when abutting residential district. Also required when within 150 feet of residential district when a public trail or a public storm water facility is positioned between subject parcel and the abutting residential district. ~~Minimum 50 when abutting residential zoning district~~

[2] Additional landscaping or fence required to provide visual screening when abutting residential zoning district, as defined in 14-106(8). ~~Additional landscaping or fence required to provide visual screening when abutting residential zoning district~~

[3] 35 feet within 100 feet of residential zoning district

Table 7-1 (1 of 4)

TABLE 7-1 — PRINCIPAL USE TABLE																			
USE CATEGORY		Districts																Definition & Regulations	
Use Subcategory	Residential				Mixed-Use					Commercial & Employment				Special [1]					
	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1	PI-2		
Specific Use Type																			
Commercial Service																			
Consumer Maintenance and Repair		—	—	—	—	●	●	●	●	●	—	●	●	Ⓢ	—	—	—	—	14-73(4)
Personal Service		—	—	—	—	●	●	●	●	●	—	●	●	Ⓢ	—	—	—	—	14-73(4)
Studio or Instructional Service		—	—	—	—	●	●	●	●	●	—	●	●	Ⓢ	—	—	—	—	14-73(4)
Other Service		—	—	—	—	—	—	—	—	—	—	●	●	●	●	—	—	—	14-73(4)
Day Care																			
Day Care Home, Family		●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-73(5)
Day Care Facility, Adult		—	—	—	—	●	●	●	●	●	—	—	—	—	—	—	—	—	14-73(5)
Day Care Center, Group		—	—	—	●	●	●	●	●	●	●	●	Ⓢ	—	—	—	—	—	14-73(5)
Eating and Drinking Places																			
Restaurant		—	—	—	—	●	●	●	Ⓢ	Ⓢ	—	●	—	—	—	—	—	—	14-73(6)
Bar		—	—	—	—	●	●	●	Ⓢ	Ⓢ	—	●	—	—	—	—	—	—	14-73(6)
Financial Service																			
Financial Institution		—	—	—	—	●	●	●	●	●	●	●	—	—	—	—	—	—	14-73(7)
Convenient Cash Business		—	—	—	—	—	—	—	—	—	—	Ⓢ	—	—	—	—	—	—	14-73(7)
Pawnshop		—	—	—	—	—	—	—	—	—	—	Ⓢ	—	—	—	—	—	—	14-73(7)
Funeral or Mortuary Service																			
Funeral or Mortuary Service		—	—	—	—	—	—	●	●	●	—	●	—	—	—	—	—	—	14-73(8)
Lodging																			
Bed & Breakfast Inn		Ⓢ	Ⓢ	●	●	—	—	—	—	—	—	—	—	—	—	●	—	—	14-73(9)
Hotel		—	—	—	—	●	●	●	●	●	●	●	—	—	—	—	—	—	14-73(9)
Motel		—	—	—	—	—	—	—	—	—	—	●	—	—	—	—	—	—	
Short-term Rental		●	●	●	●	●	●	●	●	●	—	—	—	—	—	—	—	—	14-73(9)
Medical Service																			
Medical Service		—	—	—	—	●	●	●	●	●	●	●	●	—	—	—	—	—	14-73(10)
Office																			
Office		—	—	—	—	●	●	●	●	●	●	●	●	●	—	—	—	—	14-73(11)
Parking, Non-accessory																			
Parking, Non-accessory		—	—	—	—	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	—	Ⓢ	Ⓢ	Ⓢ	●	—	—	—	14-73(12)
Retail Sales																			
Convenience Goods		—	—	—	—	●	●	●	●	●	—	●	—	—	—	—	—	—	14-73(13)
Consumer Shopping Goods		—	—	—	—	●	●	●	●	●	—	●	—	—	—	—	—	—	14-73(13)
Building Materials and Supplies		—	—	—	—	—	—	—	—	—	—	●	Ⓢ	Ⓢ	●	—	—	—	14-73(13)
Sexually Oriented Business																			
Sexually Oriented Business		—	—	—	—	—	—	—	—	—	—	—	—	Ⓢ	—	—	—	—	14-73(14)
Sports & Recreation, Participant																			
Indoor		—	—	—	—	●	●	●	—	—	—	●	Ⓢ	Ⓢ	Ⓢ	—	—	—	14-73(15)
Outdoor		—	—	—	—	—	—	●	—	—	—	●	Ⓢ	Ⓢ	Ⓢ	—	—	—	14-73(15)
Vehicle Sales and Service																			

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | --=prohibited

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | —=prohibited

[1] Uses allowed in CON (Conservancy) district are listed in [14-52](#)

Table 7-1 (2 of 4)

TABLE 7-1 — PRINCIPAL USE TABLE																			
USE CATEGORY		Districts																	Definition & Regulations
Use Subcategory	Residential				Mixed-Use					Commercial & Employment					Special [1]				
Specific Use Type	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1	PI-2		
RESIDENTIAL																			
Household Living																			
Single-Household	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●	-	-	14-71(1)	
Two-Household	-	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(1)	
Three-to-Six-Household	-	-	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(1)	
Seven+-Household	-	-	-	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(1)	
Live-Work	-	-	-	-	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(1)	
Group Living																			
Adult Family Home	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(2)	
Community Living Arrangement	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●	-	-	14-71(2)	
Foster Home	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	14-71(2)	
Overnight Shelter	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	14-71(2)	
Group Living not otherwise classified	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	14-71(2)	
PUBLIC AND CIVIC																			
Cemetery	Ⓢ	Ⓢ	Ⓢ	Ⓢ	-	-	-	-	-	-	-	-	-	-	-	●	Ⓢ	14-72(1)	
Club or Lodge	-	-	-	●	●	●	●	●	●	-	●	-	-	-	-	●	Ⓢ	14-72(2)	
College or University	-	-	-	-	●	●	●	●	●	-	●	-	-	-	-	●	Ⓢ	14-72(3)	
Hospital	-	-	-	-	-	-	-	●	●	●	●	●	●	●	-	●	Ⓢ	14-72(4)	
Library or Cultural Center	-	-	-	-	●	●	●	●	●	●	●	●	●	-	-	●	Ⓢ	14-72(5)	
Parks and Recreation	●	●	●	●	-	-	●	●	●	-	●	-	-	-	-	●	Ⓢ	14-72(6)	
Religious & Non-Secular Assembly	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	14-72(7)	
Safety Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	Ⓢ	14-72(8)	
School	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	●	Ⓢ	14-72(9)	
Utilities and Public Service Facilities																			
Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	Ⓢ	14-72(10)	
Major	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	14-72(10)	
COMMERCIAL																			
Animal Service																			
Boarding	-	-	-	-	-	-	-	-	-	-	●	●	●	●	●	-	-	14-73(1)	
Grooming	-	-	-	-	●	●	●	●	●	-	●	●	●	●	●	-	-	14-73(1)	
Veterinary	-	-	-	-	●	●	●	●	●	-	●	●	●	●	●	-	-	14-73(1)	
Assembly and Entertainment																			
Small	-	-	-	-	●	●	●	●	●	-	●	-	-	-	-	-	-	14-73(2)	
Large	-	-	-	-	-	-	●	-	-	-	●	-	-	-	-	-	-	14-73(2)	
Business or Trade School	-	-	-	-	●	●	●	●	●	-	●	-	-	-	-	-	-	14-73(2)	

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | --=prohibited

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | -=prohibited

[1] Uses allowed in CON (Conservancy) district are listed in [14-52](#)

Table 7-1 (3 of 4)

TABLE 7-1 — PRINCIPAL USE TABLE																		
USE CATEGORY		Districts															Definition & Regulations	
Use Subcategory	Residential				Mixed-Use				Commercial & Employment				Special [1]					
	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1		PI-2
Specific Use Type																		
Fueling Station		-	-	-	-	-	-	●	-	-	-	●	●	●	-	-	-	14-73(16)
Vehicle Sales		-	-	-	-	●	●	-	-	-	-	●	-	-	-	-	-	14-73(16)
Vehicle Rental		-	-	-	-	●	-	-	-	-	-	●	-	-	-	-	-	14-73(16)
Vehicle Maintenance & Repair, Minor		-	-	-	-	-	Ⓢ	Ⓢ	-	-	-	●	●	●	●	-	-	14-73(16)
Vehicle Maintenance & Repair, Major		-	-	-	-	-	-	-	-	-	-	●	-	●	●	-	-	14-73(16)
INDUSTRIAL																		
Fabrication and Production																		
Artisan		-	-	-	-	●	●	●	-	-	-	●	●	●	●	●	-	14-74(1)
Low-Impact		-	-	-	-	-	-	●	-	-	-	●	●	●	●	-	-	14-74(1)
Moderate-Impact		-	-	-	-	-	-	-	-	-	-	Ⓢ	●	●	-	-	-	14-74(1)
High-Impact		-	-	-	-	-	-	-	-	-	-	-	Ⓢ	●	●	-	-	14-74(1)
Industrial Service		-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	14-74(2)
Storage, Distribution and Wholesaling																		
Trucking & Transportation Terminal		-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	14-74(3)
Warehouse		-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	14-74(3)
Warehouse, Mini (Self-Storage)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Wholesale Sales and Distribution		-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	14-74(3)
Junk or Salvage Yard		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	14-74(4)
RECYCLING																		
Composting, Yard Waste		-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	Ⓢ	
Construction/Demolition Debris		-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ	●	-	-	14-75(1)
Consumer Material Drop-off		-	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	14-75(2)
Consumer Material Processing		-	-	-	-	-	-	-	-	-	-	-	-	Ⓢ	●	-	-	14-75(3)
AGRICULTURAL																		
Community Garden		●	●	●	●	●	●	●	●	●	-	-	-	-	-	●	-	14-76(1)
Animal Agriculture		-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	14-76(2)
Crop Agriculture		-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	14-76(3)

KEY: ●=permitted by right | ●=permitted only above ground-floor | Ⓢ=conditional use | -=prohibited

[1] Uses allowed in CON (Conservancy) district are listed in [14-52](#)

Table 7-1 (4 of 4) (table improved, but no accessory uses changed)

Table 7-1 – PRINCIPAL USE TABLE																			
USE CATEGORY	Districts																	Definition & Regulations	
Use Subcategory	Residential				Mixed-Use					Commercial & Employment					Special				
Specific Use Type	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1	PI-2		
OTHER																			
Wireless Telecommunications	See 14-79																		
ACCESSORY																			
Backyard Cottage	*	*	*	*														14-27	
Amateur Radio Service Antennas	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(3)	
Crop Agriculture										*	*	*	*	*	*			14-78(4)	
Drive-in/Drive-thru Service						c	*	c	c		*							14-78(3)(5)	
Electric Vehicle Charging Stations	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(6)	
Geothermal Energy Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(7)	
Home Occupations ⁵ , Type A	*	*	*	*	a	a	a	*	*									14-78(6)(8)	
Home Occupations ⁵ , Type B	c	c	c	c	c	c	c	c	c									14-78(6)(8)	
Outdoor Display						*	*				*							14-78(9)	
Outdoor Storage											*	*	*	*				14-78(8)(10)	
Residential Composting	*	*	*	*														14-78(11)	
Satellite Dish Antennas	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(12)	
Secondary Suite																		14-78(11)(13)	
Solar Energy Systems	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	14-78(14)	
Other Accessory Uses	See 14-78																		
OTHER																			
Wireless Telecommunications	See 14-79																		

Section 14-73(9)(d)**(a) Short-term Rental**

A residential dwelling that is offered for rent for a fee for fewer than 29 consecutive days. Short-term rentals in R1 and R2 districts may not be offered for rent for fewer than 6-7 consecutive days. In all other districts, the minimum rental period is one day.

Section 14-76(3)**(3) Crop Agriculture**

An area managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution. Farms may be principal accessory uses and Crop agriculture may be located on land, on a roof or within a building.

Add Section 14-78(2)**(2) Backyard Cottage**

(a) See regulations in 14-27.

Add Section 14-78 (4)**(4) Crop Agriculture**

(a) Crop agriculture may be located on land, on a roof, or within a building.

Renumber Existing Sections 14-78(3) through (14)

~~(2)~~(3) Amateur Radio Service Antennas

(4) Crop Agriculture

~~(3)~~5 Drive-in and Drive-through Uses

~~(4)~~6 Electric Vehicle Charging Stations

~~(5)~~7 Geothermal Energy Systems

~~(6)~~8 Home Occupations

~~(7)~~9 Outdoor Display

~~(8)~~10 Outdoor Storage

~~(9)~~11 Residential Composting

~~(10)~~12 Satellite Dish Antennas

~~(11)~~13 Secondary Suites

~~(12)~~14 Solar Energy Systems

Table 8-3, Footnote [2]c.

- a. The additional driveway must extend to a vehicular garage ~~opening~~door.

Table 8-3, Footnote [1] and [2]

[1] — See paragraph (c) of this subsection for supplemental regulations.

[2] — Driveways regularly used for access by semi-tractor trailers are subject to industrial driveway regulations.

Section 14-89

14-89 Loading Spaces, Trucking and Transportation Terminals

1) Loading Space Requirements

~~(1)~~(a) All uses engaged in receiving or shipping goods by truck or large delivery vehicles must provide loading and unloading facilities, ~~as determined by the plan commission.~~

~~(2)~~(b) Loading spaces must have a minimum width of 10 feet and a minimum length of 25 feet, with a minimum overhead clearance of 15 feet.

~~(3)~~(c) Loading spaces may not be located on a front facade.

~~(4)~~(d) Except as expressly allowed in city-designated commercial loading zones, vehicle maneuvering areas and loading and unloading activities must occur on-site, not within the public right-of-way.

~~(5)~~(e) All loading spaces must be posted with signs prohibiting engine idling for more than 5 minutes.

~~(6)~~(f) All loading areas and access drives must be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the public works director.

~~(7)~~(g) All off-street loading areas adjacent to R zoning districts must be completely screened from view by building walls, fences, plant material at least 8 feet in height.

2) Trucking and Transportation Terminal Requirements

- a) Parking areas and access drives have the same surfacing requirements as off-street parking. See 14-86(7) for requirements.
- b) Parking areas and access drives are not allowed within front, side, street side, and rear setbacks except for access drives that connect directly to a right-of-way.
- c) Parking areas and access drives are not allowed within transitional areas.
- d) A 6' tall solid fence, hedge, or berm is required to screen the front, side, and rear of the parking areas.
- e) Street right-of-way trees are required along all street frontages. See 14-102 for requirements.
- f) A minimum of one tree is required every 35 feet along the non-street fronted property lines.

Section 14-91(1)

(1) Applicability

The regulations of this section apply to all buildings and building types in the X, RM, O, C, P, BP, and I districts, unless otherwise stated.

Section 14-103(3)(a)4.a.

- a. A vegetative screen consisting of shrubs planted to form a continuous visual barrier (hedge) at least 3 feet in height ~~accompanied by wrought iron fencing between 3 and 6 feet in height installed on the street side of the shrubs~~; or

Section 14-107(7)(a) through (d)

- (a) Fences must be durable and constructed with materials that are customarily used for fences, including wood, decorative rigid vinyl (polyvinyl chloride), metal or wrought iron. Fence posts must be structurally stable.
- (b) The finished side of all fences other than tree protection fences must face the adjacent property or street. ~~Chain-link fencing may not be used to satisfy the regulations of this article.~~
- (c) Walls, raised planting beds and planters must be constructed of brick, stone or other durable masonry material approved by the zoning administrator.
- (d) Chain-link fencing may not be used to satisfy the regulations of this article.

Section 14-106(8)

(8) Transitional Yard Areas

Additional landscaping or fence are required to provide visual screening when O, C, BP, and I districts abut residential districts. Transitional yard area requirements include all of the following:

- a) A landscaped area that is a minimum of 50 feet wide that is parallel to the residential district (unpaved and without buildings).

- b) A minimum 6 foot tall berm that is parallel to the residential district.
- c) Trees planted every 35 feet the full length of the landscaped area, on top of the berm.
- d) Storm water management features may be placed within a transitional yard area.

Table 11-1**TABLE 11-1 – PERMITTED ~~PERMANENT AND PROHIBITED~~ SIGNS**

Sign Type	Districts																			
	Residential				Mixed-Use				Commercial & Employment					Special						
	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	CON	PI-1	PI-2	PUD	ROW
Abandoned sign	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Address nameplate	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	-
Art	-	-	●	●	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	-
Awning	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●
Banner (except as otherwise expressly allowed)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Billboard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Business center	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	-	●	●	-
Canopy	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●
Changeable copy, manual	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Directional (driveway)	-	-	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	-
Directional (wall)																				
Electronic Message	-	-	-	-	-	-	●	-	●	●	●	-	-	-	-	-	●	●	●	-
Engraved (into building)	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	-
Flag	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	-
Flashing/strobe (lights)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Government	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Inflatable	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Interior (visible from ROW)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	-
Marquee	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●
Menu Board (drive-through)	-	-	-	-	-	●	●	●	●	-	●	-	-	-	-	-	-	-	-	-
Monument	-	-	●	●	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	-
Mural or Ghost	-	-	-	-	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	-
Pole	-	-	-	-	-	-	●	-	●	-	●	-	-	-	-	-	-	-	-	-
Projecting	-	-	-	-	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	●
Sandwich Board	-	-	-	-	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	●
Search Light (except for special event)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wall	-	-	-	-	●	●	●	●	●	●	●	●	●	●	-	●	●	●	●	-
Window	-	-	-	-	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-

Table 11-2 (title only)**TABLE 11-1 – TOTAL NUMBER OF ~~PERMANENT~~ SIGNS PERMITTED PER STREET FRONTAGE****Table 11-3 (title only)****TABLE 11-3 – ~~PERMANENT~~ SIGN REGULATIONS: RESIDENTIAL DISTRICTS**

Table 11-4

TABLE 11-4 — PERMANENT SIGN REGULATIONS: MIXED-USE DISTRICTS

TABLE 11-4 — ~~PERMANENT~~ SIGN REGULATIONS: MIXED-USE DISTRICTS

Sign Type	Zoning District	Per Street Frontage	Maximum Height (ft.)	Area (sq. ft.)	Minimum Clearance	Setback (ft.)	Allowed Illumination
Marquee	MX1, MX2, GX1	1 per tenant	20, but not higher than bottom of 2nd floor window	1 per linear foot of frontage, not to exceed 30	7	7	External, backlit, halo, EMS
	MX3, GX2			1 per linear foot of frontage, not to exceed 60			
Menu Board (drive through)	MX2, MX3, GX1, GX2, C	1 per drive through lane	8	40	NA	10	External, backlit, halo, digital/monitor
Monument	MX1, MX2, GX1	1	6	30	NA	5	External, backlit, halo, EMS
	MX3, GX2	1		50			
Pole	MX3, GX2	1	15	50	10	10	External, backlit, halo
Projecting	MX1, MX2, MX3, GX1, GX2	1 per first floor tenant with street frontage. Upper floors may share 1 sign per building.	20, but not higher than bottom of 2nd floor window	8	7	NA	External, backlit, halo
Sandwich Board	MX1, MX2, MX3, GX1, GX2	1	4 (2 foot max. width)	8	NA	0 (see)	None
Wall	MX1, MX2, GX1	1 per tenant on first floor with street frontage	20, higher by Plan Commission EU approval	25 (each sign) or 1 per linear foot of frontage (each sign), not to exceed 50	NA	NA	External, backlit, halo, internal if lettering only
	MX3, GX2		Below parapet, 20 if no parapet exists	25 (each sign) or 1.5 per linear foot of frontage (each sign), not to exceed 75			External, backlit, halo, internal if lettering only
Window	MX1, MX2, MX3, GX1, GX2	1 per street fronting window (2 window signs maximum)	NA	30% of 1st floor street fronting window area	NA	Inside window only	None
Interior (visible from ROW)	MX1, MX2, MX3, GX1, GX2	1 per street fronting window (2 interior signs maximum)	NA	30% of 1st floor street fronting window area	NA	5 (from interior of window)	NA

Table 11-5

TABLE 11-5 — PERMANENT SIGN REGULATIONS: OFFICE AND COMMERCIAL DISTRICTS

TABLE 11-5 – ~~PERMANENT~~ SIGN REGULATIONS: OFFICE AND COMMERCIAL DISTRICTS

Sign Type	District	Per Street Frontage	Height (ft.)	Area (sq. ft.)	Clearance	Setback (ft.)	Illumination
Art	O, C	1	10	100	NA	5	External, backlit, halo, internal
Awning	O, C	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Business Center	O, C	1 total per property	20	200	7	5	External, backlit, halo, internal, EMS
Canopy	O, C	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Electronic Message	O, C	Allowed only as part of a Business Center, Marquee, or Monument sign face. Regulations of subject sign type govern number, height, dimensions, setbacks etc.,					EMS
Marquee	O, C	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal, EMS
Monument	O, C	1	8	75	NA	5	External, backlit, halo, internal, EMS
Pole	C	1 (per property) total per property	20	100	10	10	External, backlit, halo, internal, EMS
Wall	O, C	1 per tenant on first floor with street frontage	20; higher by conditional use approval <u>Below parapet, 20 if no parapet exists</u>	2 per linear foot of frontage, not to exceed 150, or 250 if 200 ft. from ROW, or 350 if 500 ft from ROW, or 450 if 750 ft from ROW ^[1]	NA	NA	External, backlit, halo, internal
Window	O, C	1 per street fronting window (2 window signs maximum)	NA	30% of 1st floor street fronting window area	NA	Inside window only	None
Interior (visible from ROW)	O, C	1 per street fronting window (2 interior signs maximum)	NA	30% of first floor street fronting window area	NA	5 (from interior of window)	NA

[1] Distance may be measured from the wall sign to the nearest street fronted travel lane or highway fronted travel lane.

Table 11-6

TABLE 11-6 – PERMANENT SIGN REGULATIONS: BUSINESS PARK AND INDUSTRIAL DISTRICTS							
Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Art	BP-1, BP-2, I	1	10	100	NA	5	External, backlit, halo, internal
Awning	BP-1, BP-2, I	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Business Center	BP-1, BP-2, I	1 total per property	20	200	7	5	External, backlit, halo, internal
Canopy	BP-1, BP-2, I	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
<u>Directional (Wall)</u>	<u>BP-1, BP-2, I</u>	<u>NA, only allowed on non-street side and rear of building</u>	<u>20</u>	<u>15</u>	<u>NA</u>	<u>NA</u>	<u>External, backlit, halo, external</u>
Marquee	BP-1, BP-2, I	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Monument	BP-1, BP-2, I	1	8	75	NA	5	External, backlit, halo, internal
Wall	BP-1, BP-2, I	1 per tenant on first floor with street frontage	20; higher by conditional use approval <u>Below parapet, 20 if no parapet exists</u>	2 per linear foot of frontage, not to exceed 150, or 250 if 200 ft. from ROW, or 350 if 500 ft from ROW, or 450 if 750 ft from ROW ^[1]	NA	NA	External, backlit, halo, internal
Interior (visible from ROW)	BP-1, BP-2, I	1 per street fronting window (2 interior signs maximum)	NA	30% of first floor street fronting window area	NA	5 (from interior of window)	NA

[1] Distance may be measured from the wall sign to the nearest street fronted travel lane or highway fronted travel lane.

Table 11-7

TABLE 11-7 – PERMANENT SIGN REGULATIONS: SPECIAL DISTRICTS							
Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Art	CON	1	10	100	NA	5	External, backlit, halo, internal
	PI-1		8	40			
		PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)				
Business Center	PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)					
Electronic Message	AG, CON, PI-1, PI-2, PUD	Allowed only as part of a Business Center, or Monument sign face. Regulations of subject sign type govern number, height, dimensions, setbacks etc.					EMS
Monument	AG	1	6	30	NA	5	External, backlit, halo, EMS
	CON		8	75	NA	5	
	PI-1		6	50	NA	5	
		PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)				
Wall	CON, PI-1	1 per tenant on first floor with street frontage	20; higher-by conditional-use approval Below parapet, 20 if no parapet exists	1 per linear foot of frontage, minimum of 25 and maximum of 50	NA	NA	External, backlit, halo, internal
	PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)					
Interior (visible from ROW)	CON, PI-1	1	NA	30% of first floor street fronting window area	NA	5 (from interior of window)	External, backlit, halo, internal
	PI-2, PUD	In accordance with city-approved master plan (PI-1 regulations apply if no master plan sign regulations)					

Table 11-8 (title only)TABLE 11-8 – REGULATIONS FOR ~~PERMANENT~~ SIGNS PERMITTED WITHOUT A SIGN PERMIT**Section 14-118(1)(a)**

- (a) The height of a sign is measured by calculating the distance from the base of the sign at normal grade to the top of the sign ~~face~~ and sign structure. Normal grade is the lower of:

Section 14-125(1)**(1) General**

This section establishes regulations governing the granting of requests for design exceptions to the regulations of [Article II](#), [Article III](#), [Article VIII](#), or [Article IX](#). These exception regulations are divided into 2 categories:

Section 14-125(5)

(5) Minor Design Exceptions

During the site plan review process, the zoning administrator is authorized to approve the following as minor design exceptions for relief from strict compliance with the regulations of Article II, Article III, Article VIII, or Article IX, based on consideration of the general intent statement of 14-125(2):

Section 14-125(5)(j)

- (j) Other Defined Minor Exceptions. Modify building type regulations and design regulations of Article II, Article III, Article VII, and ~~building design regulations of~~ Article IX that are expressly identified as eligible minor design exceptions within the text of this zoning ordinance.

Section 14-125(6)(a)

- (a) The plan commission is authorized to approve requests for relief from strict compliance with the regulations of Article II, Article III, Article VIII, or Article IX that are not expressly authorized for processing as minor design exceptions and to hear and decide appeals of the zoning administrator's decision on any minor design exception.

Section 14-142(5)

(5) Replacement

a) If a nonconforming structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity, the nonconforming structure may be re-established to the extent it existed before the damage or destruction, provided that no new or greater nonconformities are created and a permit application to allow the re-establishment is filed within one year of the date of damage or destruction.

b) In the R1-45, R1-60, R2-45, and R2-60 Districts - an owner of a nonconforming primary structure or a non-conforming detached accessory structure with a driveway approach may voluntarily remove a nonconforming structure and reconstruct the structure to the extent it existed before the voluntary removal provided the following.

1. No new or greater nonconformities created.
2. A permit application to allow the re-establishment is filed within one year of the removal of the structure.
3. The proposed building complies with the maximum building height in the respective zoning districts.
4. Firewall protection is provided for building portions that are less than 5-feet from a property line.
5. There are no existing easements or encumbrances that prohibit construction.

Section 14-163(19)

Sign, Directional (wall). A sign located on the wall of a building that guides a customer or truck to a specific entrance or exit on the building. Directional (wall) signs do not advertise a business name.

Section 14-163(25), Figure 16-10 side yard

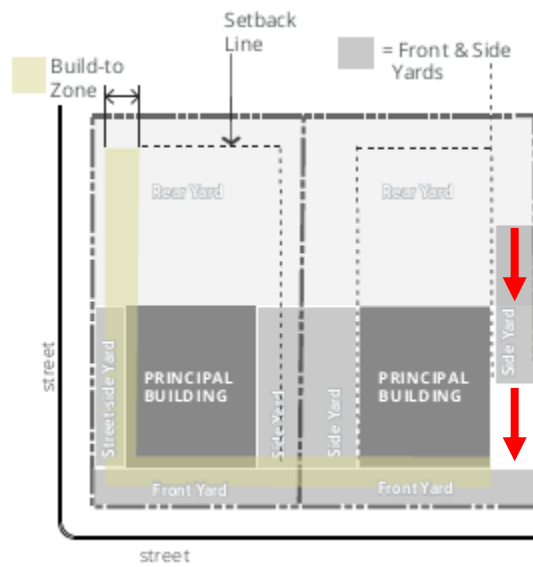


Figure 16-10. Yards



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Common Council. §6-3(f) DPMC.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Special commendations for state champion teams.

ATTACHMENTS:

- Girls Co-Op Hockey State Championship - April 2023 (PDF)
- Pom Dance State Championship - April 2023 (PDF)
- Girls Track Field State Championship - April 2023 (PDF)
- Boys Basketball State Championship - April 2023 (PDF)

Municipal Commendation

Girls' Co-Op Hockey: State Championship Victory

WHEREAS, on Saturday, March 4, 2023, the De Pere Ice Bears Co-Op Girls' Hockey Team completed a successful season with a 3-0 victory over Superior/Northwestern at the Bob Suter's Capitol Ice Arena in Middleton, to earn the WIAA High School State Championship; and

WHEREAS, the dedication, teamwork, and effort of the team members and coaches constitutes significant and laudable accomplishments, meriting public recognition and accolade; and

WHEREAS, it is appropriate to publicly congratulate the De Pere Co-Op Girls' Hockey Team and to express our community's support.

NOW, THEREFORE BE IT RESOLVED, by virtue of the authority vested in me as Mayor of the City of De Pere, I, James G. Boyd, do hereby commend the team players, coaches, fans and support staff of the De Pere Co-Op Girls' Hockey Team for their individual and team efforts during their championship season, and on behalf of the City's governing body and all its citizens, do hereby bestow this special Municipal Commendation on the De Pere Ice Bears Co-Op Girls' Hockey Team, as witnessed and acknowledged by the De Pere City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of De Pere, Wisconsin, this 18th day of April, 2023.

CITY OF DE PERE, WISCONSIN

James G. Boyd, Mayor

Municipal Commendation

Pom & Dance: State Championship Victory

WHEREAS, on February 4, 2023, the West De Pere Phantoms' Pom & Dance Team completed a successful season, earning its second-straight Division 3 Pom State Championship and 12th overall state title (pom or kick); and

WHEREAS, the dedication, teamwork, and effort of the team members and coaches constitutes significant and laudable accomplishments, meriting public recognition and accolade; and

WHEREAS, it is appropriate to publicly congratulate the West De Pere Pom & Dance Team and to express our community's support.

NOW, THEREFORE BE IT RESOLVED, by virtue of the authority vested in me as Mayor of the City of De Pere, I, James G. Boyd, do hereby commend the team players, coaches, fans and support staff of West De Pere High School and the West De Pere School District for their individual and team efforts during their championship season, and on behalf of the City's governing body and all its citizens, do hereby bestow this special Municipal Commendation on the West De Pere Pom & Dance Team, as witnessed and acknowledged by the De Pere City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of De Pere, Wisconsin, this 18th day of April, 2023.

CITY OF DE PERE, WISCONSIN

James G. Boyd, Mayor

Municipal Commendation

Girls' Track & Field: State Championship Victory

WHEREAS, in June 2022, the West De Pere Phantoms' Girls' Track Team completed a historic season with 60.3 points in Lacrosse, earning its first-ever Division 1 Girls Track & Field State Championship in the process; and

WHEREAS, the dedication, teamwork, and effort of the team members and coaches constitutes significant and laudable accomplishments, meriting public recognition and accolade; and

WHEREAS, it is appropriate to publicly congratulate the West De Pere High School Girls' Track & Field Team and to express our community's support.

NOW, THEREFORE BE IT RESOLVED, by virtue of the authority vested in me as Mayor of the City of De Pere, I, James G. Boyd, do hereby commend the team players, coaches, fans and support staff of West De Pere High School and the West De Pere School District for their individual and team efforts during their championship season, and on behalf of the City's governing body and all its citizens, do hereby bestow this special Municipal Commendation on the West De Pere Girls' Track & Field Team, as witnessed and acknowledged by the De Pere City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of De Pere, Wisconsin, this 18th day of April, 2023.

CITY OF DE PERE, WISCONSIN

James G. Boyd, Mayor

Municipal Commendation

Boys' Basketball: State Championship Victory

WHEREAS, on Saturday, March 18, 2023, the De Pere Redbirds' Boys' Basketball Team completed an undefeated season with a 69-49 victory over Arrowhead High School at the Kohl Center, earning its first Division 1 WIAA State Championship title since 1934; and

WHEREAS, the dedication, teamwork, and effort of the team members and coaches constitutes significant and laudable accomplishments, meriting public recognition and accolade; and

WHEREAS, it is appropriate to publicly congratulate the De Pere High School Boys' Basketball team and to express our community's support.

NOW, THEREFORE BE IT RESOLVED, by virtue of the authority vested in me as Mayor of the City of De Pere, I, James G. Boyd, do hereby commend the team players, coaches, fans and support staff of De Pere High School and the Unified School District of De Pere for their individual and team efforts during their championship season, and on behalf of the City's governing body and all its citizens, do hereby bestow this special Municipal Commendation on the De Pere Redbirds' Boys' Basketball Team, as witnessed and acknowledged by the De Pere City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of De Pere, Wisconsin, this 18th day of April, 2023.

CITY OF DE PERE, WISCONSIN

James G. Boyd, Mayor



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

SUBJECT: Recommendation from Plan Commission to approve a 2-lot and 1-outlot CSM at 2200-2300 BLK American BL (Parcel WD-L492-B).

On February 27, 2023, Plan Commission unanimously recommended approval by a vote of 6-0.

ATTACHMENTS:

- PC Report - CSM on 2200-2300 American BL (DOCX)
- Preliminary CSM - 30 Jan 2023 (PDF)

- Item 5: Consideration and possible action on a 2-lot and 1-outlot CSM at 2200-2300 BLK American BL (Parcel WD-L492-B). *

SITE MAP

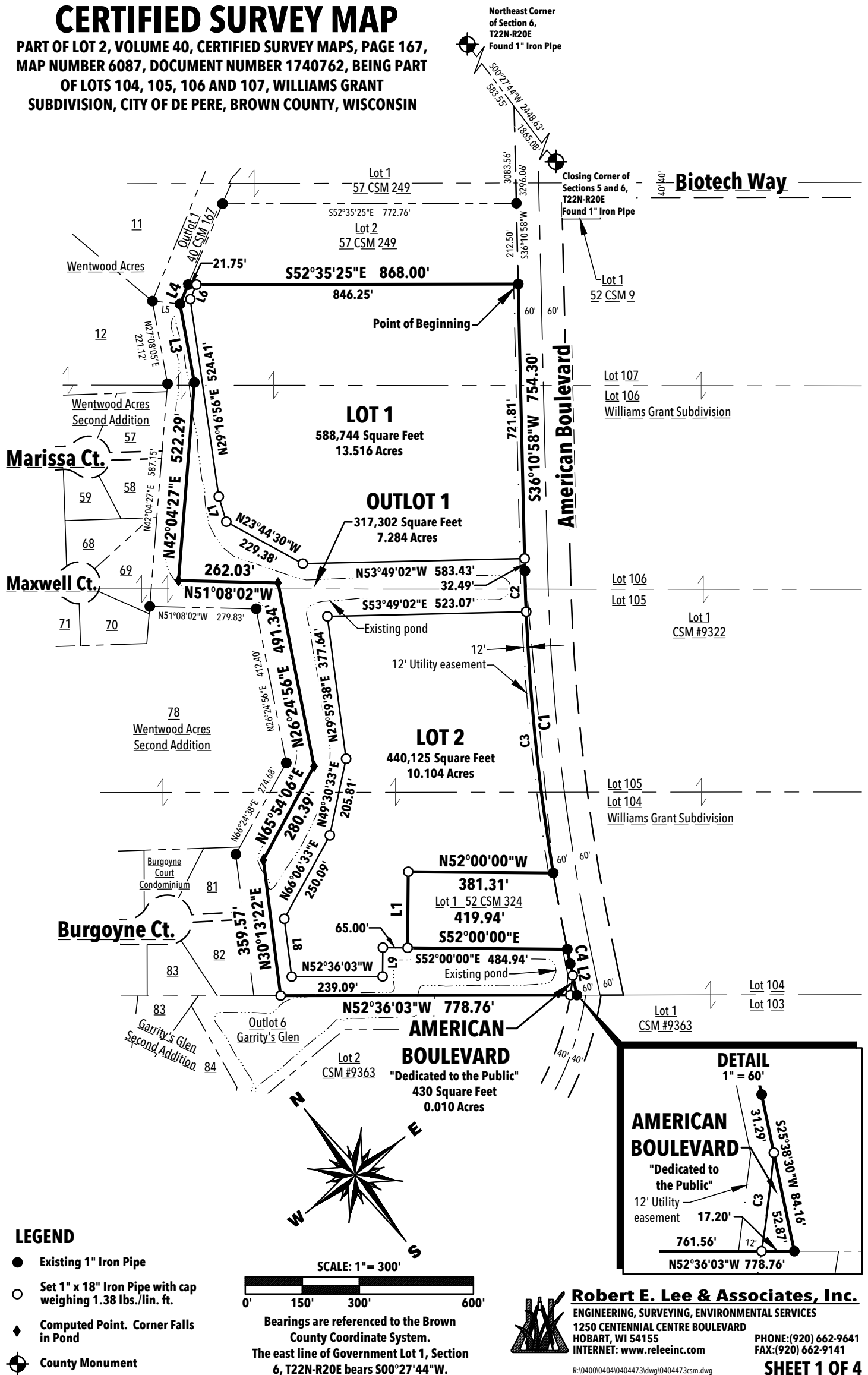


- REQUESTED ACTION:** Certified Survey Map Approval.
- COMMON DESCRIPTION:** 2200-2300 BLK American BL, located southwest from the American BL and Biotech WY intersection.
- ZONING:** BP-2 (Business Park 2 District).
- SURROUNDING LAND USES:** Business Park (BP-2) to the north.
Developing Business Park (BP-2) to the south and east.
Two-Unit (R2-60 PDD), Multi-Unit (RM-2 PDD), and Conservancy (C) to the west.
- COMPREHENSIVE PLAN:** Business Park.
- APPLICANT/OWNER:** Authorized Representative and Property Owner
City of De Pere
335 S Broadway ST
De Pere, WI 54115

LAND USE HISTORY:	After a review of air photographs, the site has been vacant since 1938.
STAFF REVIEW:	When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns. • The proposed CSM has two components: ○ Land division: Proposes two buildable business park lots and one stormwater management outlot. ○ Dedication of right-of-way: Proposes the southeast corner of the parcel to be dedicated to the public for future right-of-way (American BL). • The proposed lot configurations are greater than the required minimum of 2 acres of area and 150 feet of right-of-way frontage in the BP-2 District. • Any staff recommended conditions of approval are listed at the end of the report. The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. The proposed land division provides development opportunities and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet City requirements.
STAFF RECOMMENDATION:	Staff recommends APPROVAL of the certified survey map, with no conditions of approval.

CERTIFIED SURVEY MAP

PART OF LOT 2, VOLUME 40, CERTIFIED SURVEY MAPS, PAGE 167,
MAP NUMBER 6087, DOCUMENT NUMBER 1740762, BEING PART
OF LOTS 104, 105, 106 AND 107, WILLIAMS GRANT
SUBDIVISION, CITY OF DE PERE, BROWN COUNTY, WISCONSIN



CERTIFIED SURVEY MAP

PART OF LOT 2, VOLUME 40, CERTIFIED SURVEY MAPS, PAGE 167, MAP NUMBER 6087, DOCUMENT NUMBER 1740762, BEING PART OF LOTS 104, 105, 106 AND 107, WILLIAMS GRANT SUBDIVISION, CITY OF DE PERE, BROWN COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, Troy E. Hewitt, Professional Land Surveyor, do hereby certify that by the order and under the direction of the owners listed hereon, I have surveyed, mapped and divided part of Lot 2, Volume 40, Certified Survey Maps, Page 167, Map Number 6087, Document Number 1740762, being part of Lots 104, 105, 106 and 107, Williams Grant Subdivision, City of De Pere, Brown County, Wisconsin more fully described as follows:

Commencing at the Northeast corner of Section 6, Township 22 North, Range 20 East; thence S00°27'44"W, 583.55 feet on the east line of Government Lot 1 of said Section 6 to the northeasterly extension of the northwest right of way of American Boulevard; thence S36°10'58"W, 3296.06 feet on said northeasterly extension and continuing on said northwest right of way to the southeast corner of Lot 2, Volume 57 of Certified Survey Maps, Page 249, Map Number 8234, Document Number 2583253 (57 CSM 249), the POINT OF BEGINNING; thence continuing S36°10'58"W, 754.30 feet on said northwest right of way; thence 798.46 feet on the arc of a 5660.00 foot radius curve to the left, having a long chord which bears S32°08'29"W, 797.80 feet on said northwest right of way to the northeast corner of Lot 1, Volume 52 of Certified Survey Maps, Page 324, Map Number 7670, Document Number 2318067 (52 CSM 324); thence N52°00'00"W, 381.31 feet on the northeast line of said Lot 1 to the northwest corner thereof; thence S38°00'00"W, 200.00 feet on the northwest line of said Lot 1 to the southwest corner thereof; thence S52°00'00"E, 419.94 feet on the southwest line to said northwest right of way; thence 39.14 feet on the arc of a 5660.00 foot radius curve to the left, having a long chord which bears S25°50'23"W, 39.14 feet on said northwest right of way; thence S25°38'30"W, 84.16 feet on said northwest right of way to the southwest line of said Lot 104; thence N52°36'03"W, 778.76 feet on said on said southwest line to the northwest line of said lot 2; thence N30°13'22"E, 359.57 feet on said northwest line; thence N65°54'06"E, 280.39 feet on said northwest line; thence N26°24'56"E, 491.34 feet on said northwest line; thence N51°08'02"W, 262.03 feet on said northwest line; thence N42°04'27"E, 522.29 feet on said northwest line; thence N27°08'05"E, 209.85 feet on said northwest line; thence N60°31'43"E, 55.05 feet on said northwest line to the southwest line of Lot 2 of said 57 CSM 249; thence S52°35'25"E, 868.00 feet on said southwest line to the Point of Beginning.

Said parcel contains 1,346,601 square feet or 30.914 acres of land more or less subject to easements and restrictions of record.

That the within map is a true and correct representation of the exterior boundaries of the land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in the surveying, mapping and dividing of the same.

Dated this _____ day of _____, 2023.

Troy E. Hewitt PLS #2831
ROBERT E. LEE & ASSOCIATES, INC.

RESTRICTIVE COVENANTS:

- The land on all side and rear lot lines of all lots not included in the drainage easement shall be graded by the lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water.
- Each lot owner shall grade the property abutting a street to conform to the adopted sidewalk grade elevation and maintain said elevation for future sidewalks.
- No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along any lot lines or street lines, a disturbance of survey stake by anyone is a violation of Section 236.32 of the Wisconsin statutes.

GENERAL NOTES:

- Parking is not permitted along American Boulevard.

Line Table

Line #	Length	Direction
L1	200.00'	S38°00'00"W
L2	84.16'	S25°38'30"W
L3	209.85'	N27°08'05"E
L4	55.05'	N60°31'43"E
L5	72.92'	N46°34'20"W
L6	41.50'	S60°31'43"W
L7	69.01'	N20°51'27"E
L8	153.15'	N30°13'22"E
L9	75.83'	S38°00'00"W

Curve Table

Curve #	Delta	Radius	Length	Chord Direction	Chord Length	Tangent Bearing	Second Tangent Bearing
C1	8°04'58"	5660.00'	798.46'	S32°08'29"W	797.80'	S36°10'58"W	S28° 06' 00"W
C2	1°05'18"	5660.00'	107.50'	S35°38'19"W	107.50'	S36°10'58"W	S35° 05' 40"W
C3	6°59'40"	5660.00'	690.96'	S31°35'50"W	690.53'	S35°05'40"W	S28° 06' 00"W
C4	0°23'46"	5660.00'	39.14'	S25°50'23"W	39.14'	S26°02'16"W	S25° 38' 30"W



Robert E. Lee & Associates, Inc.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BOULEVARD
HOBART, WI 54155
INTERNET: www.releeinc.com
PHONE: (920) 662-9641
FAX: (920) 662-9141

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CERTIFIED SURVEY MAP

**PART OF LOT 2, VOLUME 40, CERTIFIED SURVEY MAPS, PAGE 167, MAP NUMBER 6087, DOCUMENT NUMBER 1740762, BEING PART OF
LOTS 104, 105, 106 AND 107, WILLIAMS GRANT SUBDIVISION, CITY OF DE PERE, BROWN COUNTY, WISCONSIN**

CITY OF DE PERE APPROVAL CERTIFICATE:

Approved by the City of De Pere Common Council on this _____ day of _____, 2023.

Carey E. Danen, City Clerk

Date _____

TREASURER'S CERTIFICATE:

As duly appointed/elected City of De Pere and Brown County Treasurer, we hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the date listed below.

Joe Zegers

Date _____

City of De Pere Treasurer

Paul Zeller

Date _____

Brown County Treasurer



Robert E. Lee & Associates, Inc.

ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES

1250 CENTENNIAL CENTRE BOULEVARD

HOBART, WI 54155

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FAX:(920) 662-9141

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City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Police

FROM: Jeremy Muraski

SUBJECT: Recommendation from the Finance/Personnel Committee to authorize expenditure of \$5,000 from the Wisconsin Grant Allocation to purchase recruitment materials, backdrops, signage, and branding materials for the Police Department.

Passed by Finance on 4/11/23 by unanimous vote.

The City of De Pere Police Department has been allocated a grant from the State of Wisconsin in the amount of \$56,452.50. Approximately \$34,740 still remains available for use. We are seeking authorization to purchase recruitment supplies, backdrops, signage, and branding materials from that grant fund. Please see the attached justification memo, which details other purchase requests and funds remaining.

ATTACHMENTS:

- Expenditures and Proposed Spending Spreadsheet Final (PDF)
- Request for Recruitment Materials April 2023 56K Allocation (PDF)

De Pere Police Department 56K Allocation Funding Projects

Allocation Awarded by State of Wisconsin

\$ 56,452.00

Previous Expenditures

Description	Amount	Remaining Allocation
2 RECON E-Bikes for Bike Patrol	\$ 9,974.00	\$ 46,478.00
SQL Server Licenses for Mobile Users	\$ 4,630.80	\$ 41,847.20
4 Handheld Radar Units	\$ 2,967.00	\$ 38,880.20
3 Rechargeable Scene Lighting	\$ 1,618.00	\$ 37,262.20
PBT Alcohol Sensors	\$ 1,150.00	\$ 36,112.20
12 Emergency Entry Crow Bars	\$ 1,371.60	\$ 34,740.60

New Proposed Spending 2023

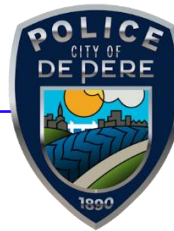
Department Facilities Updates	20,000	\$ 14,740.60
Pepperball Less Lethal Launchers	4,000	\$ 10,740.60
Recruitment Materials, Signage, etc.	5,000	\$ 5,740.60

DE PERE

POLICE DEPARTMENT

325 S. Broadway
De Pere, WI 54115
920-339-4079

Jeremy A. Muraski
Chief of Police



To: Finance and Personnel Committee, De Pere City Council

From: Jeremy A. Muraski, Chief of Police

Date: April 11, 2023

Subject: Request for Authorization to Spend \$5,000 for Recruitment Materials from the \$56,000 Grant Allocation received by the De Pere Police Department.

There are a ton of challenges facing law enforcement in this day and age, but perhaps none are larger than Recruitment and Retention of high quality, high character police officers. For a variety of reasons, recruitment pools are a fraction of the size they were even 5 years ago, meaning that we must cast a much wider recruiting net to ensure that we are locating the best possible candidates in that ever-shrinking pool.

Department recruitment efforts have become extremely competitive and although unheard of a few years ago, departments are now even actively recruiting officers as lateral transfer candidates from other law enforcement agencies. Chiefs commonly call this “poaching officers” and until relatively recently this was looked down upon and considered somewhat dishonorable. Many agencies are even assigning personnel to be full-time recruiters. The reality is that we have entered what I refer to as the “Free Agency Era” of policing. To be competitive in this environment, departments really need to stand out, to showcase their cities, their facilities, their equipment, their work environment, and their workplace culture in an effort to attract the best and brightest applicants. We also find ourselves sending our recruitment team to ever-larger geographic areas.

For the above reasons, I am asking for approval to spend \$5,000 for the purchase of recruitment materials such as custom printed brochures, signage, a visual backdrop for job fairs, press releases, and public appearances, and other branding materials that showcase our agency and city. Of the \$56,452 originally allocated to the police department, \$34,740 still remains available for use pending other proposed expenditures I have forwarded for your consideration. I have attached a spreadsheet to this request and another request showing spending to date and remaining funds in that allocation for your reference.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "Jeremy A. Muraski".

Jeremy A. Muraski, Chief of Police



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Police

FROM: Jeremy Muraski

SUBJECT: Recommendation from the Finance/Personnel Committee to authorize expenditure of \$20,000 from the Wisconsin Grant Allocation to fund repairs and updates to common areas in the Police Department.

Passed by Finance 4/11/23 by unanimous vote.

The City of De Pere Police Department has been allocated a grant from the State of Wisconsin in the amount of \$56,452.50. Approximately \$34,740 still remains available for use. We are seeking authorization to fund repairs and updates to police department common area facilities from that grant fund. Please see the attached justification memo.

ATTACHMENTS:

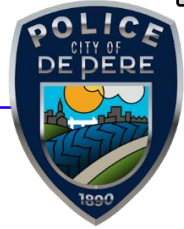
- Request for Facility Remodel April 2023 56K Allocation (PDF)
- Expenditures and Proposed Spending Spreadsheet Final (PDF)

DE PERE

POLICE DEPARTMENT

325 S. Broadway
De Pere, WI 54115
920-339-4079

Jeremy A. Muraski
Chief of Police



To: Finance and Personnel Committee, De Pere City Council

From: Jeremy A. Muraski, Chief of Police

Date: April 11, 2023

Subject: Request for Authorization to Spend \$20,000 for Department facility repairs and updates to common areas from the \$56,000 Grant Allocation received by the De Pere Police Department.

Many areas of the police department have not been remodeled, updated, or improved in over 2 decades. The police break room is particularly run down, having cabinets that have sustained water damage and are easily 40 years old. Officers are taking their lunch breaks, if call volume allows, in a really run down environment that while very unwelcoming, is also hard to clean and maintain. This can negatively impact the morale of our existing officers and is notably embarrassing when we give facility tours to prospective new employees. In an era where recruitment and retention of police personnel is proving to be very difficult and extremely competitive, things that seem minor on the surface like the quality of our daily use facilities, can actually have a serious detrimental impact on our ability to convince the ever-shrinking pool of high-quality candidates to come and work for our city.

The same applies to our locker rooms and common areas of the department. Other than new carpeting on the first floor, there have been no updates, not even a fresh coat of paint in most of these areas due to budget constraints and myriad other funding priorities. Facility improvements such as new paint, electrical wiring upgrades, replacement cabinets, countertops, sinks, a table and chairs, and basic food preparation options for the break room, locker rooms, and common areas are some of the much needed improvements to our department and will certainly benefit current employees while also making us more attractive to potential future employees.

For the above reasons, I am asking for approval to spend \$20,000 to repair, update, and improve our break rooms and common meeting areas within the police department facility. Of the \$56,452 originally allocated to the police department, \$34,740 still remains available for use. I have attached a spreadsheet to this request and another request showing spending to date and remaining funds in that allocation for your reference.

Thank you for your time and consideration.

Jeremy A. Muraski, Chief of Police

De Pere Police Department 56K Allocation Funding Projects

Allocation Awarded by State of Wisconsin

\$ 56,452.00

Previous Expenditures

Description	Amount	Remaining Allocation
2 RECON E-Bikes for Bike Patrol	\$ 9,974.00	\$ 46,478.00
SQL Server Licenses for Mobile Users	\$ 4,630.80	\$ 41,847.20
4 Handheld Radar Units	\$ 2,967.00	\$ 38,880.20
3 Rechargeable Scene Lighting	\$ 1,618.00	\$ 37,262.20
PBT Alcohol Sensors	\$ 1,150.00	\$ 36,112.20
12 Emergency Entry Crow Bars	\$ 1,371.60	\$ 34,740.60

New Proposed Spending 2023

Department Facilities Updates	20,000	\$ 14,740.60
Pepperball Less Lethal Launchers	4,000	\$ 10,740.60
Recruitment Materials, Signage, etc.	5,000	\$ 5,740.60



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Police

FROM: Jeremy Muraski

SUBJECT: Recommendation from the Finance/Personnel Committee to authorize the overhire of 1 Police Officer.

The Finance/Personnel Committee voted unanimously to approve this item and move it forward for Council consideration at its meeting on April 11, 2023.

Please see the attached memo.

ATTACHMENTS:

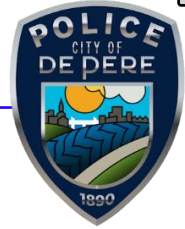
- Request for Overhire 4 18 23 (PDF)

DE PERE

POLICE DEPARTMENT

325 S. Broadway
De Pere, WI 54115
920-339-4079

Jeremy A. Muraski
Chief of Police



To: Finance and Personnel Committee, De Pere City Council

From: Jeremy A. Muraski, Chief of Police

Date: April 11, 2023

Subject: Request for Authorization to Over Hire 1 Police Officer

As mentioned in a previous spending request, law enforcement recruitment is extremely challenging and high-quality, high-character candidates are in relatively short supply. When we locate, or develop such a candidate internally through our CSO program, it is extremely important to our future success that we are able to hire them for our agency before losing them to a competing agency. I am therefore requesting permission to over hire one police officer position at a cost of approximately \$64,200 in 2023. If no vacancy would occur in 2024, the position would cost approximately \$110,000 in 2024. If, in the very unusual case we would have no vacancies the following years, the cost would go up approximately 6.6% each year.

We are currently in a hiring process and have established an eligibility list of 3 high quality candidates. Two have already accepted conditional offers and are anticipated to start in May of this year. The third candidate would be the candidate we would like to hire, if approved.

Time-to-fill Gap

Any new officer we hire requires approximately 16 weeks of field training with our agency before they are certified for solo patrol. We often do not have the benefit of 16 weeks of notice when we are going to be losing an employee to retirement or transition to another job. In some cases, we may only have 2-4 weeks of notice. Between the time it takes to run a recruitment, perform all of the necessary background checks, and adding the 16 weeks of field training, there is usually a gap of at least 8 or 9 months before we actually have that vacancy filled. That vacancy creates staffing overtime in the interim because we still need to staff the position during the 8-9 month time-to-fill gap.

Vacancies and Their Causes

In addition to permanent vacancies such as retirements or transitions, we also have a large number of temporary vacancies due to work related injuries, FMLA due to injuries, medical conditions, or light duty concerns for injury or new family additions. I asked HR to assist by providing FMLA and Worker Compensation data. We average 700 vacancy hours per year just from FMLA related leave.

FMLA Usage Year	Total Hours Used
2019	1,159.5
2020	525.25
2021	974
2022	260.25
2023 YTD	584.5*
Average	700 Hours per year**

*2023 we have two officers that will be out yet this year for FMLA for new family members.

** Conservative estimate based on anticipated FMLA usage to come in 2023.

DePereWI.gov | [Facebook: @DePerePD](https://www.facebook.com/DePerePD) | [Twitter: @DePerePD](https://twitter.com/DePerePD) | [YOU Get It First!](#)

The Mission of the De Pere Police Department is to provide an integrated team approach to pro-active patrol, crime prevention, and criminal investigation utilizing city and community resources to improve the safety and quality of life in De Pere.

In addition to the hours lost for FMLA reasons, there are also shift vacancies created by officers utilizing benefit time such as vacation days, comp time, or sick time. We are averaging around 40.6 days lost per year, but as you can see from the data, some years are particularly bad which tends to skew the data a bit. Policing is not getting any easier and injuries are, unfortunately, not uncommon.

WC Usage Year	Total Days Lost due to Work Related Injury
2019	0
2020	180
2021	4
2022	19
2023 YTD	0
Average	40.6days lost per year

In addition to the temporary vacancies caused by FMLA leave, Worker Compensation, and the use of benefit time for sick leave, vacations, and comp days we have been operating at less than our fully allotted staffing of 37 sworn officers for some portion of each of the past 5 years.

In 2022 Staffing Related Overtime was the largest cause of police overtime with a total of 2,385.25 hours of OT. That is more hours than one full time position works in a year. Our current payroll and scheduling software does not allow me to determine exactly what percentage of that overtime was caused by vacant positions. Nor does it allow me to effectively calculate the “salary savings” we accrued by keeping that position vacant or allow me to calculate the difference between the costs of the overtime subtracting the salary savings.

Mean Time Between Employment Separations

Looking at the Employment End dates for the Police Department since January of 2015, I was able to calculate that

the police department has employees ending their employment on average, once every 173 days. In other words, while there is no specific guarantee when the next employment separation will occur, it is not unusual to have at least one vacancy occur every year. Some are retirements, others are new officers that do not successfully pass field training, and some are employees seeking other employment.

Date of Separation	Days elapsed
12/19/2015	716
6/5/2016	169
12/10/2016	188
12/15/2017	370
6/8/2018	175
8/2/2018	55
2/18/2019	200
3/20/2019	30
3/22/2019	2
5/3/2019	42
7/5/2019	63
3/13/2020	252
6/26/2020	105
12/29/2020	186
4/30/2021	122
12/22/2021	236
12/22/2021	0
3/7/2022	75
1/3/2023	302
Average Days Elapsed	173.05

Age
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Age Demographics of Police Department Employees

The average age of PD sworn officers is 38.3 years.

That is somewhat misleading, as it does not tell that you 9 officers are currently within 5 years of the minimum retirement age for protected service employees. 3 have already reached the minimum retirement age of 50 and could theoretically retire at any time. 14 Employees are 35 years of age or younger, leaving only 9 that are in the age range that are generally no longer having children and are also more than 5 years away from the minimum retirement age.

Older officers, traditionally though less likely to have children, are more likely to be injured or have medical conditions that would cause them to be absent from work or on

FMLA leave. Younger officers, conversely, are more likely to be having children and absent for those reasons. Regardless of the reason for the absence, vacant shifts need to be filled and that generates significant staffing related overtime for the police department every budget cycle.

With all of the above in mind, I am requesting permission to over-hire for one officer position at this time. I believe this will benefit the city by reducing current staffing related overtime and also preparing us for the next vacancy. In this particular case, it also benefits the city by preventing us from losing a high-quality candidate.

We have an identified candidate who is up next on our current hiring eligibility list that we believe will be a high quality hire. The applicant has been a CSO with our agency for almost a year so we have gotten to know their character, and work ethic. This particular candidate is also on eligibility lists with other law enforcement agencies and is likely to be hired by them in the very near future if we do not have a position available to offer. This request is not specific to this person, but a strategy designed to help anticipate future vacancies and minimize the impacts of long-term vacancies and the hiring gap.

Thank you for your time and consideration.



Jeremy A. Muraski, Chief of Police

Addendum A – Wage and Overtime Analysis

An entry level officer hourly rate (including longevity, social security, and retirement contributions) is \$40.80 / hour.

The current average OT rate (same inclusions) is \$75.66 / hour

Staffing Overtime and Average OT Rates by Year

Year	Average OT Rate*	Hours of Staffing OT	Cost of OT (based on avg. rate)
2021	\$71.49	2032.5 hours	\$145,303.43
2022	\$74.45	2385.25 hours	\$178,297.44
2023	\$75.66	496.75 (Jan-March)	\$37,584.10 YTD

* including longevity, social security, and retirement contributions

Not all Staffing OT is a direct result of unfilled officer positions, but much of it is. When we are fully staffed, we can still meet staffing levels most days even if one officer is out sick, on vacation, etc. In the current payroll and scheduling software it is not possible to designate a staffing overtime shift as being caused specifically by an unfilled position.

Hours of Work	Entry Level Officer Straight Time (\$40.80)	Average Seasoned Officer OT (\$75.66)	Savings vs. Seasoned Officer on OT
300 Hours	\$12,240	\$22,698	\$10,458
500 Hours	\$20,400	\$37,830	\$17,430
1000 Hours	\$40,800	\$75,660	\$34,860
2000 Hours	\$81,600	\$151,320	\$69,720

Salary Savings for 2023

Vacancy Since	Estimated Vacant Hours	Entry Level Rate	Est. Salary Saved
1/3/2023	501	\$40.80	\$20,440.80
3/18/2023	112.5	\$40.80	\$4,590.00
		TOTAL	\$25,030.80



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Fire Department

FROM: Lea Taylor

SUBJECT: Recommendation from Finance & Personnel Committee to over hire one Firefighter position for the Fire Department.

ATTACHMENTS:

- REQUEST TO OVER HIRE ONE FIREFIGHTER (PDF)

Memo



To: Honorable Mayor James Boyd
Members of the Common Council

From: Alan Matzke, Fire Chief *AGM*

Date: April 11, 2023

Re: Consideration of Request to Over Hire One Firefighter Position

On behalf of De Pere Fire Recuse, I respectfully request your consideration to allow me to over hire one employee starting at approximately June 1st, at a cost of \$21,496 for the 2023 budget.

We are currently in the process of hiring one full time firefighter and several part time firefighters to bring our staffing levels back to normal operational numbers on the roster; however, one of our members is off work through August caring for a child with a serious illness and we are about to lose another member for the summer due to the birth of a child.

Each year, our department has experienced members being off work due to injury or approved leave under the Fair Labor Standards to care for a family member or the birth of a child for example. When this leave occurs during the summer season, we often fall below operational levels, and this creates an operational hardship for the organization. This is reflected in the monthly overtime report as staffing replacement. In the past four years, this category has increased almost 100% with a four-year annual average of 2,845 hours, which is equivalent to one full time employee. Based on the anticipated absences outlined above, this trend will continue again in 2023.

Over the past four years, we have experienced an average employee turnover at the rate of three per year. Currently our organization has several retirement eligible members and I believe we will lose one or more members by the end of 2023. Based on the average age of our staff, which is 43, I believe this trend will continue for the next several years.

In anticipation of these vacancies, it would be very operationally advantageous to have the replacement in place prior to the summer season. The summer season for us means the membership will utilize most of their vacation time. In accordance with the Collective Bargaining Agreement, the organization must allow up to two members off on vacation at one time, and when we have a member off on medical leave, there will be many occasions we will backfill the shifts at overtime rates.

The overtime cost is a factor, but it is not the primary one. The work group has changed over the past several years and they no longer seek overtime opportunity like they had in the past. The current attitude is to reject

overtime opportunity and the work group has reversed its position from trying to create overtime opportunities for senior members to forcing the overtime to the junior members.

The city has been unsuccessful in negotiating a successor collective bargaining agreement with the union, so we are bound to follow the CBA that expired in 2021. The agreement dictates we offer the overtime opportunities on a voluntary basis starting with the most senior member and moving to the most junior member, who is forced in if no one voluntarily offers to work.

The city would like to negotiate a process where we would force the most junior member first and then move up the seniority list, so the burden of being forced in would be shouldered by more of the group instead of the most junior member every time. The union has not been receptive of this concept choosing to force the junior members every time.

The practice of forcing the junior members has been very detrimental to our organization by putting undue burden on the newest most impressionable members. We have been extremely successful in attracting seasoned and experienced employees to join our organization. The average age of the last eight employees we have hired is 35, so most come to us with many life and family responsibilities, which makes it very difficult for them to be told at the conclusion of their shift they are ordered to stay another 24-hours.

Last year, this force in practice cost us one of our highest trained employees. We were able to attract him here with fifteen plus years of experience and more certifications than anyone else in our organization; however, unfortunately his spouse had a very important job, and he was unable to manage childcare responsibilities when he was consistently ordered to stay at work for an additional 24-hours with short notice.

I would ask you consider allowing me to over hire one employee starting approximately June 1st, which would considerably reduce the burden on the junior members to be forced in to fill vacancies during the summer vacation season due to the current and impending FMLA leave occurrences. This will help us retain our high-quality experienced work force.

Because we are currently going through the work of hiring and onboarding one employee the economies of scale apply if we could over hire one. The additional staff member will save approximately 900 hours of overtime, which equates to approximately \$23,202.

We will also recognize savings in the overall salary budget because we are replacing an employee at top pay with an employee at starting pay, which equates to approximately \$15,000 and allows us to onboard another high-quality employee and sets the organization up for a successful transition upon the next retirement.

Below is a quick cost breakdown from June through December 2023:

-Proposal gross cost	\$59,628
-Overtime savings	(\$23,202)
-Salary savings	(\$15,000)
-Proposal net cost 2023	\$21,426
 -Proposed gross cost 2024	 \$105,500.00 (If we have no vacancies in 2023)

There are no articles in the collective bargaining agreement that specify the number of firefighters in the organization or the number of firefighters on duty at any time. All of these decisions fall under management rights so no negotiation with the union is required for this proposal.

I propose permanently hiring this employee as we have experienced three vacancies per year and will likely stay on pace for the next several years. In the event we do not have any vacancies the cost to support this extra employee would be \$105,500.00 in the 2024 budget.

Thank you for your consideration of this proposal. If you have any questions, please do not hesitate to ask.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Fire Department

FROM: Lea Taylor

SUBJECT: Consideration and Possible Action on fire engine purchase for Fire Department.

ATTACHMENTS:

- CONSIDERATION OF FIRE ENGINE PURCHASE (PDF)

Memo



To: Honorable Mayor James Boyd
Members of the Common Council

From: Alan Matzke, Fire Chief *AM*

Date: April 13, 2023

Re: Consideration of Fire Engine Purchase

On behalf of De Pere Fire Rescue, I would like to respectfully request permission to purchase a new fire engine.

The truck is intended to replace our 1995 Pierce Saber, which has been removed from service due to failure of the structural components resulting from significant corrosion. The truck will no longer comply with Department of Transportation specifications, so it is being decommissioned and will ultimately be sold for salvage.

Half of the funding to purchase the new the new truck was approved in the 2023 budget in the amount of \$425,000. I am requesting a commitment to fund the remainder of the purchase in the amount of \$420,353 to be included with the 2023 bond request.

Demand for fire trucks have been unusually high with market predictions to be strong through 2030. Unfortunately, the price has risen disproportionately, and we have experienced 20% price increases over the past 18-months with delivery times between 24 to 36 months, and by all reports the trend will continue.

I commissioned a team of department members including Tom Blohowiak. They conducted a needs assessment, in an effort to determine if 28-years of change within our community may have any impact on specific vehicle capabilities or needs. The team recommended scaling the size of the vehicle down and reducing the amount of equipment carried on the vehicle, putting an emphasis on ergonomics with the most noticeable change being a much lower hose bed.

Our team collaborated to develop a request for proposal, and we solicited proposals from six manufactures providing 45 days to submit responses. Three manufactures responded and our team worked to evaluate and score and rated the three proposals. Many factors were considered, some examples are operational function, warranty, reliability, cost, customer references to name a few.

The 2023 budget included half of the proposed \$850,000 to complete the purchase with the intention of budgeting the second half in the 2024 budget. The proposals that met the specifications outlined in the request for proposals are as follows.

- | | | |
|------------|-----------|--------------------|
| 1) E-One | \$989,661 | Delivery 24-months |
| 2) Ferrara | \$984,682 | Delivery 27-months |

Pierce manufacturing opted not to provide a proposal compliant with our specifications indicating their current build time is 36-months. Pierce offers a program called Build My Pierce and the program has limited options and customization; however, the value is in reduced cost and reduced production time which they guarantee at twenty-four months. Pierce offered a proposal very close to our specifications under this program.

Fire Service Incorporated is the dealer who provided the proposals above. They were informed the proposals far exceeded our budget and we would consider any type of program truck, stock truck, or demo that could meet our needs at a more cost-effective price.

The dealer was able to identify a stock truck from E-One very similar to what we are looking for that they had on order 18-months ago. The proposals for the stock E-One and Build My Pierce are as follows.

- | | | |
|-----------|--------------|--------------------|
| 3) Pierce | \$862,301.23 | Delivery 24-months |
| 4) E-One | \$845,313 | Delivery 9-months |

Our team again went to work dissecting both proposals and unanimously recommended the E-One. In addition to being the lowest price and offering the quickest delivery time, the E-One product offers the highest level of corrosion protection, which is extremely important after prematurely losing service life of fire vehicles in the past.

E-One galvanizes not only the frame like Pierce, but all the brackets and supporting structure. The body is constructed of stainless steel as opposed to the aluminum body of the Pierce. It is because of these reasons and several others, I am requesting to purchase the E-One product.

The cost of emergency service vehicles to our community is enormous and I don't take the responsibility of practicing fiscal prudence lightly. Unfortunately, the recent and future price increases make it more expensive to delay any purchases therefore, I am asking for permission to secure the purchase of a fire engine and request your commitment to support this in the 2023 bond request.

It is a privilege to have the opportunity to serve our community, the equipment and support we receive from City leadership and all of you are so much appreciated. I believe this vehicle will serve our community's needs for years to come.

Please feel free to contact me with any questions or concerns.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Recommendation from Board of Public Works on approval of a pilot program allowing use of City owned parking lots (Rock the Dock).

The Board of Public Works at the April 10, 2023 meeting approved a pilot program allowing use of City owned parking lots for events and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

ATTACHMENTS:

- Consider Rock the Dock Public Parking Lot Request 4-4-2023 (DOCX)
- Rock the Dock Parking Lot Request 3-28-2023(PDF)
- Rock the Dock Parking Lot Area (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Board of Public Works Members
From: Scott J. Thoresen, Director of Public Works
Date: April 4, 2023
RE: Consider and Possible Action on Rock the Dock Request to Use Public Parking Lots*

The City received a request from Dawn Paradiso-Hansen (See attached request) to utilize the City's public parking lots near Voyageur Park for their Rock the Dock event scheduled for Saturday August 19, 2023. The intent of using the parking lots would be to charge patrons to park instead of charging an entrance fee for the event.

Staff has discussed this request internally. There are concerns with the request as presented.

- The City currently has no policy utilizing public parking lots when it comes to a request such as this. If the BOPW wants to approve this request, staff would recommend allowing it for this event only in 2023 to see how it goes. The intent then would be to develop a public parking lot use policy for events occurring in 2024 and beyond. The reason for developing a policy after this event is to see what worked and what did not work for this event.
- There would be no enforcement of parking in the City's public parking lots. The event would need to have their volunteers monitor the parking lots. Anyone who parks in the parking lots prior to the event will remain. In addition, some of these parking lots are for businesses and tenants living in these areas so we cannot necessarily shut them out so the event staff would need to accommodate them.



3/28/2023

Hello Scott,

Compassionate Home Health Care is putting in an official request for the city of De Pere, WI to consider allowing it's music festival #RocktheDockCHHC to utilize the city public parking lots (by Voyageur Park). To charge patrons to park. Instead of setting up a barricade around the park and charging an entrance and closing down the park for our event.

This would be for Saturday August 19, 2023 only.

Thank you

Dawn Paradiso-Hansen
CEO/ED
Compassionate Home Health Care



Official De Pere Parking Map Downtown- East

This Parking Space

Unlimited Only During
Park Hours
No Parking 11PM-4AM

CASS ST

Library

WILLIAM ST

FRONT ST

JAMES ST

GEORGE ST



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Recommendation from the Board of Public Works on award of Contract 23-09 Pond and Drainage System Construction to Advance Construction, Inc.

The Board of Public Works at the April 10, 2023 meeting approved award of Contract 23-09 Pond and Drainage System Construction to Advance Construction, Inc. in the amount of \$270,923.40 and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

ATTACHMENTS:

- 2023 0410 CI_BOPW_Award_23-09 (PDF)
- 2023 0330 CE_Project 23-09_Bid Tab (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Members of the Board of Public Works

From: Eric P. Rakers, P.E., City Engineer

Date: April 10, 2023

RE: **Consideration and possible action on award of Contract 23-09 Pond and Drainage System Construction***

The Engineering Department received bids on Project 23-09 Pond and Drainage System Construction on March 30, 2023. The project consists of the construction of a new storm water treatment pond along the Fox River Trail and Front Street from Franklin Street to 250 feet north of Fulton Street. The bids received were as follows:

Contractor	Base Bid
Advance Construction, Inc.	\$270,923.40
Peters Concrete Company	\$277,368.50
Superior Sewer and Water Inc.	\$299,998.70
Relyco Plus LLC	\$317,097.50
Dorner Inc.	\$367,039.00

The City allocated \$275,000 for construction in 2023 with \$97,800 from a Wisconsin Department of Natural Resources grant and the remaining \$177,200 from the storm water utility.

Staff's recommendation is to accept the bid from Advance Construction, Inc. in the amount of \$270,923.40.

Attachments:

2023 0330 CE Project 23-09 Bid Tab (PDF)



**PROJECT 23-09
POND AND DRAINAGE SYSTEM CONSTRUCTION**

				Bidder No. 1		Bidder No. 2		Bidder No. 3		Bidder No. 4		Bidder No. 5	
				Advance Construction Inc.		Peters Concrete Company		Superior Sewer and Water Inc.		Relyco Plus LLC		Dorner Inc.	
Item	Description	Unit	Qty	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount
STORM SEWER													
ST-01	Provide 42" RCP (Class III) Storm Sewer (Granular Backfill)	LF	32	\$225.00	\$7,200.00	\$198.00	\$6,336.00	\$200.00	\$6,400.00	\$206.00	\$6,592.00	\$250.00	\$8,000.00
ST-02	Provide 42" RCP (Class III) Storm Sewer (Natural Backfill)	LF	100	\$188.00	\$18,800.00	\$167.80	\$16,780.00	\$162.00	\$16,200.00	\$195.00	\$19,500.00	\$216.00	\$21,600.00
ST-03	Remove and Relay 36" RCP (Class III) Storm Sewer (Natural Backfill)	LF	34	\$174.00	\$5,916.00	\$172.00	\$5,848.00	\$148.00	\$5,032.00	\$203.00	\$6,902.00	\$275.00	\$9,350.00
ST-04	Provide 24" RCP (Class III) Storm Sewer (Natural Backfill)	LF	340	\$82.00	\$27,880.00	\$77.00	\$26,180.00	\$91.00	\$30,940.00	\$101.00	\$34,340.00	\$91.00	\$30,940.00
ST-05	Provide 12" PVC or RCP (Class III) Storm Sewer (Natural Backfill)	LF	160	\$64.00	\$10,240.00	\$58.35	\$9,336.00	\$70.00	\$11,200.00	\$71.50	\$11,440.00	\$80.00	\$12,800.00
ST-06	Provide 12" PVC Storm Sewer (Natural Backfill)	LF	90	\$64.00	\$5,760.00	\$97.00	\$8,730.00	\$70.00	\$6,300.00	\$88.00	\$7,920.00	\$98.00	\$8,820.00
ST-07	Provide 12" PVC Storm Sewer (Granular Backfill)	LF	20	\$87.00	\$1,740.00	\$120.00	\$2,400.00	\$102.00	\$2,040.00	\$98.00	\$1,960.00	\$155.00	\$3,100.00
ST-08	Provide 8' Diameter Storm Manhole (With Internal Weir)	VF	7	\$2,032.00	\$14,224.00	\$2,040.00	\$14,280.00	\$1,756.00	\$12,292.00	\$2,195.00	\$15,365.00	\$2,300.00	\$16,100.00
ST-09	Provide 6' Diameter Storm Manhole	VF	13	\$1,233.00	\$16,029.00	\$1,000.00	\$13,000.00	\$1,139.00	\$14,807.00	\$1,220.00	\$15,860.00	\$1,300.00	\$16,900.00
ST-10	Provide 4' Diameter Storm Manhole	VF	9	\$870.00	\$7,830.00	\$694.00	\$6,246.00	\$688.00	\$6,192.00	\$860.00	\$7,740.00	\$955.00	\$8,595.00
ST-11	Provide Pond Discharge Structure	EA	1	\$6,000.00	\$6,000.00	\$4,560.00	\$4,560.00	\$4,210.00	\$4,210.00	\$4,650.00	\$4,650.00	\$5,620.00	\$5,620.00
ST-12	Provide Type B Inlet	EA	2	\$2,795.00	\$5,590.00	\$2,840.00	\$5,680.00	\$2,340.00	\$4,680.00	\$3,100.00	\$6,200.00	\$3,275.00	\$6,550.00
ST-13	Connect to Structure and/or Existing Pipe	EA	3	\$500.00	\$1,500.00	\$1,000.00	\$3,000.00	\$1,000.00	\$3,000.00	\$1,175.00	\$3,525.00	\$1,000.00	\$3,000.00
ST-14	Core Drill Existing Structure	EA	1	\$500.00	\$500.00	\$200.00	\$200.00	\$440.00	\$440.00	\$1,165.00	\$1,165.00	\$1,000.00	\$1,000.00
ST-15	Provide 42" RCP Endwall	EA	1	\$2,675.00	\$2,675.00	\$2,600.00	\$2,600.00	\$2,334.00	\$2,334.00	\$2,545.00	\$2,545.00	\$3,200.00	\$3,200.00
ST-16	Provide 24" RCP Endwall with Grate	EA	1	\$2,564.00	\$2,564.00	\$2,400.00	\$2,400.00	\$2,334.00	\$2,334.00	\$2,640.00	\$2,640.00	\$3,100.00	\$3,100.00
ST-17	Provide 12" RCP Endwall	EA	3	\$1,243.00	\$3,729.00	\$900.00	\$2,700.00	\$747.00	\$2,241.00	\$1,100.00	\$3,300.00	\$1,300.00	\$3,900.00
ST-18	12" Backflow Preventer (Tideflex Checkmate or Equal)	EA	1	\$2,420.00	\$2,420.00	\$2,500.00	\$2,500.00	\$2,800.00	\$2,800.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
ST-19	Abandon/Remove Existing Storm Sewer Appurtenances	LS	1	\$5,000.00	\$5,000.00	\$4,100.00	\$4,100.00	\$3,291.00	\$3,291.00	\$4,565.00	\$4,565.00	\$2,550.00	\$2,550.00
STREET AND DRAINAGE													
SD-01	Provide Clearing and Grubbing	IN	155	\$30.00	\$4,650.00	\$45.00	\$6,975.00	\$75.00	\$11,625.00	\$45.00	\$6,975.00	\$53.00	\$8,215.00
SD-02	Unclassified Excavation	CY	6150	\$12.00	\$73,800.00	\$14.35	\$88,252.50	\$18.37	\$112,975.50	\$17.15	\$105,472.50	\$22.50	\$138,375.00
SD-03	Provide Asphalt Patch (4" Depth Minimum)	SY	62	\$59.20	\$3,670.40	\$60.00	\$3,720.00	\$61.25	\$3,797.50	\$79.50	\$4,929.00	\$78.00	\$4,836.00
SD-04	Remove and Replace 24" Concrete Curb and Gutter	LF	35	\$80.00	\$2,800.00	\$80.00	\$2,800.00	\$25.00	\$875.00	\$65.00	\$2,275.00	\$127.00	\$4,445.00
SD-05	Provide #4 Reinforcement Bars for Curb and Sidewalk	LF	40	\$3.00	\$120.00	\$3.00	\$120.00	\$2.00	\$80.00	\$3.00	\$120.00	\$8.30	\$332.00
SD-06	Drilled Tie Bars (Existing Sidewalk, Driveway, and Curb and	EA	4	\$10.00	\$40.00	\$10.00	\$40.00	\$5.00	\$20.00	\$10.00	\$40.00	\$29.00	\$116.00
SD-07	Landscaping - Topsoil, Fertilizer, Mesic Prairie Planting, and Erosion Mat	SY	3000	\$2.95	\$8,850.00	\$5.35	\$16,050.00	\$5.68	\$17,040.00	\$3.88	\$11,640.00	\$5.20	\$15,600.00
SD-08	Landscaping - Topsoil, Fertilizer, Mesic Prairie Planting, and	SY	200	\$2.95	\$590.00	\$3.85	\$770.00	\$4.98	\$996.00	\$2.92	\$584.00	\$4.50	\$900.00
SD-09	Landscaping - Topsoil, Seed, Fertilizer and Erosion Mat	SY	450	\$2.95	\$1,327.50	\$4.85	\$2,182.50	\$5.57	\$2,506.50	\$3.38	\$1,521.00	\$5.50	\$2,475.00
SD-10	Landscaping - Topsoil, Seed, Fertilizer and Mulch	SY	200	\$2.95	\$590.00	\$3.85	\$770.00	\$4.50	\$900.00	\$2.42	\$484.00	\$3.70	\$740.00
SPECIAL CONSTRUCTION													
SC-01	Pipe Foundation Stabilization	CY	20	\$30.00	\$600.00	\$35.00	\$700.00	\$0.01	\$0.20	\$68.15	\$1,363.00	\$40.00	\$800.00
SC-02	Adjust Manhole Provide New Casting	EA	1	\$961.00	\$961.00	\$750.00	\$750.00	\$800.00	\$800.00	\$1,195.00	\$1,195.00	\$850.00	\$850.00
SC-03	Provide Silt Fence	LF	170	\$2.00	\$340.00	\$5.00	\$850.00	\$2.25	\$382.50	\$4.50	\$765.00	\$6.50	\$1,105.00
SC-04	Bentonite Clay Dam on Sanitary Sewer	EA	1	\$700.00	\$700.00	\$2,500.00	\$2,500.00	\$105.00	\$105.00	\$1,250.00	\$1,250.00	\$2,500.00	\$2,500.00
SC-05	Inlet Protection Type D	EA	5	\$120.00	\$600.00	\$135.00	\$675.00	\$100.00	\$500.00	\$145.00	\$725.00	\$150.00	\$750.00
SC-06	Provide Medium Rip Rap w/ Geotextile Fabric (Type HR)	SY	150	\$75.00	\$11,250.00	\$38.00	\$5,700.00	\$16.50	\$2,475.00	\$66.00	\$9,900.00	\$50.00	\$7,500.00
SC-07	Tracking Pad	EA	1	\$3,000.00	\$3,000.00	\$1,200.00	\$1,200.00	\$1,000.00	\$1,000.00	\$1,750.00	\$1,750.00	\$2,000.00	\$2,000.00
SC-08	Remove and Reset Existing Fence, Remove and Replant Existing Apple Trees	LS	1	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00	\$6,500.00	\$6,500.00	\$4,900.00	\$4,900.00	\$5,000.00	\$5,000.00
SC-09	Televising 36" Sanitary Sewer	LF	1250	\$1.15	\$1,437.50	\$1.15	\$1,437.50	\$0.55	\$687.50	\$1.20	\$1,500.00	\$1.50	\$1,875.00
TOTAL AMOUNT BID:				\$270,923.40		\$277,368.50		\$299,998.70		\$317,097.50		\$367,039.00	



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Recommendation from Board of Public Works to approve reconstruction of additional alley under Contract 23-02 Ridgeway and East River Drive Pavement Rehabilitation.

The Board of Public Works at the April 10, 2023 meeting approved reconstruction of additional alley under Contract 23-02 Ridgeway and East River Drive Pavement Rehabilitation and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

ATTACHMENTS:

- 2023 0410 CI_BOPW_Alley Addition to 23-02 (PDF)
- P&P_Lewis_Charles-Superior_Huron (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Members of the Board of Public Works
From: Eric P. Rakers, P.E., City Engineer
Date: April 10, 2023

RE: **Consideration and possible action to reconstruct an additional alley under Contract 23-02
Ridgeway and East River Drive Pavement Rehabilitation***

Last year, staff bid alley reconstructions under Project 22-24. The project included four alleys. Due to the high cost, the bids were rejected. Three of the alleys were re-bid in 2023 as part of a larger project in hopes of getting better bids. This was very successful. Staff is proposing to reconstruct the fourth alley under Project 23-02.

Background

The Engineering Department received bids on Project 23-02 Ridgeway and East River Drive Pavement Rehabilitation on Wednesday, March 1, 2023 and presented to the Board on March 13, 2023. This project included three alleys for reconstruction.

- Reconstruct the alley from Charles Street to George Steet (CTH G), between S. Wisconsin Street and S. Michigan Street.
- Reconstruct the alley from Lewis Street to Charles Street, between S. Huron Street and S. Erie Street.
- Reconstruct the alley from Chicago Street to Lewis Street, between S. Huron Street and S. Erie Street.

The allocated amount from the capital improvement budget is \$1,650,000 while the project bid was \$1,305,000. The majority of the savings was the alley budget. The budget for the three alleys is \$360,000 while the approximate bid amount of \$110,000.

Discussion

As indicated at the beginning of this memo, there were four alleys included for reconstruction last year. The fourth alley is from Lewis Street to Charles Street, between S. Superior Street and S. Huron Street. Staff reviewed with the Contractor for Project 23-02, and they are agreeable to utilize the same bid items as the other alleys included in the project. It is estimated that this alley will cost approximately \$50,000, which will leave a remaining \$200,000 from the alley budget. There are several advantages to adding this alley back in including:

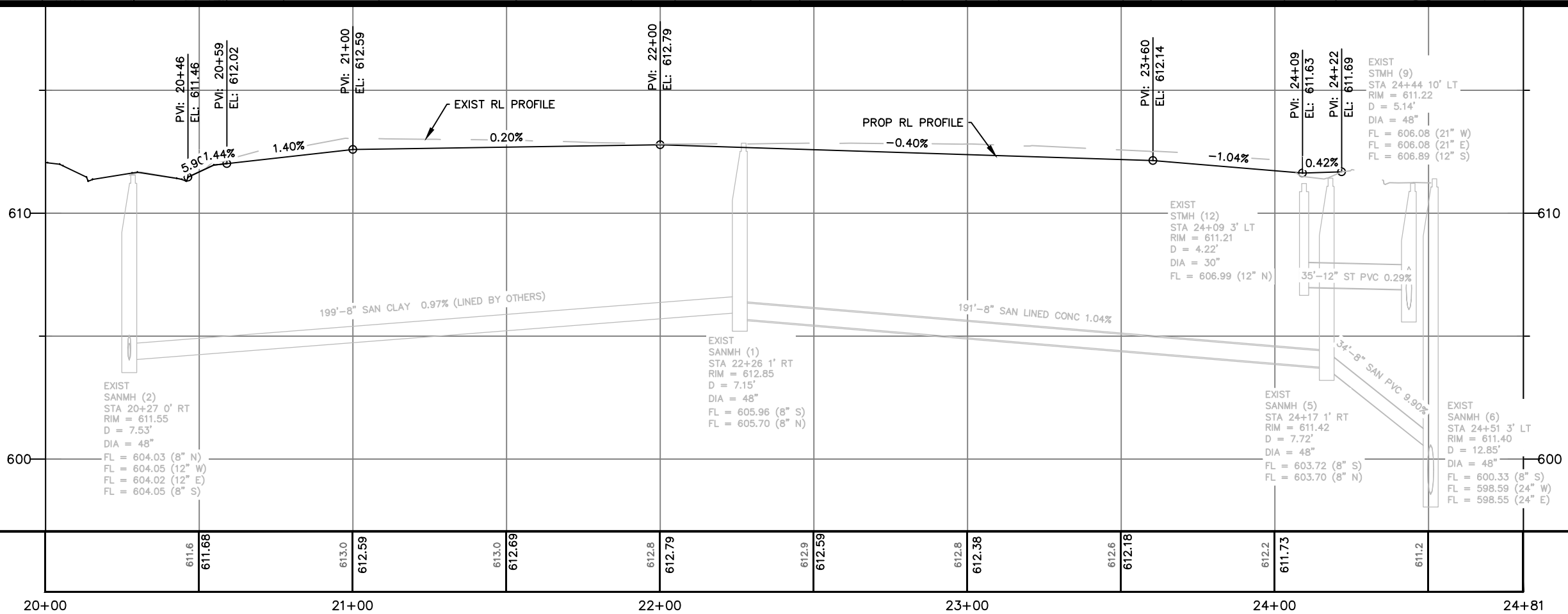
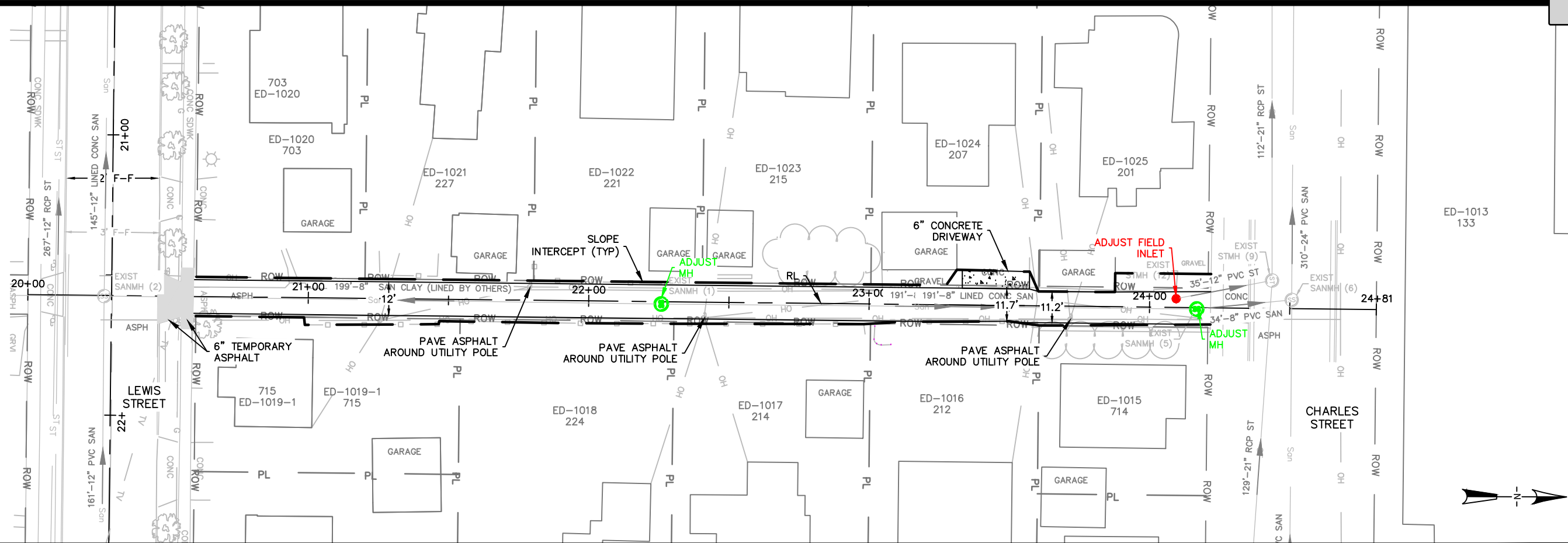
- It is immediately adjacent to the ongoing Lewis Street Reconstruction and Kruczek Construction is the contractor for both projects.
- The design is already completed.
- These property owners were notified of the project last year.
- Favorable bid prices.

Recommendation

Staff's recommends to approve adding the reconstruction of the alley from Lewis Street to Charles Street, between S. Superior Street and S. Huron Street to Project 23-02.

Attachments:

P&P_Lewis-Charles-Superior-Huron



**City of De Pere, Wisconsin****Request For Common Council Action**

MEETING DATE: April 18, 2023

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Recommendation from Board of Public Works on wayfinding signs.

The Board of Public Works at the April 10, 2023 meeting approved removing the existing wayfinding signs and referred back to staff for further discussion at Board after the conclusion of the parking study, including a skinny-down version of proposed wayfinding sign plan and possible funding from the rebranding and moved to send it to the Common Council for approval. Upon vote, the motion passed unanimously.

The City hired a consultant in 2021 to determine the need, placement and design of pedestrian and vehicle wayfinding signage. The consultant's plan consisted of 30 custom vehicle directional signs, 11 parking directional signs, and 21 pedestrian directional signs. The signage is intended to assist residents/visitors, pedestrians and vehicular traffic with directions to landmarks, government services, parking locations, etc. The estimated cost of this project is \$600,000. Staff had requested this be funded as part of the 2023 budget and it was eliminated. In addition, staff had requested this project be funded as part of the ARPA funding and it was denied. The City has existing way finding signs throughout the community that are faded and need to be either removed or replaced. The above project was going to replace the existing wayfinding signs.

The intent of this discussion is to see how the BOPW wants to proceed with the wayfinding project.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Consideration and Possible Action on Noise Consultant Study and Chapter 146 Noise Ordinance.

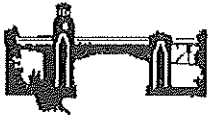
The Finance/Personnel Committee voted unanimously at its April 11, 2023, meeting to move forward for Council approval the suggested revisions of Avant Acoustics, City's consultant, following its review of the Noise Ordinance. In preparation of the final ordinance for the Council Agenda, staff determined that additional time is needed to clarify portions of the suggested changes prior to final adoption to minimize and answer community questions, now and in the future, concerning the changes. Therefore, staff is requesting that this be referred back to the Finance/Personnel Committee to allow for additional preparation and clarification, which will also include addressing the common wall and lot-line issue so that these issues may all be considered at one time.

Additionally, during discussion at the April 11 meeting, Alderperson Quigley requested additional information and documentation related to Noise Ordinance revisions made in 2015. That documentation is attached to this item for Council consideration in the meantime.

ATTACHMENTS:

- Jan 2015 Lot Line Noise Regulation packet documents (PDF)
- De Pere Acoustics Report 01 (C2050) 2022-08-19 (PDF)
- De Pere Community Noise Study Report 02 (C2050) 2022-10-20 (PDF)
- De Pere Acoustics Report 03 (C2050) 2023-02-17 (1) (PDF)

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: January 6, 2015

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Ordinance #15-04, Amending §146-8 De Pere Municipal Code
Regarding Lot Line Noise Regulation.

ATTACHMENTS:

- Noise Regulations Memo (PDF)
- Ord15-04 (DOCX)
- Current Ordinance §146-8(a) (PDF)

CITY OF DE PERE

MEMO

To: Michael J. Walsh, Mayor
 Members of the Common Council
 From: Judith Schmidt-Lehman, City Attorney *Judy*
 RE: Request for alternatives regarding outdoor entertainment use of 1731 Ft. Howard Ave (Replay Sports Bar and Grill – “Replay”)
 Date: January 2, 2015

This memo is in response to the Council’s request for alternatives regarding outdoor entertainment use of 1731 Ft. Howard Avenue by the Replay tavern. This request arose in conjunction with the Replay owner’s objection to a pending rezoning of property adjacent to the north of 1731 Ft. Howard from I-3 Industrial to R-3 with a PDD overlay. The owner’s objection to the proposed rezoning was predicated upon noise ordinance implications of use of the Replay property for outdoor music entertainment events adjacent to a residential zone. While this was the context of the Council request for alternatives, it is important to note that this issue is larger than the immediate rezoning request.

The Replay property (zoned B-2 Business) currently is adjacent to residentially zoned property across Ft. Howard Avenue. Therefore, irrespective of the outcome of the pending rezoning of the parcel to the north of the Replay property, the noise ordinance implications of outdoor music at the Replay property must be addressed. Additionally, revisions to the noise ordinance cannot be made specific to a single property. Therefore, whatever ordinance changes may be made will impact similarly situated and other property within the City.

GENERAL NOISE ORDINANCE INFORMATION

The City’s noise ordinance uniformly uses zoning classifications to establish noise limitations within and outside those zoning districts. Noise ordinances traditionally use zoning classifications rather than specific business operations as the basis for noise regulations due to fluctuations in specific business use of a property. While zoning classifications may also change over time, zoning classifications are more stable and generic in the long run. Changes to the noise ordinance therefore apply to the zoning classification involved rather than any individual business or specific business activity.

Below is a chart of the various decibel limits in De Pere for noise traveling from one zoning classification into another:

Noise Limits – A-scale

<i>Residential Into Residential</i>	<i>Commercial Into Commercial</i>	<i>Industrial Into Commercial</i>	<i>Industrial and Commercial Into Residential</i>
55	62	64	58

While not all municipal noise regulations include specific decibel regulations, they are typical. Additionally, the decibel limits for individual municipalities are not always identical, but are relatively similar in range. Below is a chart showing the A-scale decibel level limits found in other local noise ordinances.

Other Noise Limits – A-scale

Green Bay	<u>In Residential</u> AM* 57 PM* 52	<u>In Commercial</u> AM 63 PM 58	<u>Industrial to Commercial</u> AM 66 PM 61	<u>Industrial to Residential</u> AM 64 PM 60	<u>Commercial to Residential</u> AM 61 PM 55
Milwaukee	<u>In Residential</u> AM 55 PM 45 <u>PDD</u> AM 65 PM 55				
Sun Prairie	<u>In Residential</u> AM 60 PM 50	<u>In Commercial</u> AM 70 PM 70	<u>In Industrial</u> AM 75 PM 75		
Madison	<u>In Residential</u> 65	<u>In Commercial</u> 65-70	<u>In Other</u> 65-70		
Appleton	<u>In Residential</u> AM 57 PM 52	<u>In Commercial</u> AM 63 PM 58	<u>Industrial to Commercial</u> AM 66 PM 61	<u>Industrial to Residential</u> AM 64 PM 60	<u>Commercial to Residential</u> AM 61 PM 55
Oshkosh	<u>In Residential</u> 55	<u>In Commercial</u> 62			

* AM denotes 7:00 AM – 10:00 PM

* PM denotes 10:00 PM – 7:00 AM

Many municipal noise ordinances have a variance process in their noise ordinance to allow for occasional exceedances of the noise limits. In 2010, De Pere removed its noise variance process and put in place the current provision which excepts activities for which a permit has been issued from the general noise ordinance, because the permit details the noise requirements for the activity. Noise exceedances allowed by permit are generally considered unusual or uncommon occurrences for which a temporary deviation from the general noise requirements are allowed. Using permits to routinely except activities from the noise ordinance cannot legally be used to allow usual and customary violations of the noise ordinance.

OPPORTUNITIES FOR IMPROVING NOISE REGULATIONS

There is an array of alternatives the Council can consider in resolving the conflicting issues posed. These range from maintaining the status quo (and seeing whether any noise ordinance conflicts really present themselves) to consideration of whole scale revisions to the City's zoning and/or noise ordinances.

In reviewing the City's current ordinances with and among city staff, we believe that a two-pronged approach involving two minor ordinance revisions will provide, in the near term, the business property owners an enlarged opportunity to provide outdoor entertainment that will comply with city requirements. In the longer term however, there may be a need to look at a more comprehensive update to the zoning code to include entertainment district classifications for which separate noise limits might apply or otherwise address how to allow increased outdoor entertainment opportunities while at the same time maintaining the health, safety and welfare of residential areas.

First, it is recommended that the decibel limits in the City's noise ordinance be revised to reflect the same decibel limits and hour regulations as found in Green Bay and Appleton ordinances. Adopting the Green Bay/Appleton model would involve establishing different "day" and "night" limits together with revising decibel limits, both up and down, in each category. Both the Health Director and Sanitarian are comfortable that the upward move in decibel levels to the levels found in the Green Bay and Appleton ordinances should provide commercial and industrial property owners, including the Replay, the ability to better conform with noise limitations into residential properties without adversely affecting the health and welfare of the residential users. Additionally, Sanitarian Dale Schmit can and will be able to provide property owners with information on how to lessen the impact of noise leaving their property by positioning of equipment and sound amplification away from the property line to take advantage of noise dissipation as it travels. The attached proposed Ordinance 15-04 will accomplish this change.

Second, it is recommended that Chapter 106 (Licenses and Permits) be amended to include a Noise Variance Permit to be issued by the Health Director to cover noise exceedance in conjunction with outdoor entertainment incidental to primary business activities. The attached Ordinance 15-05 would accomplish this change.

If you have any questions or concerns regarding this issue, please let me know.

JSL:jld

c: Lawrence Delo, City Administrator
Ken Pabich, Planning & Economic Development Director
Chrystal Woller, Health Director
Dale Schmit, Sanitarian

Attachment: Noise Regulations Memo (2987 : Ordinance #15-04, Amending ?146-8 Regarding Lot Line Noise Regulation)

ORDINANCE #15-04

AMENDING §146-8, DE PERE MUNICIPAL CODE
REGARDING LOT LINE NOISE REGULATION

THE COMMON COUNCIL OF THE CITY OF DE PERE DO ORDAIN AS
FOLLOWS:

Section 1: §146-8(a), is hereby repealed and recreated as follows:

- (a) The following noise limitations are established for any premises, measured at the lot line:
- (1) Maximum Levels Within Zones. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set for the zone categories in Tables I and II.

TABLE I

Maximum Permissible Sound Pressure – 7:00 AM – 10:00 PM

	<i>Residential</i>	<i>Commercial</i>	<i>Industrial</i>
A-scale Level	57 dB(A)	63 dB(A)	72 dB(A)
(Levels in Decibels re .0002 Microbars)			

TABLE II

Maximum Permissible Sound Pressure – 10:00 PM – 7:00 AM

	<i>Residential</i>	<i>Commercial</i>	<i>Industrial</i>
A-scale Level	52 dB(A)	58 dB(A)	67 dB(A)
(Levels in Decibels re .0002 Microbars)			

- (2) Maximum Levels Between Zones. No person shall operate or cause to be operated on private or public property any source of sound from an industrial zone into a residential zone or commercial zone, or from a commercial zone into a residential zone which exceeds the limits set for the zone categories in Tables III and IV.

TABLE III

Maximum Permissible Sound Pressure – 7:00 AM – 10:00 PM

	<i>Industrial into Commercial</i>	<i>Industrial into Residential</i>	<i>Commercial into Residential</i>
A-scale Level	66 dB(A)	64 dB(A)	61 dB(A)
(Levels in Decibels re .0002 Microbars)			

TABLE IV

Maximum Permissible Sound Pressure – 10:00 PM – 7:00 AM

	<i>Industrial into Commercial</i>	<i>Industrial into Residential</i>	<i>Commercial into Residential</i>
A-scale Level	61 dB(A)	60 dB(A)	55 dB(A)
(Levels in Decibels re .0002 Microbars)			

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall take effect on and after passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 6th day of
January, 2015.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____

Nays: _____

Publication Date: _____

Effective Date: _____

NOISE ORDINANCE

§ 146-8

Sec. 146-8. Lot line noise regulation.

(a) The following noise limitations are established for any premises, measured at the lot-line:

Noise Limits - A-scale			
Residential Into Residential	Commercial Into Commercial	Industrial Into Commercial	Industrial and Commercial Into Residential
55 dB(A)	62 dB(A)	64 dB(A)	58 dB(A)

(b) *Definitions of zone categories.* The following zones are included in the zone categories:

- (1) *Residential:* R-1, R-2, R-3 and R-4 zoning classifications;
- (2) *Commercial:* B-1, B-2, B-3, Highway 41 Business Corridor Districts A and B, and C-EO Districts zoning classifications;
- (3) *Industrial:* I-1, I-2, I-3, I-B-1 and I-B-2 zoning classifications.

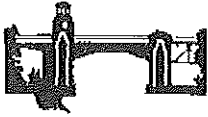
Regulation will be according to the underlying zones. Conservancy zones that are not publicly owned shall be regulated according to the adjacent zone. If the neighboring zones are different, they shall be extended to the center of the conservancy for the purposes of this article.

(c) *Measurements.* The measurement shall be made at or beyond the property line of the property on which such noise is generated or at or within the property line of the property on which such noise is perceived, as appropriate. Measurement shall be done at a minimum height of four feet above the ground. The measurement of sound shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for sound level meters, 'Type I or Type II (ANSI S1.4 - 1971) or with an octave band analyzer that meets or exceeds the requirements of (ANSI S1.6 - 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order. When a sound level meter is used, it shall be set to the A-weighted scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitations shall be the A-scale levels set forth above. An octave band analyzer may be employed when there is a concentration of sound energy within a limited number of bands, but its use shall not be restricted to such situations.

(d) *Residential air conditioners.* Noise emitted by residential air conditioners shall be judged by the criteria set forth above.

(e) *Ambient noise is a factor.* The subject noise must exceed the ambient noise by five dB or more, in any octave band, to be declared excessive.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: January 6, 2015

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Ordinance #15-05, Amending §106-6 De Pere Municipal Code
Regarding Special Variance Permit for Noise Ordinance
Exceedance.

ATTACHMENTS:

- Ord15-05 (DOCX)

ORDINANCE #15-05

AMENDING §106-6 DE PERE MUNICIPAL CODE REGARDING
SPECIAL VARIANCE PERMIT FOR NOISE ORDINANCE EXCEEDANCE

THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DO ORDAIN
AS FOLLOWS:

SECTION 1: §106-6(c), is hereby created to read as follows:

(c) Special Variance Permit for Noise Ordinance Exceedance in Conjunction with Outdoor Entertainment Incidental to Primary Business Activity.

- (1) Permission to exceed noise ordinance limitations found in §146-8(a) of this Code in conjunction with outdoor entertainment incidental to the primary business activity on premises which is not covered by any other permit issued by any City department shall be allowed only by permit issued by the Health Director as provided in this section.
 - A. Application shall be made in writing to the Health Director. Such application shall include the following information:
 - i. Name, address and contact information of requestor;
 - ii. Date and location of the outdoor entertainment event;
 - iii. The time of date the entertainment is expected to begin and end;
 - iv. A description of the proposed entertainment, including name of performing group and explanation regarding requestors belief that the performance will exceed the noise limits set forth in §146-8(a) of this Code;
 - v. Reason permit is being requested, including steps to minimize noise; and
 - vi. Such fee as is determined by resolution of the Common Council shall accompany the application.
 - B. No permit may be issued if any conditions of a similar permit issued for the premises in the previous twelve (12) months were violated or not met.
 - C. No permit will be granted to allow noise ordinance exceedances to continue past 11:00 PM.
 - D. Permits will be issued under this section only for occasional, periodic or sporadic public entertainment noise exceedances. No more than four (4) specific events may be requested in a single permit application.
 - E. The permit requestor shall notify all immediately adjacent property owners of any permit being granted under this section prior to the event.

F. All permits issued shall be conditioned upon the following:

- i. If sound amplification is to be used, it shall be positioned so as to face away from residential properties; and
- ii. Any amplified sound shall be maintained at a reasonable level and shall not interfere with other's enjoyment of the neighborhood.

G. Appeal of a permit denial shall be as provided in §106-6(d) below except that the appeal shall be to the Board of Health.

SECTION 2: All subsequent sections of §106-6 shall be renumbered accordingly.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall take effect on and after passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 6th day of January, 2015.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes: _____

Nays: _____

Publication Date: _____

Effective Date: _____

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: January 6, 2015

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Resolution #15-01, Setting Fee for Special Variance Permit for Noise Ordinance Exceedance.

ATTACHMENTS:

- Reso15-01 (DOCX)

RESOLUTION #15-01

SETTING FEE FOR SPECIAL VARIANCE PERMIT
FOR NOISE ORDINANCE EXCEEDANCE

WHEREAS, pursuant to §106-6(c), De Pere Municipal Code, special variance permits in conjunction with outdoor entertainment incidental to primary business activity on premises may be granted by the Health Director; and

WHEREAS, the Common Council wishes to establish a fee for such special variance permit.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council hereby imposes a \$25 application fee. Such fee shall not be refundable if the permit is not granted.

BE IT FURTHER RESOLVED THAT:

Such fee as is established hereunder shall be effective upon passage of Ordinance #15-05.

BE IF FURTHER RESOLVED THAT:

All City officers, officials, and employees are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 6th day of January, 2015.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Shana L. Defnet, Clerk-Treasurer

Ayes _____
Nays _____

Attachment: Reso15-01 (2988 : Resolution #15-01, Setting Fee for Special Variance Permit)

AVANTACOUSTICS®

14827 West 95th St. Lenexa, Kansas 66215
ph. 913.888.9111 fx. 913.888.9193

August 19, 2022

Ms. Kristen Johnson
Assistant City Attorney
335 S. Broadway
De Pere, WI 54115

Re: De Pere Noise Ordinance Review
De Pere, Wisconsin
AVANT File: C2050

Dear Kristin:

We have reviewed the current noise ordinance for the City of De Pere, Wisconsin and offer the following commentary and suggested revisions. Our review is limited to the portions of the ordinance that relate to acoustics such as terminology, measurements, and regulations. In addition to the report below, please refer to the attached Ordinance Markup document with detailed revision markups of this section.

SEC. 146-3. DEFINITIONS AND TERMINOLOGY.

This section is best used for defining unfamiliar technical terms and specific or legal terms that directly relate to the ordinance. In our opinion, it is best to keep this section simple and avoid overly mathematical definitions, instead referring to outside technical sources for this information.

Please refer to the attached Ordinance Markup document with detailed revision markups of this section.

NEW PROPOSED SEC. 146-6 PUBLIC HEALTH

One of the goals of any noise ordinance is to ensure the health and safety of persons within the city. A common regulation that is missing from this ordinance is an overarching section, not subject to exemption, that imposes noise limits based on protecting people from hearing loss. We have added a section to address this and included the necessary technical information. Additional legal language may be added by the city as needed.

SEC. 146-7. EXEMPTIONS.

There are many good reasons to list exemptions to the lot-line regulation to facilitate construction projects, maintenance, and special uses. Our only comment on this section is to avoid unmeasurable or undefined terms such as "unnecessary" or "reasonable". These terms leave exemptions open ended and subject to opinion and interpretation.

SEC. 146-8. VARIANCES FOR TIME TO COMPLY.

This section is well written but includes one section involving technical information that may benefit from revision. Paragraph 3 indicates a notification zone consisting of a 300-foot radius around the property seeking variance. However, depending on the level of noise, the properties affected may exceed this distance. We suggest revising this paragraph to indicate a minimum of 300-foot radius and a stipulation to include a larger zone depending on the actual noise in question.

SEC. 146-9. LOT LINE NOISE REGULATION.

We have many suggested comments and revisions on this section, as our goal is to create very clear and concise regulation that relies on standard and repeatable measurements that do not leave room for opinion or interpretation.

Using noise levels measured at property lot-lines is a very typical method and we concur with its use. Defining two sets of regulatory levels based on daytime and nighttime hours is also a standard practice and highly recommended.

One atypical regulation listed in this ordinance is varied noise level limits based on the source property zone-type and the receiving zone-type. This results in higher limits for properties adjacent to different zone types, and caters to commercial and industrial activities, to the detriment of residential areas that border these types of zones. This may be intentional by the city in order to lighten restriction on businesses and we recommend a discussion on this topic to explore the full implications.

Most of our comments in this section relate to the measurement procedures and reporting to address various conditions using industry standard methods.

SEC. 146-10. VIBRATIONS.

Most noise ordinances do not include a section on vibration, but we think it is very applicable and fine to do so. We recommend adding measurable vibration limits to this section as indicated in the attached markup.

SEC. 146-11. NOISES CREATED BY HUMAN BEHAVIOR.

Paragraphs (a) and (b) of this section indicate a regulation dependent on the perception of receiving individuals, rather than measurable data, and apparently in lieu of the regulations indicated in section 146-8. This could be considered confusing and create difficulty with enforcement. We recommend a discussion on this section with regard to the intent of this language and how to resolve discrepancies.

SEC. 146-12. NEIGHBORHOOD QUIET ZONES.

This section also appears to include discrepancies with regulation set forth in Section 146-8, and relies upon human perception, rather than measurable data. We recommend that noise criteria similar to the tables used in Section 146-8 be implemented for neighborhood quiet zones, albeit with a stricter regulation as desired for these exclusive zones. In fact, neighborhood quiet zones could be added to those same tables as another residential column. As such, we recommend that the definition of nighttime hours of 10pm – 7am be applied to the quiet zones, instead of 11pm-6am.

Please let us know if you have any questions.

Very truly yours,

AVANT ACOUSTICS, LLC


 John M. Hodgson
 Technical Operations Manager

Enclosure

Noise Ordinance Markup

14827 West 95th St. Lenexa, Kansas 66215
ph. 913.888.9111 fx. 913.888.9193

October 20, 2022

Ms. Kristen Johnson
Assistant City Attorney
335 S. Broadway
De Pere, WI 54115

Re: De Pere Community Noise Study
De Pere, Wisconsin
AVANT File: C2050

Dear Kristin:

We visited the city of De Pere, Wisconsin from September 19th to September 22nd, 2022. During that period, we performed a series of long- and short-term noise measurements at a number of locations throughout the city. This report presents the measurement locations, results of the measurements, and some discussion on the noise levels measured.

Measurement Locations

Twelve points throughout the city were considered as noise measurement locations and eleven of those were utilized. The locations were selected to include a diverse representation of the various types of zoning intermixed throughout the city. Several locations at the borders of dissimilar zones were included to gain an understanding of how the noise levels vary between the zones. The following section gives brief descriptions of the measurement locations and what types of measurements were performed at each location. An overall satellite view of the measurement locations is attached at the end of this report along with more detailed views of each measurement location.

1. Point 1 (ED-2077-1) – This point is located on N Enterprise Drive midway between Heritage Road and O’Keefe Road at the north end of the east business park. The area is mainly zoned for industrial and business with some residential areas to the east and west. The primary noise sources in this area included some industrial noise to the west and insects/wildlife in the field where the measurements were taken. There was also some noise from traffic traveling along N Enterprise Drive. Short term measurements were taken at this location during a typical rush-hour and during daytime off-hours.
2. Point 2 (ED-2315) – This point is located at the northwest corner of the intersection between Enterprise Drive and Rockland Road at the south end of the east business park. The area is at the border between industrial, business, and residential zones to the south. The primary noise sources in this area included industrial noise from the west and insects/wildlife in the field where the measurements were taken. There was also some noise from traffic traveling along Enterprise Drive and Rockland Road. Short term measurements were taken at this location during a typical rush-hour and during daytime off-hours.
3. Point 3 (ED-1472) – This point is located at Optimist Park on the south side of the parking lot along Cook Street and is a midpoint between the east business district and downtown to the north. The area is zoned residential with some nearby business areas. Traffic noise from nearby highway 32 was the main noise source in this area. Short term measurements were taken at this location during typical rush-hour, during daytime off-hours, and at night.



4. Point 4 (Walsh Plaza) – This collection of three measurement points (4A, 4B, and 4C) is located around the Walsh Plaza downtown area. Point 4A is located near the intersection of James Street and N Wisconsin Street. Point 4B is located near the intersection of James Street and N Broadway. Point 4C is located near the intersection of George Street and N Broadway. This area is primarily zoned for business with adjacent and interspersed residential areas. Noise along N Broadway was the main noise source in this area. There was a distinct tonal noise from vehicles driving over the brick-paved crosswalks around this area. Short term measurements were taken at all four locations during typical rush-hour and daytime off-hours. An additional nighttime measurement was taken at point 4B.



Figure 1: Brick-paved Crosswalks Near Walsh Plaza.

5. Point 5 (WD-364-D-505-8) – This point is located along Matthew Drive between Scheuring Road and Venture Avenue and is at the north end of the west business park. The area is mainly zoned industrial and business with some nearby residential areas. The main sources of noise were industrial from several directions, insects/wildlife in the field where measurements were taken, and truck traffic along Matthew Drive. Short term measurements were taken at this location during typical rush hour and daytime off hours.
6. Point 6 (WD-1620) – This point is located midway along American Court just off American Blvd in the middle of the west business park. The area is mainly zoned industrial and business with some nearby agricultural and residential areas. The main source of noise in this area was from traffic noise to the north and west as well as nearby activity from the daycare on American Court. Short term measurements were taken at this location during typical rush hour and daytime off hours.
7. Point 7 (WD-L492-B) – This point was considered for noise measurements but was omitted due to the close proximity to Point 10.
8. Point 8 (WD-792-G-50, Carney Park) – This point is located at the south end of Carney Park along Outward Avenue. The surrounding area is zoned residential. The main sources of noise in this area were insects/wildlife and, during the rush hour measurement, and lawn care equipment at nearby houses. Short term measurements were taken at this location during typical rush-hour, during daytime off-hours, and at night.

9. Point 9 (WD-926, Nicolet Parking Lot) – This collection of four measurement points (9A, 9B, 9C, and 9D) are located around the downtown area on the west side of the river. Point 9A is located along Reid Street midway between 3rd street and 4th street. Point 9B is located along 32nd Division Memorial Highway midway between 3rd street and 4th street. Point 9C is located at the junction of 3rd street and 32nd Division Memorial Highway on the north side of the highway. Point 9D is located at the north end of the parking lot located at the junction of 3rd street and 32nd Division Memorial Highway. This downtown area is a mix of business and residential zoning. Traffic was the predominant noise source at all these locations. The paper mill to the north was audible from point 9D but not from the other three points. Short term measurements were taken at all four locations during off hours, at points 9A, 9B, and 9C during rush hour, and at point 9C at night.
10. Point 10 (WD-1275, Samantha Park) – This point is located midway along the southeast boundary of Samantha Park. The surrounding area is residential to the north and west and business/industrial to the south and east. The primary noise sources at this point were traffic, insects/wildlife, thunder and rain, as well as some industrial noise. A 24-hour, long term measurement was taken at this location.
11. Point 11 (Nicolet Place) – This point is located at the east side of the cul-de-sac at the end of Nicolet Place off Lost Dauphin Road. The surrounding area is mostly residential. The main sources of noise at this point were traffic, insects/wildlife, and some noise from recreational activities and mowing at nearby residences. An 18-hour, long term measurement was taken at this location.



Figure 2: Long-term Measurement Equipment at Nicolet Place.

12. Point 12 (O'Keefe Court) – This point is located at the north side of the cul-de-sac at the end of O'Keefe Court off O'Keefe Road. The surrounding area is a mix of residential and business/industrial. The main noise sources at this point were traffic, insects/wildlife, and recreational activities and mowing from the nearby residences. A 24-hour, long term measurement was taken at this location.

Figure 3 below gives a graphical summary of when measurements were taken at each location throughout our study.

	Monday		Tuesday					Wednesday			
	PM Off	PM Rush	AM Rush	AM Off	PM Off	PM Rush	Night	AM Rush	AM Off	PM Off	PM Rush
Point 1		X	Rain		X						
Point 2		X			X						
Point 3		X			X		X				
Point 4						X	X		X		
Point 5				X							X
Point 6				X							X
Point 7											
Point 8				X			X				X
Point 9	X						X	X	X		
Point 10	Long-term Measurement										
Point 11										Long-term Measurement	
Point 12					Long Term Measurement						

Figure 3: Graphical Schedule of Measurements.

Measurement Methodology

- All measurements were taken using NTI XL2 Sound Level Meters with M2211 Type 1 microphones with 4-inch diameter windscreens. The long-term measurements also included an NTI WP-30 weather protective housing on the measurement microphone. Appropriate correction factors were applied to account for the effect of the housing. The sound level meters were calibrated before and after each series of measurements with an NTI Class 1 Sound Calibrator. Wind speed and temperature readings were taken at the beginning and end of each measurement series.
- Short term measurements consisted of a 10-, 15-, or 20-minute continuous measurement. The meter was mounted on a tripod during the measurements. Audio recordings were also made during the measurements for future reference. The following lists the specifics of each type of short-term measurement taken.
 - Rush Hour measurements were taken either between 7:30 and 8:30 AM or between 4:30 and 5:30 PM to capture the higher noise levels associated with increased traffic during these periods. These measurements were taken over 15-minute periods.
 - Off Hour measurements were taken between 9:30 and 11:30 AM or between 1:30 and 3:30 PM to capture normal daytime hours. These measurements were taken over 20-minute periods.
 - Nighttime measurements were taken between 9:45 and 11:00 PM to capture typical nighttime noise levels. These measurements were taken over 10-minute periods.
- Long term measurements were taken with an unmonitored sound level meter secured at the measurement location in a weatherproof case. The microphone was remotely mounted on a stand that was staked to the ground near the case. Audio recordings were made during the measurements for future reference.
- The primary sound level metric of interest for this study is the A-weighted equivalent sound pressure level (abbreviated LAeq). This is a time-weighted average of the sound pressure level over the period measured with a frequency-weighting applied to account for the variation in sensitivity to different frequencies of the human ear.
- The attached details, NS-01 through NS-17, show satellite views of the measurement locations, the measured LAeq values for each measurement point, and the frequency spectrum for the short-term measurements and rolling 10-minute equivalent LAeq values measured throughout the period of the long-term measurements

Discussion

- Figures 4 and 5 below gives a summary of the short- and long-term measurements. The following sections discuss notable characteristics regarding the measured noise levels.

Location	Zone	Off Hours LAeq (dBA)	Rush Hour LAeq (dBA)	Night LAeq (dBA)
Point 1	Industrial	56	52	-
Point 2	Industrial	57	54	-
Point 3	Residential	56	55	48
Point 4A	Business/Residential	55	56	-
Point 4B	Business/Residential	65	66	58
Point 4C	Business/Residential	61	62	-
Point 5	Industrial/Business	62	61	-
Point 6	Industrial/Business	51	58	-
Point 8	Residential	46	60	45
Point 9A	Business/Residential	66	68	-
Point 9B	Business/Residential	68	70	-
Point 9C	Business/Residential	69	69	62
Point 9D	Business/Residential	62	-	-

Figure 4: Summary Short-Term Measurements.

- The measurements at points 1, 2, and 5 (highlighted in red in Figure 4) show that the noise levels in these areas are higher during off hours than during rush hour. This was due primarily to increased truck traffic in these mostly industrial areas during the day. This truck traffic seemed to lessen during the rush hour time frame.
- The measured noise at the downtown locations (highlighted in green in Figure 4) was dominated by traffic noise. The noise levels were relatively constant throughout the day with only a slight increase during the rush hour timeframe. The noise decreased during the nighttime hours as traffic was reduced.
- The significant increase in rush hour noise compared to off hours noise at point 8 (highlighted in blue in Figure 4) was due to mowing and leaf blowing activity at one of the nearby houses rather than to any increase in traffic associated with the time of day.
- Noise levels at point 3 (highlighted in orange in Figure 4) were relatively consistent throughout the day with a significant decrease in level at night. The primary noise source at this point was the nearby highway which appeared to have consistent levels of traffic throughout the day but fell off during the nighttime hours.
- The measured noise levels at point 6 (highlighted in purple in Figure 4) indicate a noticeable increase between off hours and rush hour. This was due to increased traffic in the area.

Location	Zone	Full LAeq (dBA)	Daytime LAeq (dBA)	Nighttime LAeq (dBA)
Point 10	Residential/Industrial	50	50	49
Point 11	Residential	52	53	48
Point 12	Residential/Industrial	51	52	48

Figure 5: Summary of Long-Term Measurements.

- As can be seen in Figure 5, the long-term measurements show noise levels that are slightly higher in the daytime than during the nighttime. Nighttime levels were consistent over all three locations. The three long-term measurement locations were primarily residential zones (with some industrial zones near point 10) and appeared to have similar noise levels.

Analysis

1. Review of the collected data reveals that noise levels across the city are fairly typical for each respective environment. Dense downtown commercial areas were the loudest due to traffic noise (Points 4 and 9), while the outlying business, industrial, and residential areas experienced very similar noise levels as a mix between traffic, environmental, and general activity noise,
 - a. This signifies to us that the multiple categories of noise levels based on source and receiving zone types is excessive and unnecessary. A simpler guideline of noise levels based only on receiving zone would be sufficient and easier to understand and enforce. This would result in stricter standards for commercial and industrial zones than under the current ordinance, but that would appear to have little to no impact on current activities and businesses.
 - b. The downtown areas (points 4 and 9) that experience a higher ambient noise level, both day and night, would benefit from attention to noise in the Building Code to make sure building envelopes and internal partitions between tenants are properly constructed to minimize ambient noise intrusion.
2. It is interesting to note that traffic noise due to truck traffic is a primary noise source in many of the industrial and commercial areas, but that noise from activities on the properties were not a major factor. For future city planning it may be beneficial to plan truck routes to and from these zones that avoid the bordering residential areas as much as possible.

Please let us know if you have any questions.

Very truly yours,

AVANT ACOUSTICS, LLC



Andrew J. VonFeldt
Senior Associate

Enclosures:

NS-01 – Overall Noise Study Map

NS-02 through NS-17 – Individual Point Measurement Summaries

DE PERE COMMUNITY
NOISE STUDY
DE PERE, WI

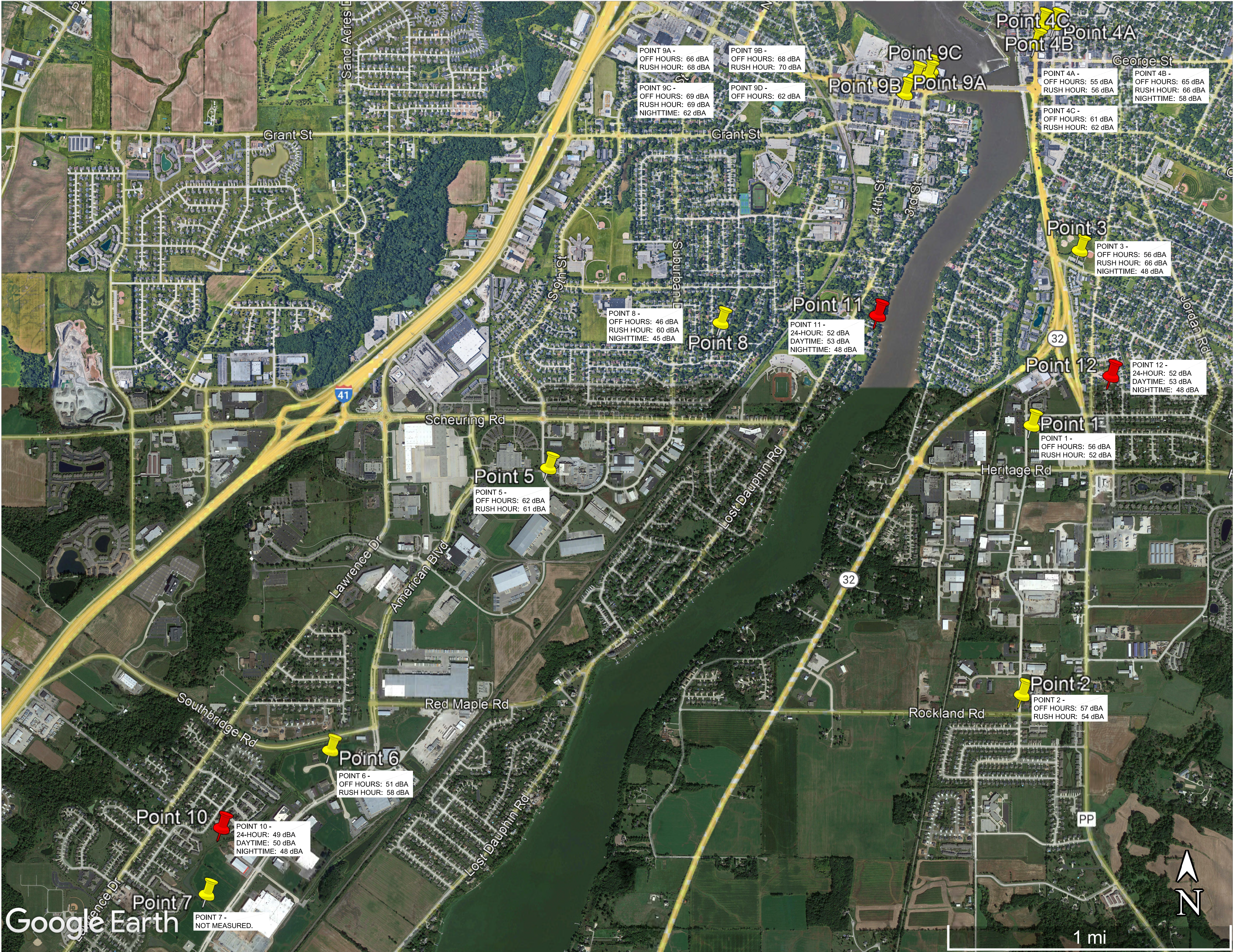
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Design: AJV
Drawn: AJV
Approved By: JMH
Date: 10/20/22
Job Number: C2050

OVERALL NOISE
STUDY MAP

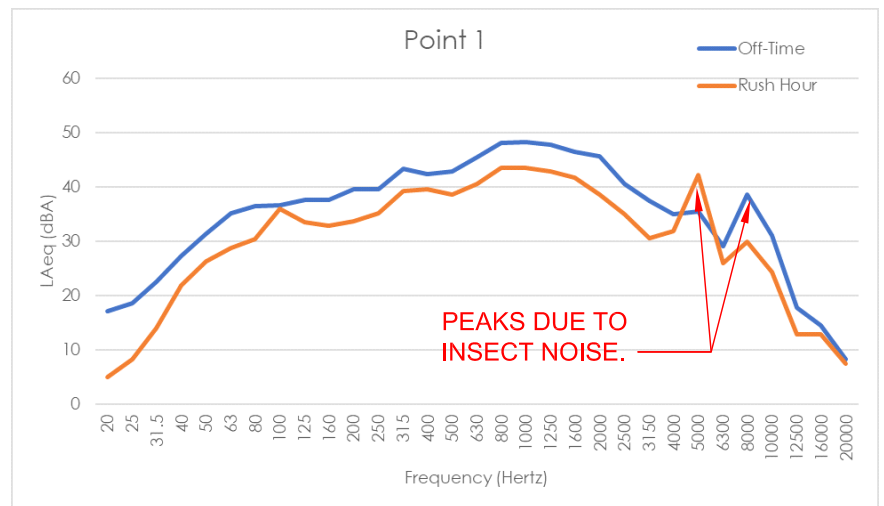
NS-01



POINT 1



Point 1	
Measurement	L _{Aeq} (dBA)
Off Hours	56
Rush Hour	52



NS-02

DE PERE NOISE STUDY

DE PERE, WI
POINT 1
MEASUREMENT SUMMARY

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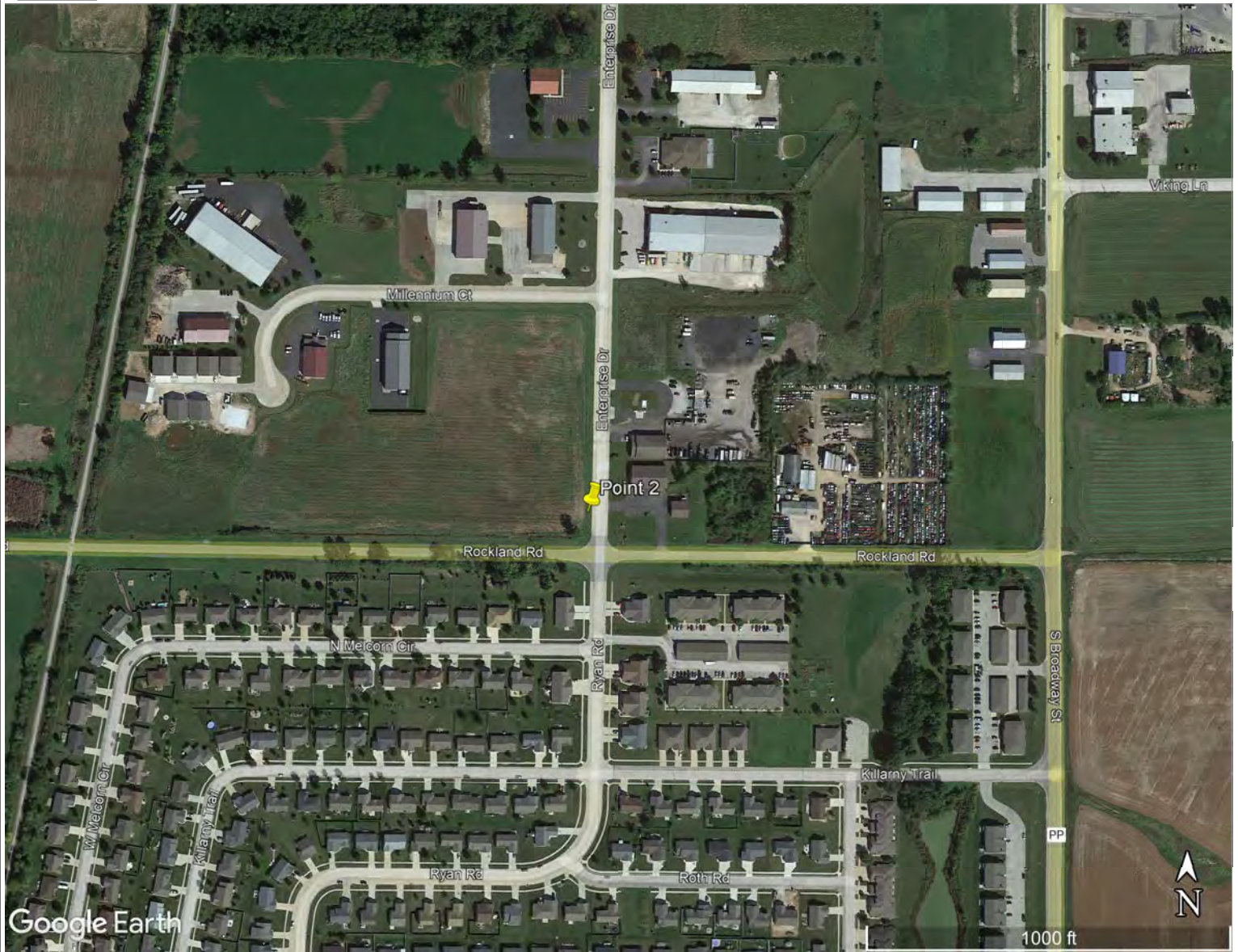
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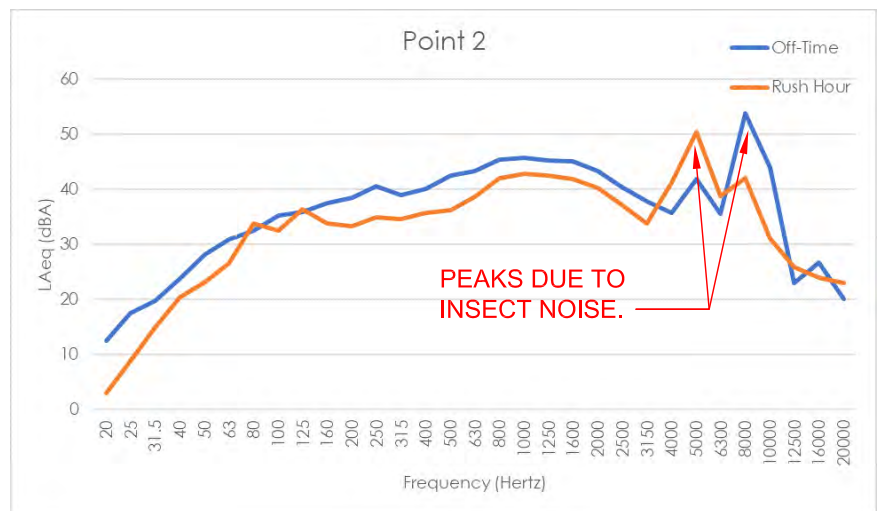
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POINT 2



Point 2	
Measurement	LAeq (dBA)
Off Hours	57
Rush Hour	54



NS-03

DE PERE NOISE STUDY

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POINT 2
MEASUREMENT SUMMARY

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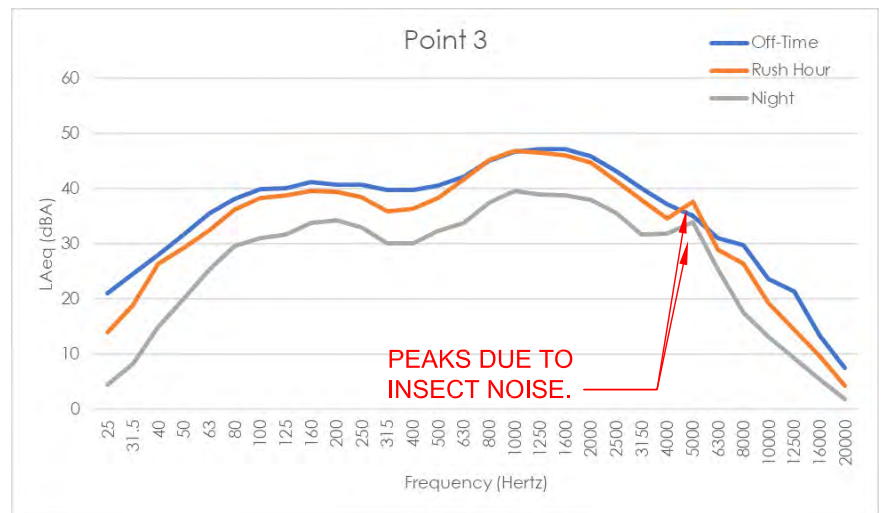
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POINT 3



Point 3	
Measurement	L _{Aeq} (dBA)
Off Hours	56
Rush Hour	55
Night	48



NS-04

DE PERE NOISE STUDY DE PERE, WI POINT 3 MEASUREMENT SUMMARY

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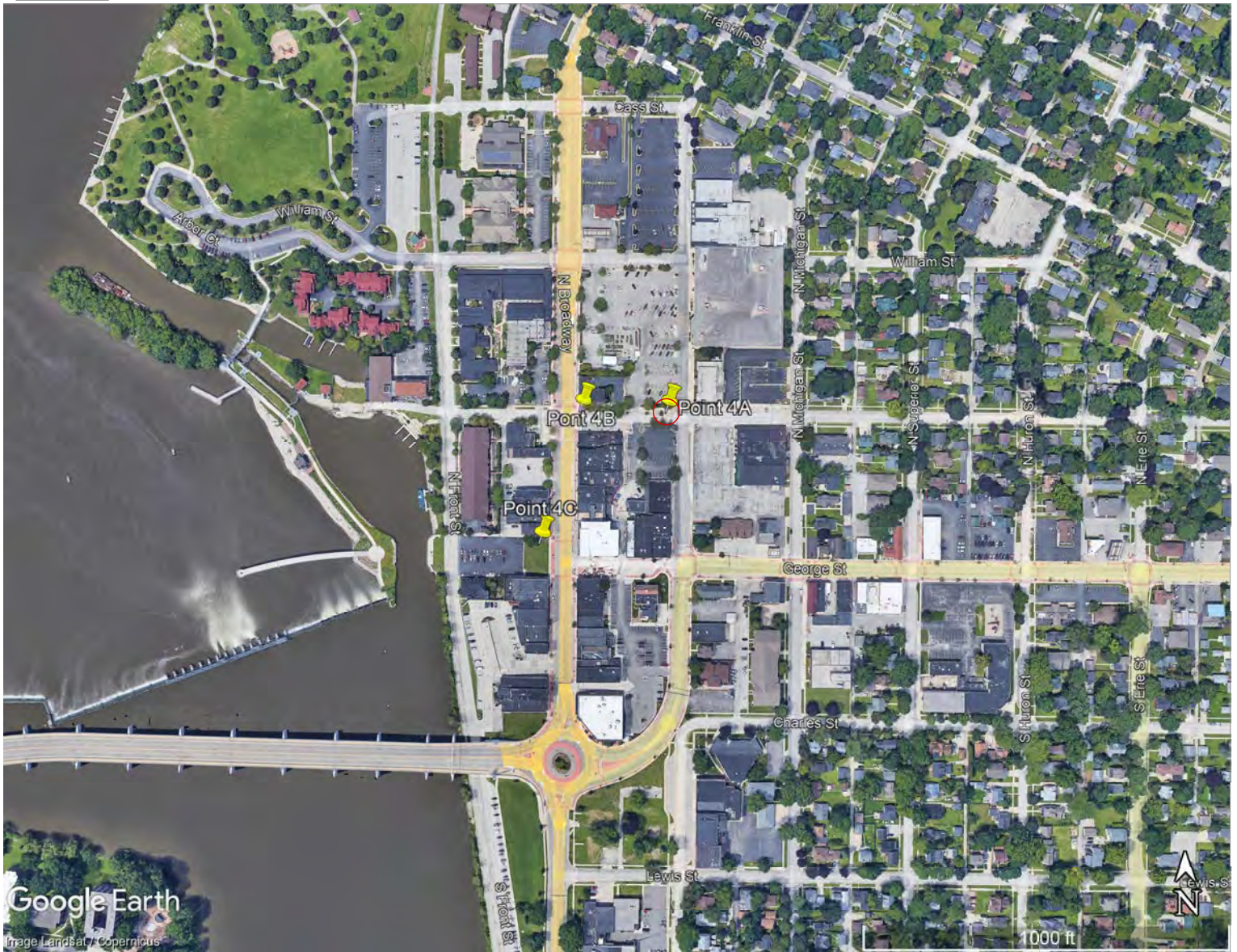
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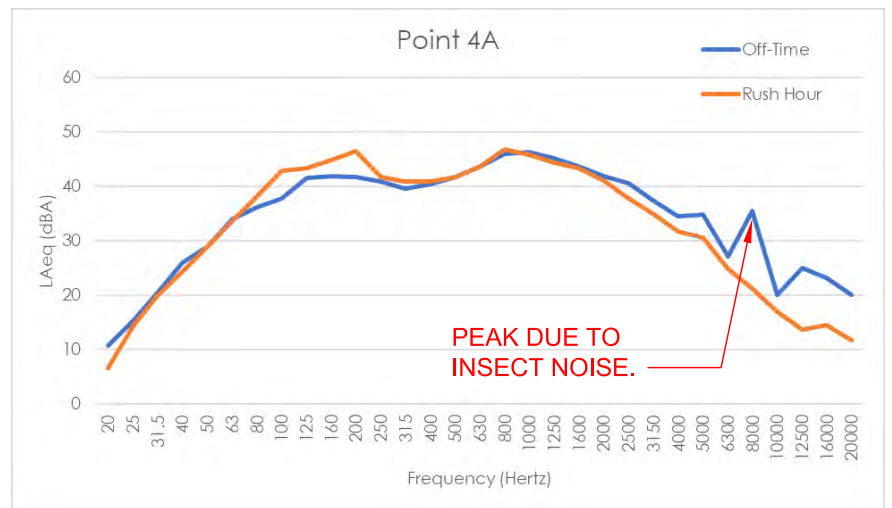
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POINT 4A



Point 4A	
Measurement	LAeq (dBA)
Off Hours	55
Rush Hour	56



NS-05

DE PERE NOISE STUDY

DE PERE, WI
POINT 4A
MEASUREMENT SUMMARY

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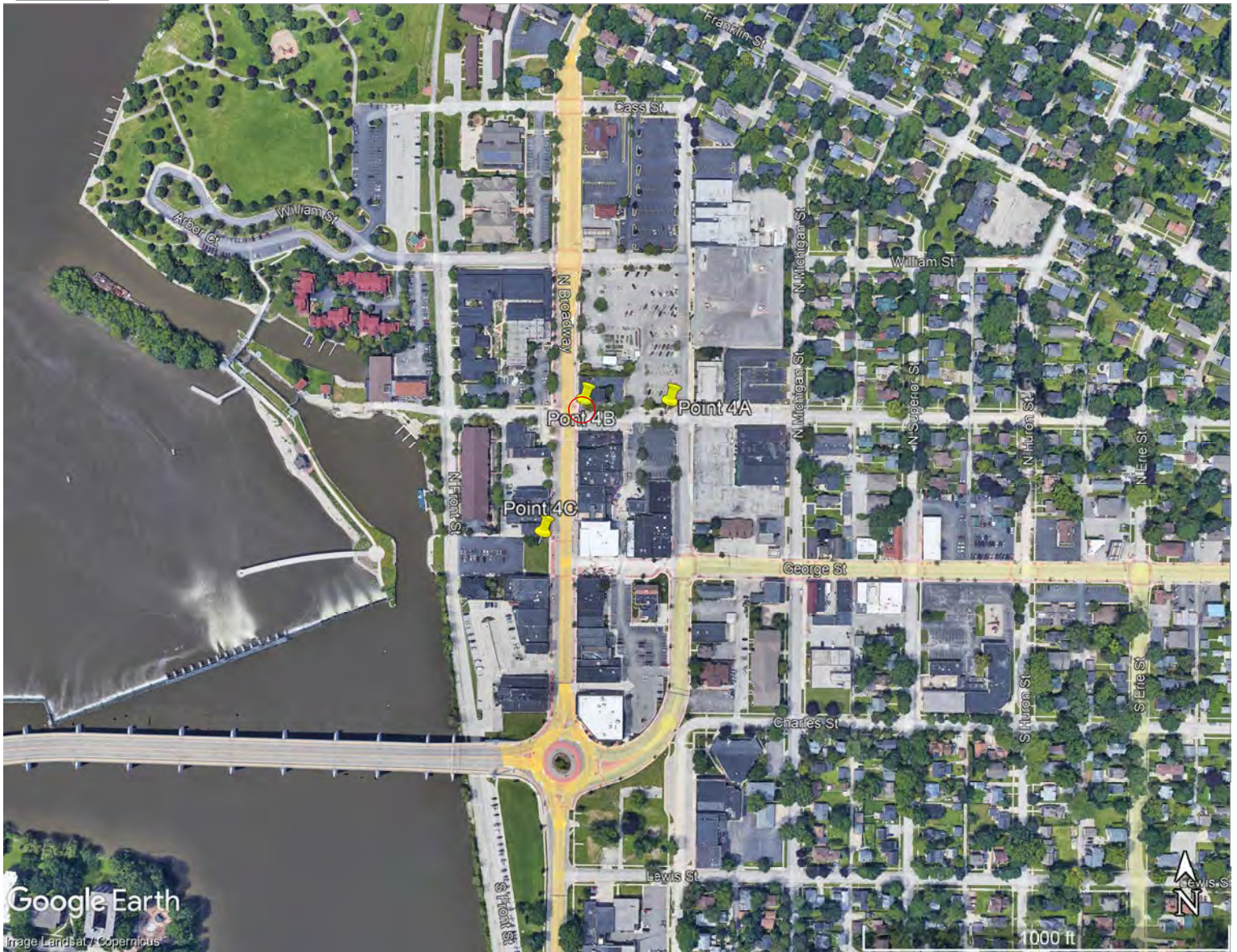
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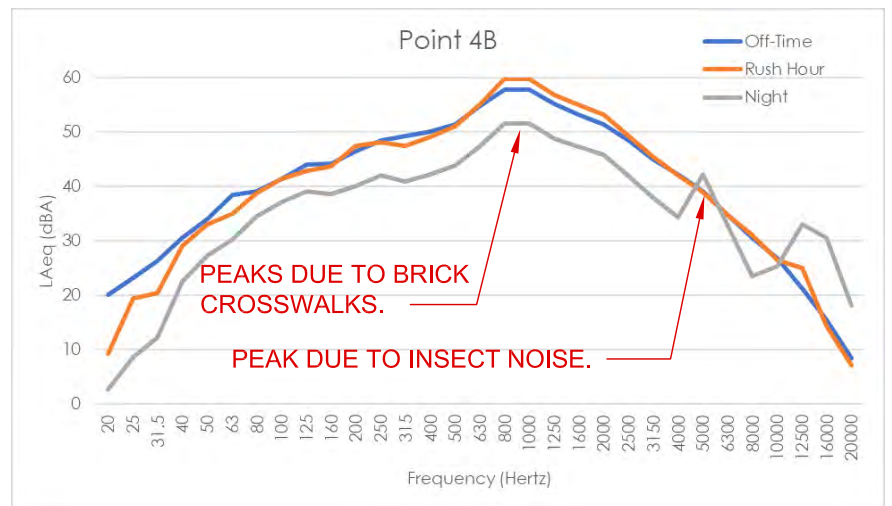
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POINT 4B



Point 4B	
Measurement	LAeq (dBA)
Off Hours	65
Rush Hour	66
Night	58



NS-06

DE PERE NOISE STUDY

DE PERE, WI
POINT 4B
MEASUREMENT SUMMARY

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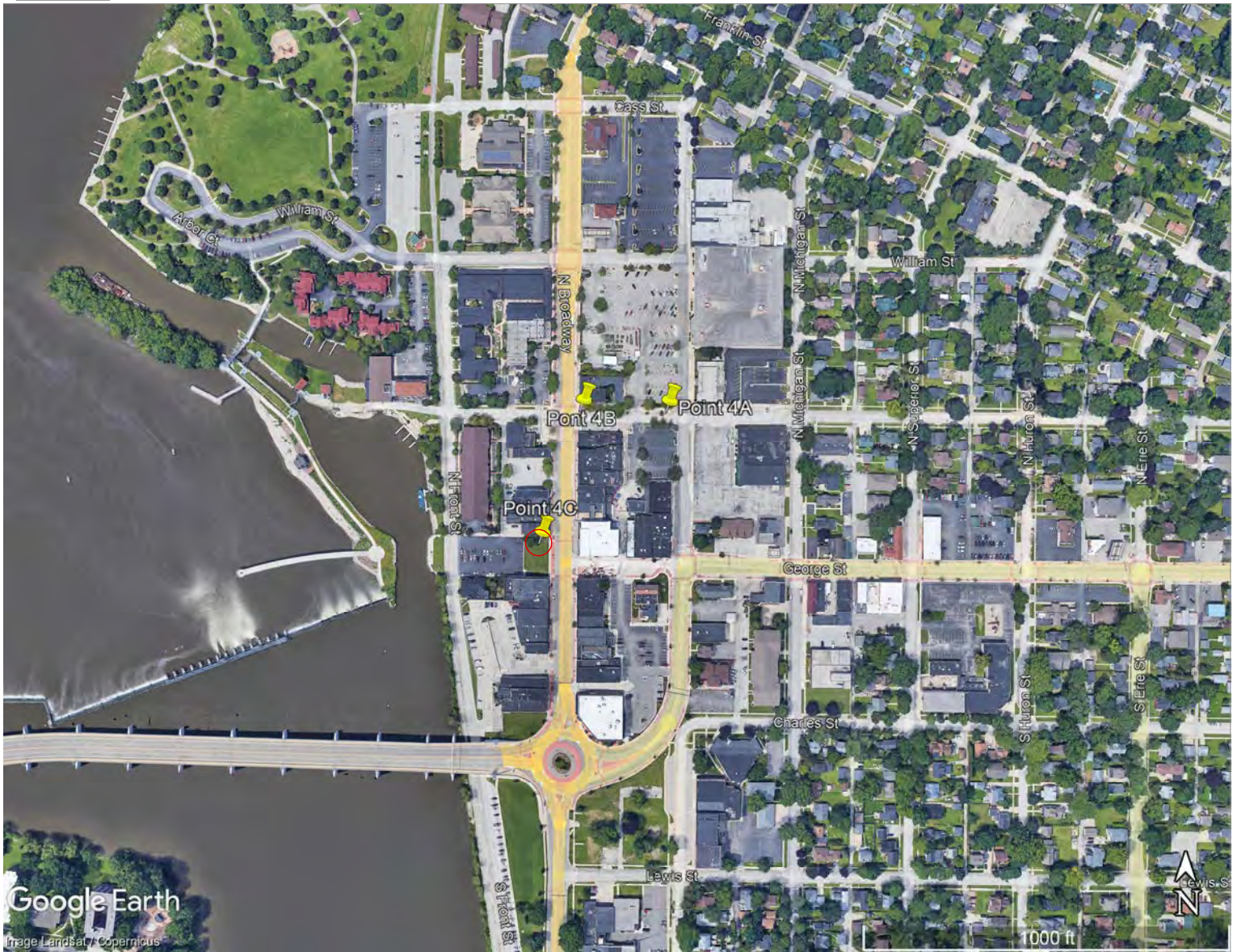
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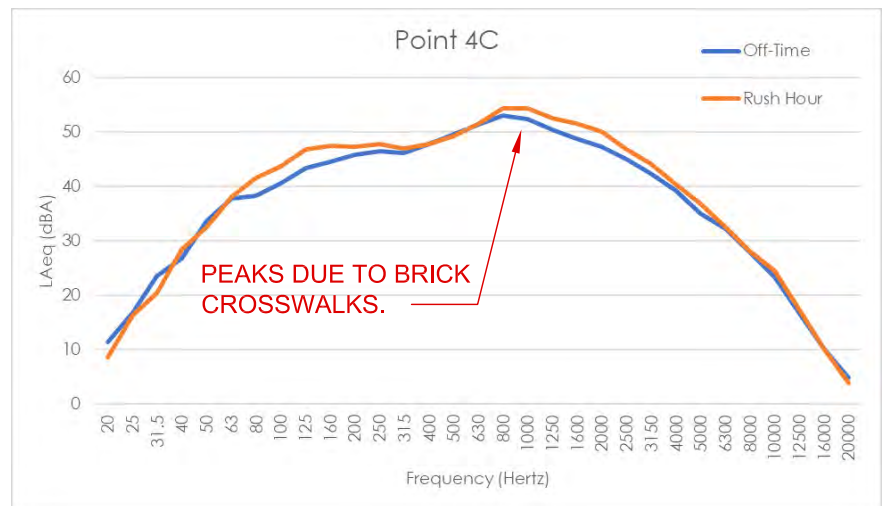
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POINT 4C



Point 4C	
Measurement	L _{Aeq} (dBA)
Off Hours	61
Rush Hour	62



NS-07

DE PERE NOISE STUDY

DE PERE, WI
POINT 4C
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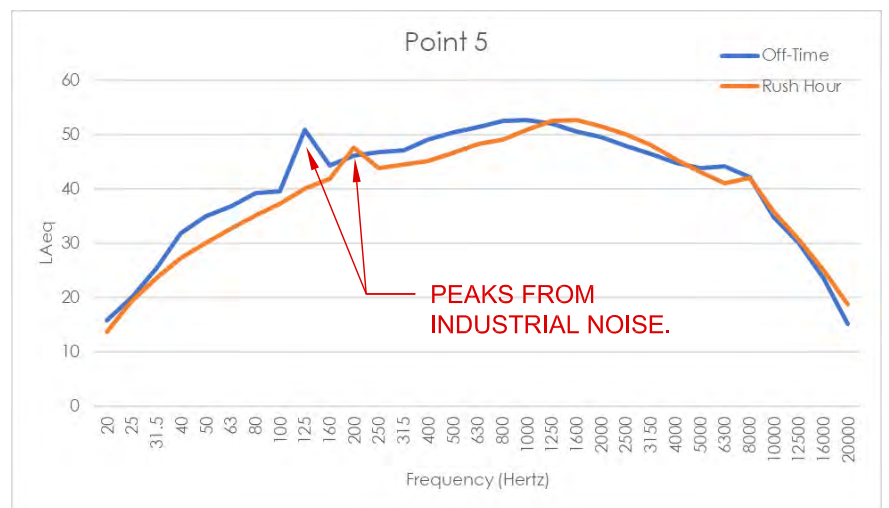
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POINT 5



Point 5	
Measurement	L _{Aeq} (dBA)
Off Hours	62
Rush Hour	61



NS-08

DE PERE NOISE STUDY

DE PERE, WI
POINT 5
MEASUREMENT SUMMARY

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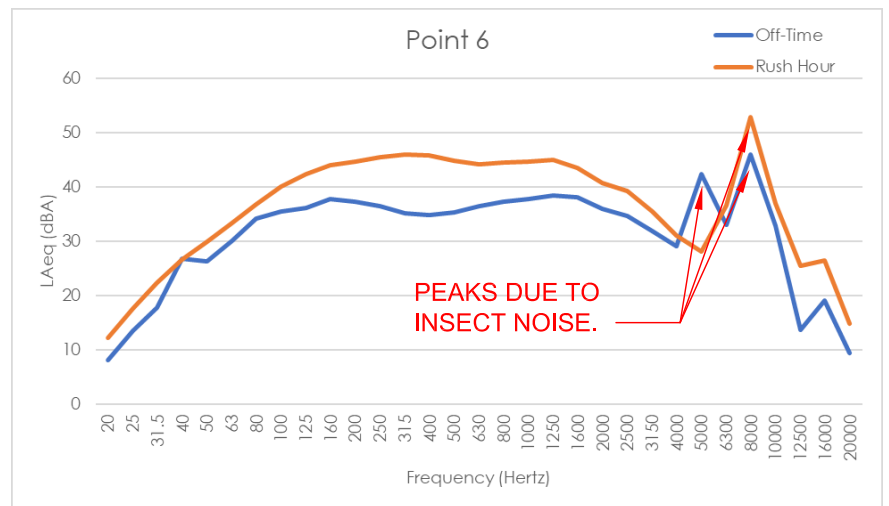
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POINT 6



Point 6	
Measurement	LAeq (dBA)
Off Hours	51
Rush Hour	58



NS-09

DE PERE NOISE STUDY

DE PERE, WI
POINT 6
MEASUREMENT SUMMARY

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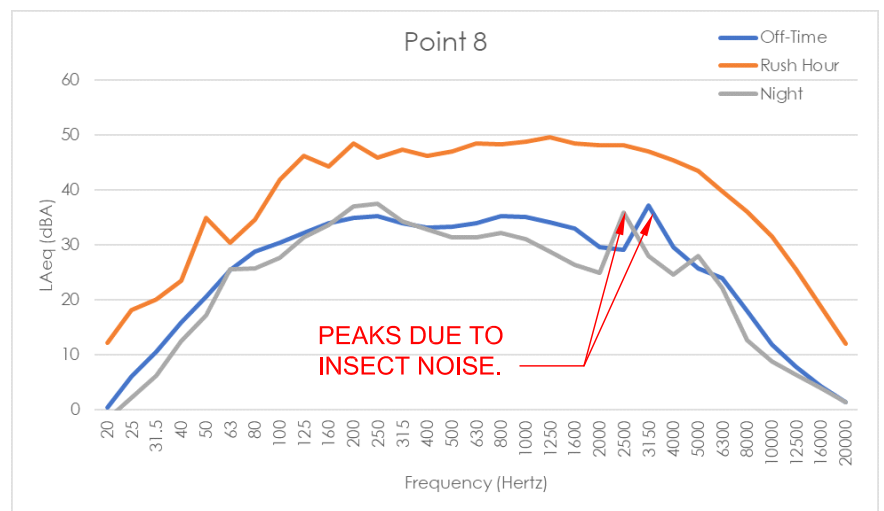
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POINT 8



Point 8	
Measurement	L _{Aeq} (dBA)
Off Hours	46
Rush Hour	60*
Rush Hour	45

*RUSH HOUR NOISE INCREASE
PRIMARILY DUE TO MOWING ACTIVITY
AT NEARBY RESIDENCE.



NS-10

DE PERE NOISE STUDY DE PERE, WI POINT 8 MEASUREMENT SUMMARY

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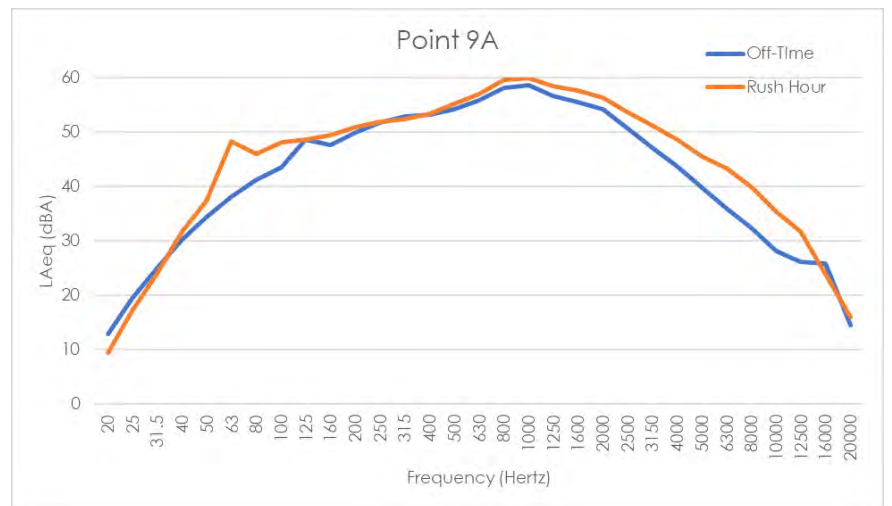
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POINT 9A



Point 9A	
Measurement	L _{Aeq} (dBA)
Off Hours	66
Rush Hour	68



NS-11

DE PERE NOISE STUDY

DE PERE, WI
POINT 9A
MEASUREMENT SUMMARY

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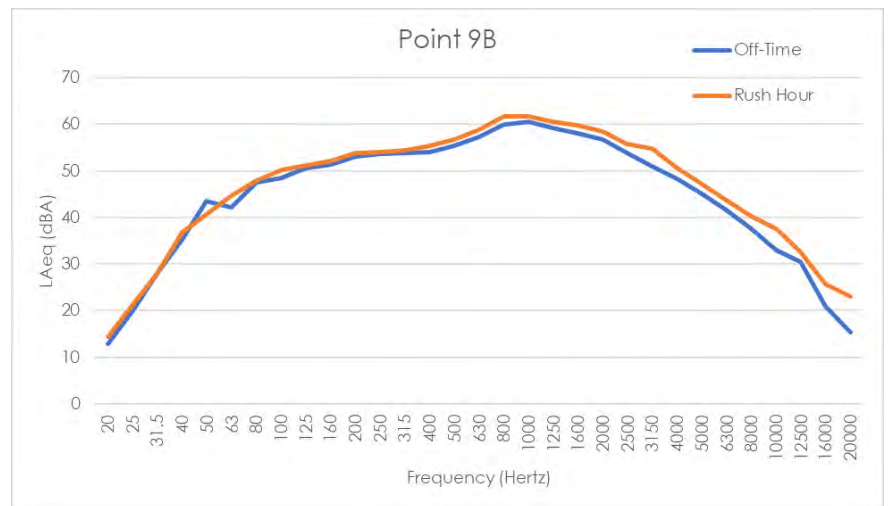
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POINT 9B



Point 9B	
Measurement	L _{Aeq} (dBA)
Off Hours	68
Rush Hour	69



NS-12

DE PERE NOISE STUDY

DE PERE, WI
POINT 9B
MEASUREMENT SUMMARY

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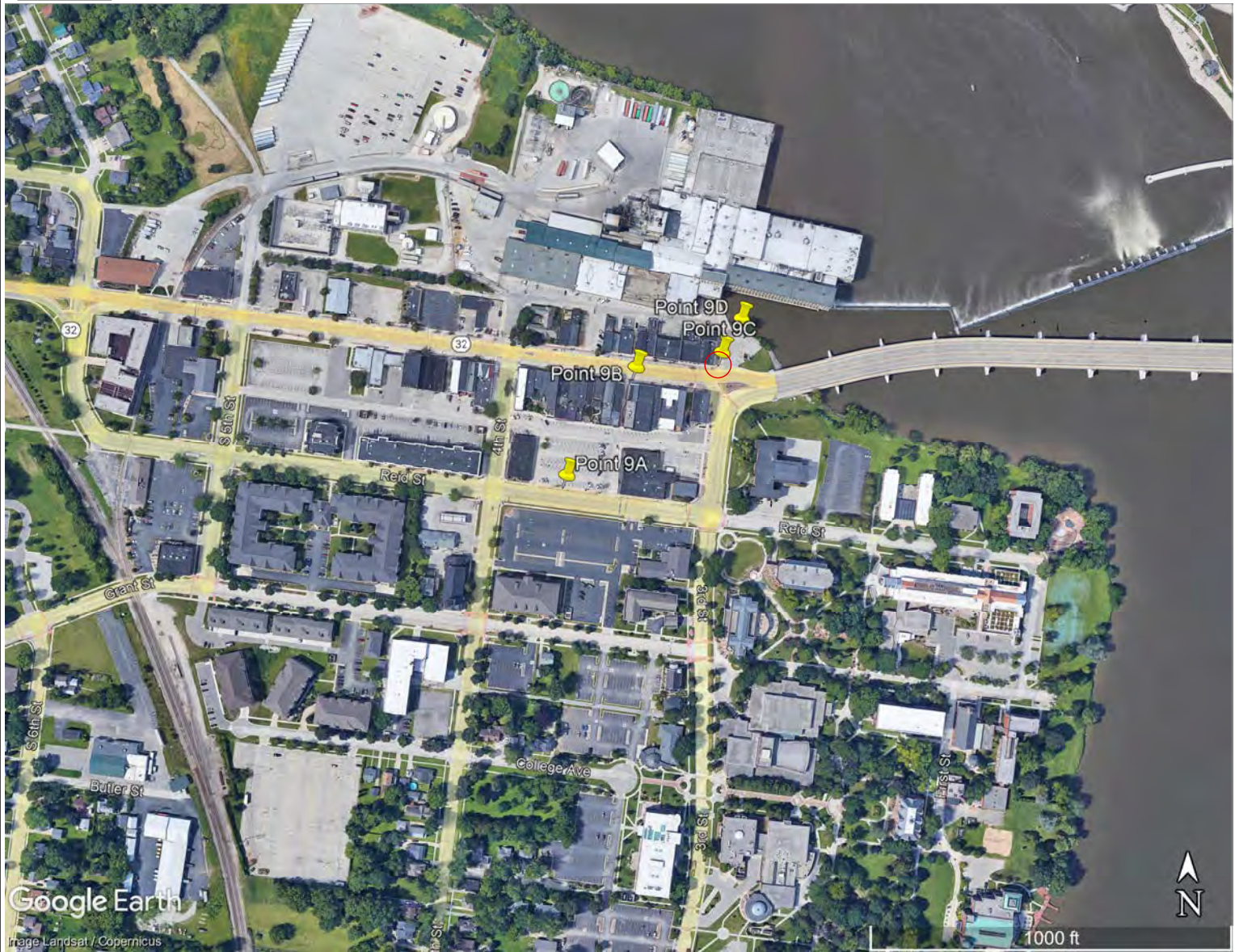
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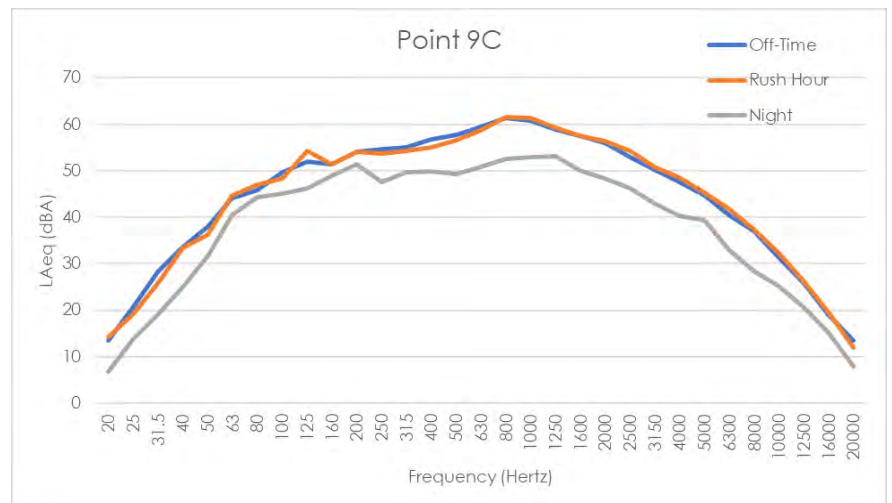
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POINT 9C



Point 9C	
Measurement	L _{Aeq} (dBA)
Off Hours	69
Rush Hour	69
Night	62



NS-13

DE PERE NOISE STUDY

DE PERE, WI
POINT 9C
MEASUREMENT SUMMARY

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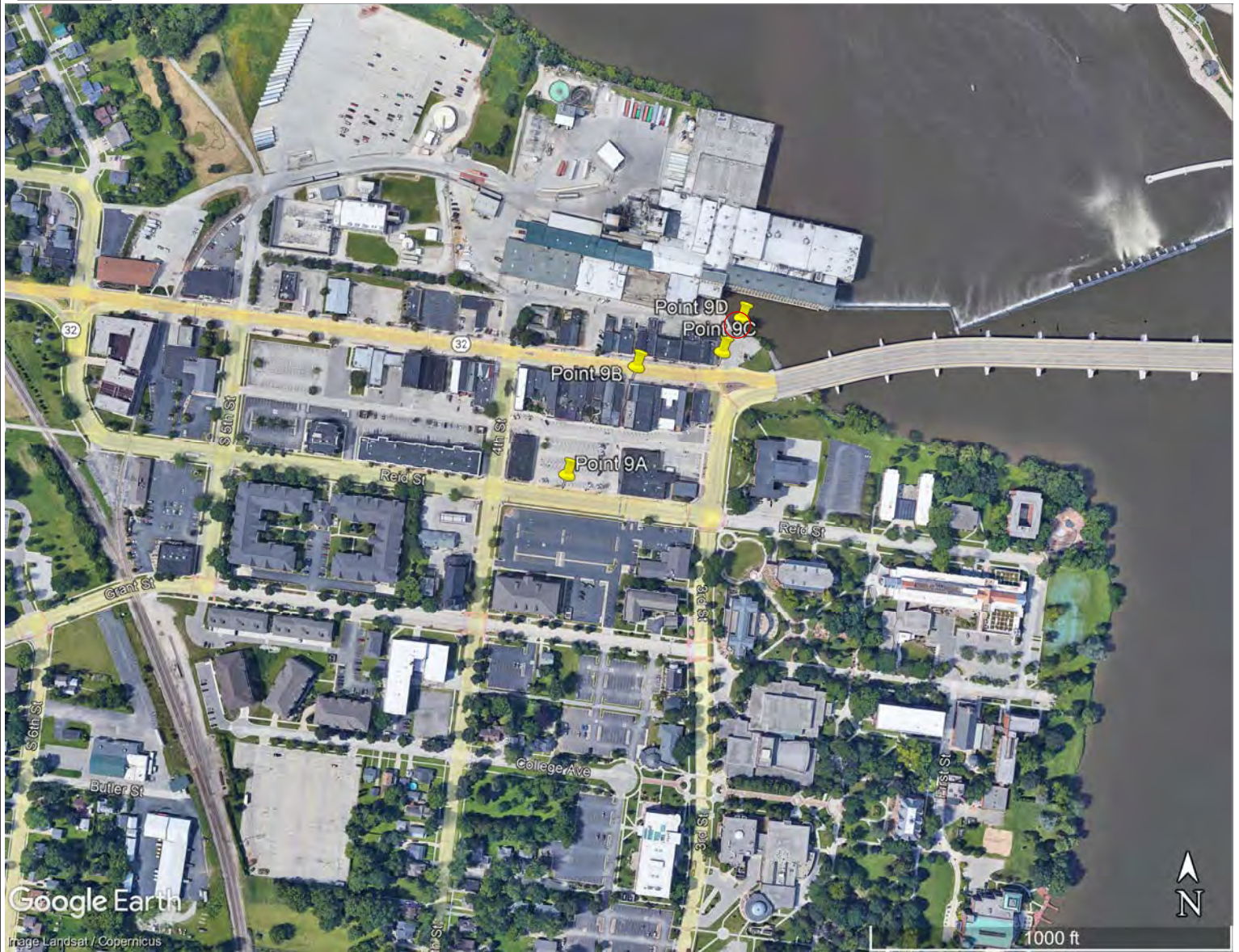
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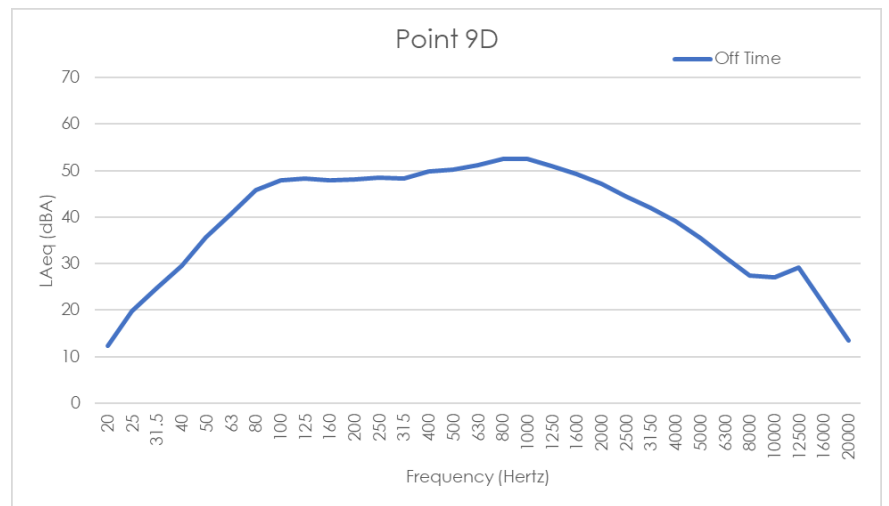
BY: AJV

Packet Pg. 186

POINT 9D



Point 9D	
Measurement	L _{Aeq} (dBA)
Off Hours	62



NS-14

DE PERE NOISE STUDY

DE PERE, WI
POINT 9D
MEASUREMENT SUMMARY

AVANT
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14827 WEST 95TH STREET
LENEXA, KS 66215 USA
913.888.9111

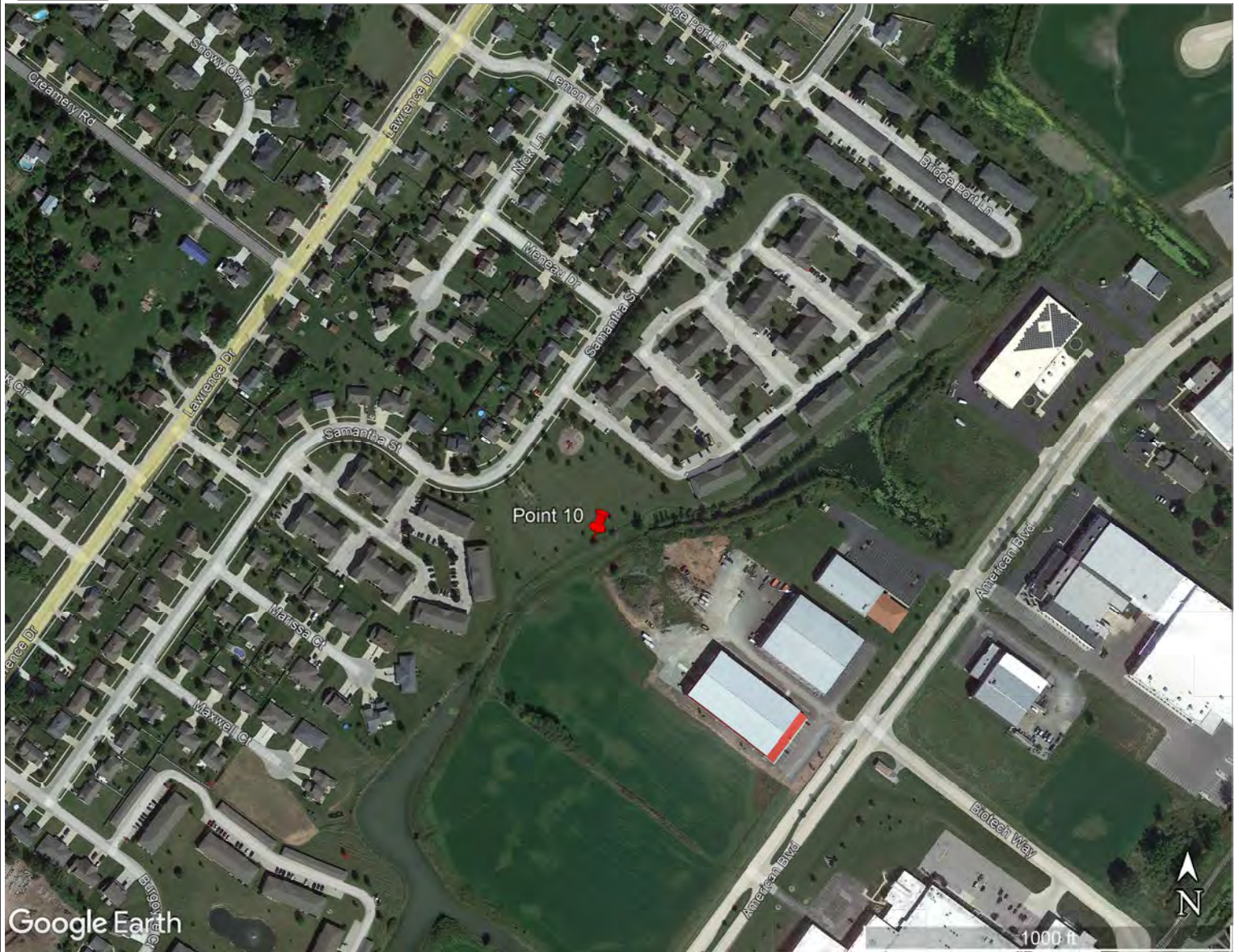
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DATE: 10/20/22

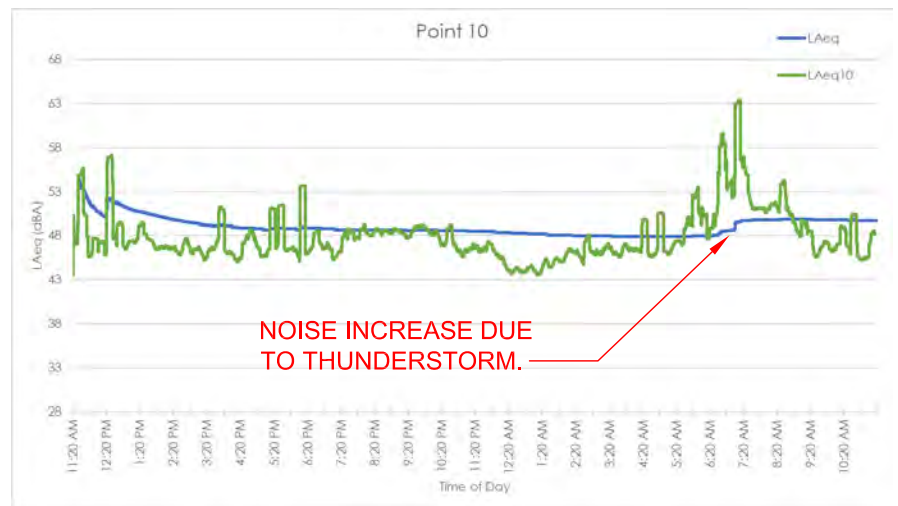
BY: AJV

Packet Pg. 187

POINT 10



Point 10	
Period	LAeq (dBA)
Full	50
Day	50
Night	49



NS-15

DE PERE NOISE STUDY

DE PERE, WI
POINT 10
MEASUREMENT SUMMARY

AVANT
ACOUSTICS®

14827 WEST 95TH STREET
LENEXA, KS 66215 USA
913.888.9111

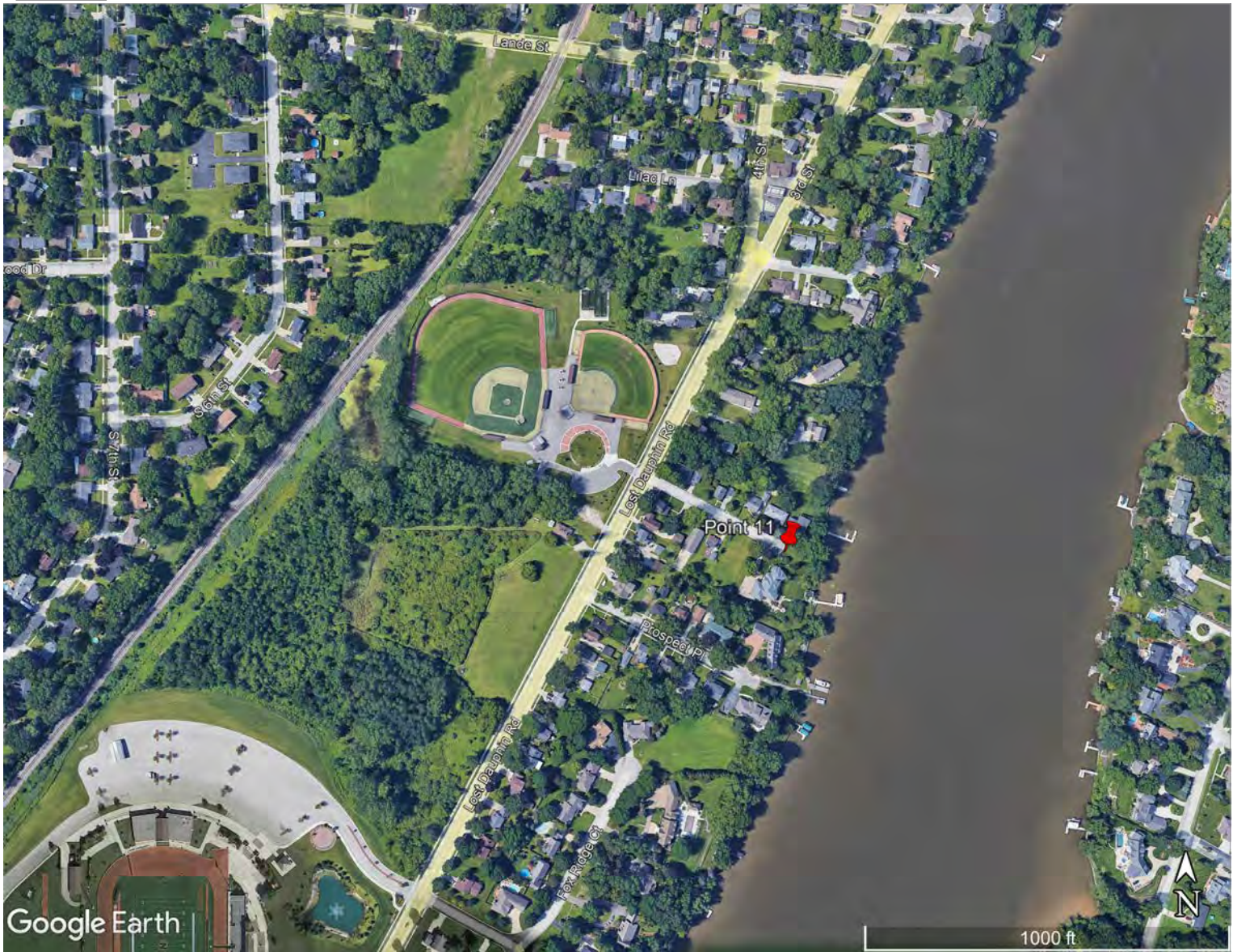
WWW.AVANTACOUSTICS.COM FILE: C2050

DATE: 10/20/22

BY: AJV

Packet Pg. 188

POINT 11



Point 11	
Period	LAeq (dBA)
Full	52
Day	53
Night	48

*NOTE THAT THIS MEASUREMENT WAS ONLY AROUND 18 HOURS RATHER THAN 24 DUE TO THE TIME CONSTRAINTS OF OUR VISIT.



NS-16

DE PERE NOISE STUDY

DE PERE, WI
POINT 11
MEASUREMENT SUMMARY

AVANT
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14827 WEST 95TH STREET
LENEXA, KS 66215 USA
913.888.9111

WWW.AVANTACOUSTICS.COM FILE: C2050

DATE: 10/20/22

BY: AJV

14827 West 95th St. Lenexa, Kansas 66215
ph. 913.888.9111 fx. 913.888.9193

February 17, 2023

Mr. Anthony Wachewicz
City Attorney – City of De Pere
335 S. Broadway
Address 2
De Pere, WI 54115

Re: De Pere Noise Ordinance Review
De Pere, Wisconsin
AVANT File: C2050

Dear Anthony:

We have reviewed the current noise ordinance for the City of De Pere, Wisconsin with the intent of providing recommendations for making the ordinance clearer, more practical, and more enforceable. To validate our recommendations, we visited De Pere in September of 2022 to perform a noise study throughout the city. The following letter summarizes the findings of our noise study and our noise ordinance revision recommendations.

City-Wide Noise Study

During the week of our noise study, we took multiple noise level measurements at a total of 16 locations. The study included short-term measurements during off-hours and during rush hour at 13 locations, short-term nighttime measurements at 4 locations, and long-term measurements at 3 locations. The locations were chosen to provide a good cross-section of the different types of zoning that can be found dispersed across the city. The results of the measurements are shown in Figures 1 and 2 below. Some conclusions drawn from these measurements are included below. The attached detail NS-01 shows the locations of these points throughout the city.

Location	Zone	Off Hours LAeq (dBA)	Rush Hour LAeq (dBA)	Nighttime LAeq (dBA)
Point 1	Industrial	56	52	-
Point 2	Industrial	57	54	-
Point 3	Residential	56	55	48
Point 4A	Business/Residential	55	56	-
Point 4B	Business/Residential	65	66	58
Point 4C	Business/Residential	61	62	-
Point 5	Industrial/Business	62	61	-
Point 6	Industrial/Business	51	58	-
Point 7	Omitted due to close proximity with point 10.			
Point 8	Residential	46	60	45
Point 9A	Business/Residential	66	68	-
Point 9B	Business/Residential	68	70	-
Point 9C	Business/Residential	69	69	62
Point 9D	Business/Residential	62	-	-

Figure 1: Short-term Noise Measurement Results.

Location	Zone	Full LAeq (dBA)	Daytime LAeq (dBA)	Nighttime LAeq (dBA)
Point 10	Residential/Industrial	50	50	49
Point 11	Residential	52	53	48
Point 12	Residential/Industrial	51	52	48

Figure 2: Long-term Noise Measurement Results.

- The data from our measurements indicates that noise levels throughout the city are typical, in our experience, for each type of zone. Downtown commercial areas were the loudest due to traffic noise, while the outlying business, industrial, and residential areas experienced very similar noise levels with a mix of traffic, environmental, and general activity noise contributions.
- Since a significant portion of the measured noise in and around the commercial and industrial zones was related to vehicular traffic, it may be beneficial for the city to consider creating specific truck routes into and out of these areas that avoid neighboring residentially zoned areas to help contain the noise.

Noise Ordinance Review

In reviewing the existing noise ordinance, we found several specific sections that we think could be improved. The following section lists those areas and our recommendations for addressing them.

- The noise ordinance starts with a section defining the technical terms that are used throughout the rest of the ordinance. We suggest updating and simplifying this section to only include the relevant terms and to define the terms concisely, referring to outside standards and other technical sources for things like mathematical derivations. Keeping this section simple and succinct should help make it more understandable.
- We suggest adding a section to the ordinance to address protecting the public from noise exposure related hearing loss. This section should be an overarching regulation that is not subject to exemption. We suggest using noise limitations similar to those required for hearing protection by OSHA or NIOSH with the aim of protecting the public from being exposed to noise levels that would cause permanent damage to their hearing.
- In general, we found that there were a number of sections within the noise ordinance that were either unclear or provided unnecessarily broad exceptions. We suggest clarifying what the requirements of the noise ordinance are and providing specific and reasonable requirements for any exceptions to the limits set in the ordinance.
- The current noise ordinance provides separate noise level requirements for various combinations of adjacent zones giving different sound level limits depending on which zone is the noise source and which is the receiver. We suggest simplifying this section to include only noise level limits for each type of zone property line. In cases where different zones are adjacent to each other, the stricter zone noise limit would take precedence. Keeping this section simple and concise should make the noise ordinance less confusing and easier to enforce. We also suggest that the measurement procedures and reporting outlined in this section be very clear and specific.
- We recommend clarifying and standardizing the section in the ordinance dealing with vibration to make measurement procedures and reporting consistent with typical industry standard methods. This should help to make the ordinance requirements clear and enforceable.



De Pere Noise Ordinance Review
De Pere, Wisconsin
AVANT File: C2050
February 17, 2023
Page 3 of 3

Building Code

In order to address noise complaints from neighboring properties that share a common wall, we suggest adding language to the building code adopted by the city that requires demising constructions to be built in such a way as to limit the background noise transmitted into adjacent spaces. It may be prudent to require that, as part of the city permitting process, an acoustical consultant is employed to provide analysis and a report in special cases where a residential dwelling or other "quiet" establishment is adjacent to an entertainment venue, fitness center, or any tenant that generates loud noises or has an amplified sound system.

Please let us know if you have any questions.

Very truly yours,

AVANT ACOUSTICS, LLC



Andrew J. VonFeldt
Senior Associate

Enclosure
NS-01 – Overall Noise Study Map



DE PERE COMMUNITY
NOISE STUDY
DE PERE, WI

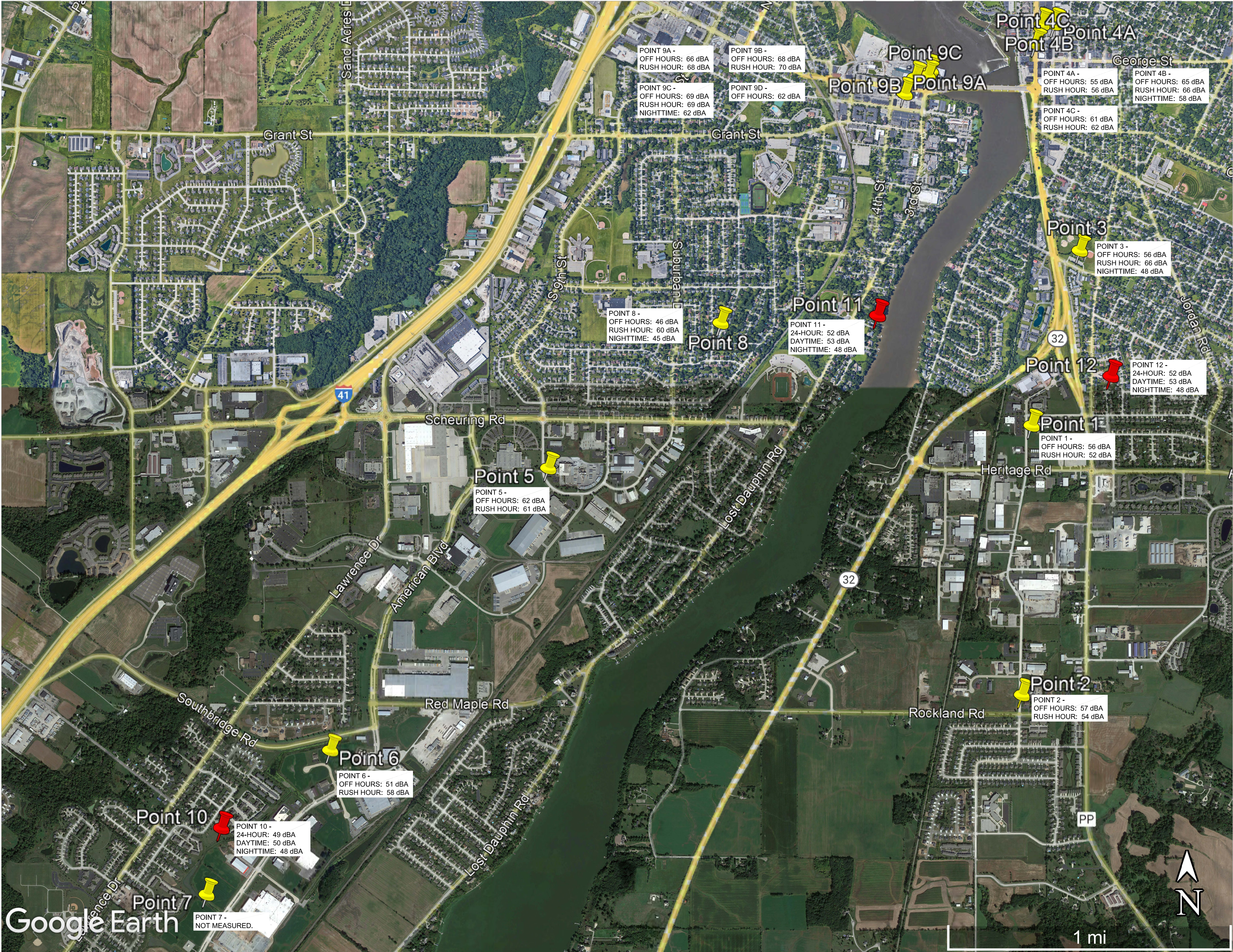
REV.	DATE	DESCRIPTION

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Design: AJV
Drawn: AJV
Approved By: JMH
Date: 10/20/22
Job Number: C2050

OVERALL NOISE
STUDY MAP

NS-01





City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Sustainability Commission

FROM: Scott Thoresen

SUBJECT: Ordinance #23-06 Amending Section 74-10 of the De Pere Municipal Code Regarding Noxious Weeds and Planned Natural Landscaping Area.

The Sustainability Commission at the April 11, 2023 meeting approved revisions to Ordinance Sec. 74-10 Noxious Weeds and Planned Natural Landscape Areas and moved to send it to the Common Council for approval. The motion passed with a 6-0 vote.

ATTACHMENTS:

- Ord23-06 (PDF)
- Ordinance 74-10 Noxious Weeds and Planned Landscaping draft 3 3.29.23 - redline (DOCX)
- Discuss Planned Natural Landscape Areas 4-3-2023 (DOCX)

ORDINANCE #23-06

AMENDING § 74-10 OF THE DE PERE MUNICIPAL CODE REGARDING
NOXIOUS WEEDS AND PLANNED NATURAL LANDSCAPING AREA

THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1. Section 74-10 is hereby amended as follows:

1) The title of Section 74-10 shall be repealed and re-enacted to read “**Sec. 74-10.**

Noxious weeds and planned natural landscaping area.”

2) The following revisions shall be made under subsection (a) *Definitions*:

- The opening sentence of paragraph (1) shall be repealed and replaced with: “Noxious weed means, in addition to those noxious weeds enumerated in Wisconsin Statute § 66.0407, any of the following:”
- The following shall be inserted as a new paragraph (2), with that current paragraph being renumbered as “(3)”:

(2) *Clear-vision triangle* means, as defined in Municipal Code Section 30-8 (b), a triangle shaped zone formed by the existing or proposed curb lines of two or more intersecting streets, roads, or alleys and a third line connecting said curb lines at a distance of 30 feet in each direction from the point of curb line intersection. The “clear vision triangle” provides vehicular traffic an unobstructed view of cross traffic at intersections.

- Renumbered paragraph (3) shall be revised by adding “in addition to the definition set forth in Wisconsin Statute § 66.0407” following “*Destroy* means” and replacing the word “pollinization” with “pollination.”
- The following shall be inserted as new paragraphs (4-6):

(4) *Planned natural landscaping area* means a planned, intentional, and maintained planting area without any noxious weed, which may include, without limitation, trees, shrubs, and native plants, as defined in this section, or vegetation associated with a rain garden.

(5) *Rain garden* means an excavated area that is back-filled with a prepared or amended soil mixture, which may or may not be covered with a mulch layer, which is planted with a diversity of woody or herbaceous vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.

- (6) *Native plants* means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants), vines, shrubs, groundcovers, and trees that are native to or naturalized to the State of Wisconsin but shall not include noxious weeds as defined herein.

3) The following revisions shall be made under subsection (b) *Noxious weeds to be destroyed*:

- Paragraph (1) shall be revised by deleting “every lot, place or area” and replacing with “any land”
- Paragraph (2) shall be revised by deleting “lot, place or area” and replacing with “land”
- Paragraph (3) shall be revised by deleting “lot, place or area” and replacing with “land”

4) The following shall be inserted as subsection (c), with that current subsection being re-lettered as “(d)”:

(c) *Planned natural landscaping area.*

- (1) Any owner, occupant, or person in control of any land, and any tenant upon written consent of the owner of such land, may implement and maintain a planned natural landscaping area on the land. Subject to (2) and (3), there may not be a height limitation for any planned natural landscaping area.
- (2) *Location.*
- (a.) Any planned natural landscaping area shall not be located within or infringe upon any street terrace or city right of way.
 - (b.) Any planned natural landscaping area shall maintain no less than a three-foot setback from any property line or right of way unless it abuts a neighboring planned natural landscaping area or is adjacent to a natural area or if there is a permitted fence along the lot line.
- (3) *Edging required.* A planned natural landscaping area must have a distinct and clearly defined border. The border may consist of any combination of mowed grass, fencing of up to three feet in height, a permitted fence installed along a property line, or natural materials neatly arranged to create the appearance of an edge to contain the planned natural landscaping area.

Ordinance #23-06

Page 3 of 3

- (4) *Visibility.* Any planned natural landscaping area shall not obstruct the clear-vision triangle at intersections.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of April, 2023.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Review: 04/11/2023

Publication Date: _____

Sec. 74-10. Noxious weeds and planned natural landscaping area.

(a) Definitions.

- (1) *Noxious weed* means, in addition to those noxious weeds enumerated in Wisconsin Statutes, § 66.0407, any of the following:
 - A. Sow thistle;
 - B. Wild and Indian mustard;
 - C. Quack grass;
 - D. All Ragweed;
 - E. Burdock;
 - F. All hay fever producing grasses ~~and or~~ weeds;
 - G. Any grass or noxious weed or combination thereof over 12 inches in height.
- (2) Clear-vision triangle means, as defined in Municipal Code Section 30-8 (b), a triangle shaped zone formed by the existing or proposed curb lines of two or more intersecting streets, roads, or alleys and a third line connecting said curb lines at a distance of 30 feet in each direction from the point of curb line intersection. The "clear vision triangle" provides vehicular traffic an unobstructed view of cross traffic at intersections.
- (3) Destroy means, in addition to the definition set forth in Wisconsin Statute § 66.0407, the elimination of the noxious weed by use of filling, cutting, chemicals or a combination of those methods, at such times and in such manner as will effectively prevent such plants from ~~pollinization~~pollination or prevent them from reaching the bloom or flower stage.
- (43) Planned natural landscaping area means a planned, intentional, and maintained planting area ~~without any noxious weed~~, which may include, without limitation, trees, shrubs, and native plants, as defined in this section, or vegetation associated with a rain garden.
- (54) Rain garden means an excavated area that is back-filled with a prepared or amended soil mixture, which may or may not be covered with a mulch layer, which is planted with a diversity of woody or herbaceous vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.
- (65) Native plants means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants), vines, shrubs, groundcovers, and trees that are native to or naturalized to the State of Wisconsin ~~but, For purposes of this section, "native plants" shall not include noxious weeds or noxious grasses as defined herein.~~

(b) Noxious weeds to be destroyed.

- (1) The owner, occupant or person in control of ~~every any lot, place or area~~land within the city shall destroy all noxious weeds growing or located thereon.
- (2) If the owner, occupant or person in control of such ~~lot, place or area~~land fails to destroy such noxious weeds, the weed commissioner shall, in accordance with Wis. Stats. § 66.0517 destroy or have destroyed such noxious weeds.
- (3) To aid in the destruction or control of noxious weeds, no owner, occupant or person in control of any ~~lot, place or area~~land within the city shall deposit any fill or debris thereon and allow the same to remain without being leveled off or removed within 15 days after deposit of the same.

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- (4) Property in the city but not served by city sewer or water ~~or any city owned, leased, or controlled land~~ shall be exempt from the provisions of this section except for such noxious weeds as are enumerated in Wis. Stats. § 66.0407.

(c) *Planned natural landscaping areas.*

- (1) ~~Permit required.~~ Any owner, occupant, or person in control of any land of record of a property, and any tenant upon ~~signed,~~ written consent of the owner of ~~a such property~~land, may ~~apply for a permit to implement and maintain~~ a planned natural landscaping area on the ~~land~~property. Subject to (2) and (3), there may not be a height limitation for any planned natural landscaping area. ~~The application for a permit shall be made on a form provided by the Department of Public Works and shall include the following:~~

(2) *Location.*

(a.) ~~Any planned natural landscaping area shall not be located within or infringe upon any street terrace or city right of way.~~

(b.) ~~Any planned natural landscaping area shall maintain no less than a three-foot setback from any property line or right of way unless it abuts a neighboring planned natural landscaping area or is adjacent to a natural area or if there is a permitted fence along the lot line.~~

- (3) *Edging required.* ~~A planned natural landscaping area must have a distinct and clearly defined border. The border may consist of any combination of mowed grass, fencing of up to three feet in height, a permitted fence installed along a property line, or natural materials neatly arranged to create the appearance of an edge to contain the planned natural landscaping area.~~

- (4) *Visibility.* ~~Any planned natural landscaping area shall not obstruct the clear-vision triangle at intersections.~~

~~A. A plan of the property drawn to scale, indicating the location of all property boundaries, structures, sidewalks, driveways, and roadways, and the boundaries of the proposed planned natural landscaping area. No boundary survey is required. Property boundaries and other information may be indicated on an aerial photograph or other suitable and readily available base map.~~

~~C. A planting plan indicating the plant species and/or seed mixes to be used.~~

~~D. Any proposed change in grade or excavation required beyond standard excavation and soil replacement for establishment of the planned natural landscaping area.~~

~~(3) Review and enforcement.~~

~~A. An application for a permit under this section shall be reviewed by the Weed Commissioner. The permit may be granted subject to reasonable conditions. The denial of a permit or the reasonableness of conditions imposed may be appealed to the Board of Public Works.~~

~~B. The City may at any time determine that a planned natural landscaping area violates of the terms of this section if the Weed Commissioner finds an ongoing violation of the terms and conditions of the approved permit. Upon such determination of the Weed Commissioner, the permit shall be revoked upon written notification to the property owner and any tenant who has made application for a planned natural landscaping area.~~

~~b. Appeal.~~

~~1. The subject of a permit revocation under this section may appeal the determination to the Board of Public Works. Any appeal shall be made in writing within ten business days of receipt of the revocation and filed with the City Clerk.~~

~~2. The Board of Public Works shall hear any appeal and recommend action to the Common Council, which shall have the authority to affirm, reverse, or modify the recommendation of the Board of Public Works and issue a final decision.~~

~~3. In the event of noncompliance with a permit revocation or Common Council decision upon appeal, in addition to any other enforcement action, the City may enter and cut or otherwise maintain the area subject to the determination, in accordance with the provisions of subsection (b) above.~~

(ed) *Municipal ordinance citations, charges and costs.*

- (1) Violations of the provisions of this section may result in the issuance of a municipal citation, with such forfeiture assessed as determined by resolution of the common council. Each day the violation continues shall be considered a separate offense.
- (2) If a person is found to be in violation of the requirements of this section after inspection by the weed commissioner, the person shall be subject to the following special charges as authorized under Wis. Stats. § 66.0517.
 - A. Fifty dollars to cover the costs of the initial investigation by the weed commissioner.
 - B. An additional \$75.00 for failure to mow or otherwise destroy the noxious weeds that remain in violation of this section.
 - C. One hundred dollars for each subsequent failure to comply with this section in the same calendar year.
 - D. All costs actually incurred by the city in cutting or otherwise destroying the noxious weeds.

(Code 1974, § 21.10; Ord. No. 10-15, § 1, 9-7-2010)

CITY OF DE PERE MEMO



To: Members of the Sustainability Commission
From: Scott J. Thoresen, Director of Public Works
Date: April 3, 2023
RE: Consider and Possible Action Regarding Revisions Ordinance Sec. 74-10. Noxious Weeds and Planned Natural Landscape Areas*

The Commission recommended at the February 14, 2023 meeting the City Council consider creating an ordinance for planned natural landscape areas. The Council approved this recommendation at the March 7, 2023, Council meeting. The planned natural landscape ordinance is being proposed by revising the existing Sec. 74-10. Noxious Weeds ordinance. The revised ordinance will be called Sec. 74-10. Noxious Weeds and Planned Natural Landscape Area.

Highlights of this proposed ordinance includes:

- Defining planned natural landscape area means planned, intentional, and maintained planting area without any noxious weed, which may include, without limitation, trees, shrubs, and native plants, as defined in this section, or vegetation associated with a rain garden.
- There will be no application or permit required.
- Planned natural landscape shall not be located within or infringe upon any street terrace or right-of-way.
- Planned natural landscape shall be a minimum of three (3) feet setback from any property line or right-of-way and will require a distinct defined border.

Staff recommend approving the revised ordinance.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Resolution #23-36 Authorizing the Guarantee and Commitment of Match Funds and Certification of Match Funds Secured for the 2023 Community Development Block Grant - Public Facilities (CDBG-PF) Application Related to the City of De Pere's Participation in the CDBG Program.

The Board of Public Works at the April 10, 2023 meeting approved the resolution guaranteeing to match funds for Community Development Block Grant Application and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

The City contracted with MSA Professional Services, Inc. (MSA) to apply for a Community Development Block Grant (CDBG) that would use for street infrastructure improvements on S. Superior Street from Merrill Street south to Bomier Street and Bomier Street from S. Superior Street to Erie Street. As part of the grant application process, the City needs to pass the attached resolution which authorizes a guarantee of matching funds by the City. The grant will cover up to \$1,000,000. Anything over \$1,000,000 the City is required to fund. The matching funds required by the City are based off the estimated costs of the project (See attached estimate), which is \$1,890,795. Therefore, the City is required to fund \$890,795 which is what the attached resolution has included at this time.

Staff recommends approving the resolution.

ATTACHMENTS:

- Reso23-36 (PDF)
- CDBG Grant Project Estimate 4-4-2023 (PDF)

RESOLUTION #23-36

AUTHORIZING THE GUARANTEE AND COMMITMENT OF MATCH FUNDS AND
CERTIFICATION OF MATCH FUNDS SECURED FOR THE 2023 COMMUNITY DEVELOPMENT
BLOCK GRANT- PUBLIC FACILITIES (CDBG-PF) APPLICATION RELATED TO THE CITY OF
DE PERE'S PARTICIPATION IN THE CDBG PROGRAM

WHEREAS, Federal monies are available under the Community Development Block Grant (CDBG) Annual Public Facilities Competition, administered by the State of Wisconsin Department of Administration for the purpose of the provision or improvement of public facilities; and

WHEREAS, the City Council has authorized the submission of a CDBG Public Facilities Application to the State of Wisconsin for the following project: Street and Utility Improvements – South Superior and Bomier Streets; and

WHEREAS, an adequate local financial match must be provided for the proposed CDBG Public Facilities project by the City of De Pere; and

WHEREAS, the City of De Pere must certify that all matching funds required to complete the proposed project have been secured for and committed to the project prior to the submission of the CDBG application; and

WHEREAS, the City of De Pere must acknowledge that a delay in starting construction by July 1, 2024, and/or completing construction by October 31, 2025, due to the City not having the matching funds that are reported as committed and secured in the CDBG application documents, then the State of Wisconsin Department of Administration Division of Energy, Housing and Community Resources may deny a timeline extension and may rescind the CDBG award.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Resolution #23-36

Page 2 of 2

The City of De Pere does hereby authorize the commitment of match funds to be used as outlined in the CDBG application for the match amount of \$890,795 from the following secured source: City of De Pere bank statement from municipal funds in the amount of \$890,795.

BE IT FURTHER RESOLVED THAT:

The City Council has authorized the foregoing resolution to commit match and certify match funds secured for the CDBG project referenced within the resolution.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, and employees are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of April,

2023.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 04/10/2023



City of De Pere
24-02 Street Reconstruction
March 30, 2023

Item #	Bid Item	Unit	Bid Amount	Unit Price	Total
SANITARY SEWER					
SS-01	Remove and Relay 6" or 4" PVC Sanitary Lateral	LF	800	\$110.00	\$88,000.00
SS-02	Provide 6" or 4" Saddle to Existing Sanitary Sewer	EA	26	\$200.00	\$5,200.00
SS-03	Remove and Replace Sanitary Manhole	VF	70	\$700.00	\$49,000.00
STORM SEWER					
ST-01	Remove and Relay 18" PVC, RCP Class III, or PP Storm Sewer	LF	15	\$100.00	\$1,500.00
ST-02	Remove and Relay 15" PVC or RCP Class III Storm Sewer	LF	25	\$85.00	\$2,125.00
ST-03	Remove and Relay 12" PVC, RCP Class III, or PP Storm Sewer	LF	25	\$80.00	\$2,000.00
ST-04	Provide 12" PVC, RCP Class III, or PP Storm Sewer	LF	275	\$75.00	\$20,625.00
ST-05	Provide 24" PVC, RCP Class Class III, or PP Storm Sewer	LF	450	\$130.00	\$58,500.00
ST-06	Provide 8" PVC Storm Sewer	LF	700	\$70.00	\$49,000.00
SS-07	Remove and Relay 8" PVC Storm Sewer Lateral	LF	50	\$100.00	\$5,000.00
SS-08	Provide 12" Storm Lateral	LF	30	\$100.00	\$3,000.00
SS-09	Provide 6" PVC Storm Sewer Lateral	LF	1100	\$70.00	\$77,000.00
SS-08	Core Drill Storm Sewer and Provide Lateral Connection	EA	9	\$400.00	\$3,600.00
ST-10	Provide 24" X 12" Storm Branch or Inserta Tee	EA	1	\$400.00	\$400.00
ST-11	Provide 24" X 6" Storm Branch or Inserta Tee	EA	1	\$300.00	\$300.00
ST-12	Provide 12" X 6" Inserta Tee in Existing Storm	EA	9	\$300.00	\$2,700.00
ST-13	Provide 8"X6" Storm Branch or Inserta Tee	EA	21	\$200.00	\$4,200.00
ST-14	Remove and Replace 4' Diameter Storm Manhole	VF	15	\$1,000.00	\$15,000.00
ST-15	Provide 4' Diameter Storm Manhole (Construct Over Existing Storm)	VF	6	\$1,000.00	\$6,000.00
ST-16	Provide 5' Diameter Storm Manhole	VF	6	\$1,200.00	\$7,200.00
ST-17	Provide 4' Diameter Storm Manhole	VF	50	\$900.00	\$45,000.00
ST-18	Remove and Replace Type B Catch Basin	EA	8	\$3,800.00	\$30,400.00
ST-19	Provide Type B Catch Basin	EA	4	\$3,700.00	\$14,800.00
ST-20	Connect to Structure and/or Existing Pipe	EA	2	\$800.00	\$1,600.00
ST-21	Storm Sewer Dig Down and Repair – 10 feet	EA	1	\$2,200.00	\$2,200.00
ST-22	Abandon/Remove Existing Storm Sewer Appurtenances	LS	1	\$8,000.00	\$8,000.00
WATER MAIN					
W-01	Provide 8" PVC Water Main - Open Cut	LF	1400	\$120.00	\$168,000.00
W-02	Provide 8" PVC Water Main - Directional Drill	LF	220	\$120.00	\$26,400.00
W-03	Provide 1" HDPE Water Service – Open Cut	LF	1150	\$90.00	\$103,500.00
W-04	Provide 1" Corporation and Curb Stop	EA	38	\$600.00	\$22,800.00
W-05	Provide 2" Corporation with Plug/Saddle with 2" Galvanized Pipe	EA	2	\$1,200.00	\$2,400.00
W-06	Provide 8" Gate Valve	EA	4	\$3,200.00	\$12,800.00
W-07	Provide Connection to Existing Water Main	EA	3	\$2,000.00	\$6,000.00
W-08	Provide Connection to Existing Water Main 12"x 8" Tapping Tee and Valve or Cut-in-Tee and Valve	EA	1	\$7,500.00	\$7,500.00
W-09	Provide Connection to Existing Water Main 10"x 8" Tapping Tee and Valve	EA	1	\$7,000.00	\$7,000.00
W-10	Provide Hydrant (6.5' Bury)	EA	3	\$6,500.00	\$19,500.00
W-11	Provide 6" PVC Hydrant Lead	LF	50	\$110.00	\$5,500.00
W-12	Provide Water Main Offset	EA	1	\$4,000.00	\$4,000.00
W-13	Abandon/Remove Water Main and Appurtenances	LS	1	\$8,000.00	\$8,000.00
STREET AND DRAINAGE					
SD-01	Provide Clearing and Grubbing	In-DIA	120	\$55.00	\$6,600.00
SD-02	Unclassified Excavation	CY	4700	\$20.00	\$94,000.00
SD-03	Provide 1 1/4" Crushed Aggregate Base Course	CY	3100	\$32.00	\$99,200.00
SD-04	Provide Asphaltic Concrete Pavement Type 4 LT 58-28 S, 1 3/4" Upper Layer	TON	660	\$90.00	\$59,400.00
SD-05	Provide Asphaltic Concrete Pavement Type 3 LT 58-28 S, 2 1/4" Lower Layer	TON or SY	850	\$90.00	\$76,500.00
SD-06	Provide 24" Concrete Curb and Gutter (Slip Form)	LF	3800	\$18.00	\$68,400.00
SD-07	Remove and Replace 6" Concrete Sidewalk, Ramp, and Driveway	SY	700	\$85.00	\$59,500.00
SD-08	Remove and Replace 4" Concrete Sidewalk, Ramp, and Driveway	SY	550	\$70.00	\$38,500.00
SD-09	Provide 6" Concrete Sidewalk, Ramp, and Driveway	SY	10	\$80.00	\$800.00
SD-10	Provide #4 Reinforcement Bars for Curb and Sidewalk	LF	4050	\$2.30	\$9,315.00
SD-11	Drilled Tie Bars (Existing Sidewalk, Driveway, and Curb and Gutter)	EA	330	\$18.00	\$5,940.00
SD-12	Provide Detectable Warning Field (Natural)	EA	25	\$380.00	\$9,500.00
SD-13	Salvage and Reset Brick Pavers	SF	20	\$80.00	\$1,600.00
SD-14	Landscaping – Topsoil, Seed, Fertilizer and Mulch	SY	3100	\$12.00	\$37,200.00
SPECIAL CONSTRUCTION					
SC-01	Pipe Foundation Stabilization	CY	20	\$20.00	\$400.00
SC-02	Flowable Fill at Storm Crossings	EA	6	\$500.00	\$3,000.00



City of De Pere
24-02 Street Reconstruction
March 30, 2023

Item #	Bid Item	Unit	Bid Amount	Unit Price	Total
SC-03	Inlet Protection Type D	EA	13	\$105.00	\$1,365.00
SC-04	Adjust Inlet and Provide New Casting	EA	2	\$700.00	\$1,400.00
SC-05	Polystyrene Insulation Board	LF	25	\$13.00	\$325.00
SC-06	Traffic Control - Erie Street	LS	1	\$8,000.00	\$8,000.00
SC-07	Traffic Control - Merrill Street	LS			

Proable Construction Costs	\$1,484,695.00
Contingency	\$74,200.00
Engineering	\$296,900.00
Grant Administration	\$35,000.00
Total Project Costs	\$1,890,795.00



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Board of Public Works

FROM: Scott Thoresen

SUBJECT: Resolution #23-37 Authorizing Agreement for Contractor Services Between the City of De Pere and Water Tower Clean and Coat, Inc. (Enterprise Reservoir Cleaning & Overcoating).

The Board of Public Works at the April 10, 2023 meeting approved Enterprise Drive Reservoir Cleaning and Overcoating to Water Tower Clean and Coat in the amount of \$67,500 and moved to send it to the Common Council for approval. The motion passed with a 5-0 vote.

ATTACHMENTS:

- Reso23-37 (PDF)
- Water Tower Clean and Coat, Inc.4-12-23 (PDF)
- Exhibit A-Water Tower Clean and Coat, Inc. (PDF)
- Exhibit B-Water Tower Clean and Coat, Inc. (PDF)
- Enterprise Drive Reservoir Clean & Overcoat 2023-04-10 (PDF)
- Reservoir Cleaing and Painting Proposal Summary 3-21-2023 (PDF)
- 2023 Enterprise Reservoir Cleaning Overcoating (002)(PDF)
- Classic Protective Coating Inc - Proposal Form(PDF)

RESOLUTION #23-37

AUTHORIZING AGREEMENT FOR CONTRACTOR SERVICES BETWEEN
THE CITY OF DE PERE AND WATER TOWER CLEAN AND COAT, INC.
(Enterprise Reservoir Cleaning & Overcoating)

WHEREAS, the City is in need of contracting with a company for exterior cleaning and overcoating services to the Enterprise Reservoir; and

WHEREAS, Water Tower Clean and Coat, Inc. has available and offers to provide personnel and facilities necessary to accomplish such services, subject to the terms and conditions of the attached Agreement for Contractor Services; and

WHEREAS, the Board of Public Works has reviewed such proposal and recommends approval thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor and City Clerk are authorized and directed to enter into the Agreement for Contractor Services Between the City of De Pere and Water Tower Clean and Coat, Inc. as is attached hereto.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, employees, and agents are further authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of

April, 2023.

APPROVED:

Michael J. Walsh, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 04/10/2023

**AGREEMENT FOR CONTRACTOR SERVICES BETWEEN THE
CITY OF DE PERE AND WATER TOWER CLEAN AND COAT, INC.
(Enterprise Reservoir Cleaning & Overcoating)**

THIS AGREEMENT made and entered into this _____ day of _____, 2023, by and between the City of De Pere, Wisconsin, a municipal corporation ("City") and Water Tower Clean and Coat, Inc., a Wisconsin corporation ("Contractor").

I. SCOPE OF CONTRACTING SERVICES

Contractor agrees to perform those exterior cleaning and overcoating services described in the City's Request for Proposals 2023 Enterprise Reservoir Cleaning and Overcoating, dated February 14, 2023, attached hereto and incorporated as Exhibit A. No standard terms or conditions of Contractor's Proposal are incorporated into this Agreement unless such term is specifically written into the Agreement. Any change to the scope of services as identified therein shall be defined in writing and authorized by both parties prior to performing such work. Such writing shall include the scope of work to be done, schedule for commencing and completing the work and the basis for compensation for such work.

II. COMPENSATION

Contractor shall be paid as provided in Contractor's Proposal attached and incorporated as Exhibit B in a lump sum at the conclusion of the project. A detailed invoice shall be submitted to the City showing the specific work done.

III. INSURANCE

The Contractor shall maintain during the course of the project, the following minimum public liability and property damage insurance to cover claims for injuries, including accidental death, as well as from claims for property damages which may arise from the performance of work under the Agreement as stated below:

1. Comprehensive general liability insurance, including personal injury liability, blanket contractual liability and broad form property damage liability. The combined single limit for bodily injury and property damage shall not be less than \$1,000,000 per occurrence; with additional umbrella liability insurance coverage to a total of not less than \$2,000,000.

2. Automobile Liability

(A) Coverages must include the following extensions:

Comprehensive Form

(1) All Owned Autos

- (2) All Hired Autos
- (3) All Non-Owned Autos
- (4) Mobile Equipment
- (5) Specialized Equipment
- (6) Contractual Liability
- (7) Uninsured Motorists to Limit of Policy
- (8) Additional Insured Endorsement naming City of De Pere, its employees, agents and assigns

(B) Limits of Liability:

Combined Single Limit/Bodily Injury and Property Damage:
\$1,000,000 per person/per accident

Uninsured/Underinsured Motorists:

Limits equal to above combined single limit

3. Worker's Compensation and Employers' Liability Insurance

Limits of Liability: Statutory

The Contractor shall provide City with a certificate of insurance outlining the required coverage, as well as an Additional Insured Endorsement naming the City as an additional insured thereunder for purposes of the Contract.

IV. INDEMNIFICATION

The Contractor shall indemnify and hold harmless the City, its officers, agents and employees from and against all claims, damage, losses, and expenses including reasonable attorney's fees arising out of or resulting from the performance of the work specified in this Contract, provided that any such claim damage, loss or expense is caused in whole or in part by any negligent or intentional act or omission of the Contractor, any Subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder.

V. LEGAL RELATIONS AND PUBLIC RESPONSIBILITY

1. LAWS TO BE OBSERVED. The Contractor shall at all times observe and comply with all federal, state, and local laws, regulations and ordinances which are in effect or which may be placed in effect during the contract period and which in any manner affect the conduct of the work. The Contractor shall indemnify and save harmless the City and its officers, agents and employees against any claim or liability arising from or based on the violation of any such law, ordinance, or regulation, whether by Contractor or its employees, subcontractors, or agents.

2. **CONTRACTOR RECORDS.** Contractor acknowledges that, as a contractor of a Wisconsin Municipality, Wis. Stats. §19.36(3) applies to it and records produced by it pursuant to this contract are subject to the public records law to the extent that they would otherwise be if maintained by the City of De Pere. Contractor agrees that, within 10 business days of a written request of the City of De Pere, it shall forward such records as are requested by the City of De Pere. Such records shall be in the format requested by City of De Pere provided that such records are kept and maintained in that format.
3. **PERMITS AND LICENSING.** The Contractor shall procure all permits and licenses necessary and incidental to the work required hereunder.
4. **WORK SAFETY AND HEALTH.** The Contractor shall comply with all federal, state and local laws governing work safety and health and shall provide all safeguards, safety devices and protective equipment, and take any other needed actions as the Contractor or the City Engineer may determine reasonably necessary, to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.
5. **RESPONSIBILITY FOR DAMAGE CLAIMS.** The Contractor and its surety shall indemnify and save harmless the City and all of its officers, officials, agents and employees from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons, or property on account of the operations of the said Contractor; or on account of or in consequence of any neglect in safeguarding the work, or through use of unacceptable materials in constructing the work; or because of any act or omission, neglect or misconduct of said Contractor; or because of any claims or amount recovered for any infringement of patent, trademark or copyright; or from any claims or amounts arising or recovered under the worker's compensation law; or any other law, ordinance, order or decree; and so much of the money due the said Contractor under and by virtue of this contract as shall be considered necessary by the Board of Public Works for such purposes, may be retained for the use of the City; or, in case no money or insufficient money is retained, the Contractor's surety shall be held.

The City shall not be liable to the Contractor for damages or delays resulting from work by third parties or by injunctions or other restraining orders obtained by third parties.

It shall be the Contractor's responsibility to see that all of the contract operations incidental to the completion of this contract are covered by public liability and property damage liability insurance in order that the general public or any representative of the contracting authority may have recourse against a responsible party for injuries or damages sustained as a result of said contract operations. This requirement shall apply with equal force, whether the work is performed by the

Contractor, or by a Subcontractor or by anyone directly or indirectly employed by either of them.

6. **CONTRACTOR'S RESPONSIBILITY FOR WORK.** Until acceptance of the Work by the Director of Public Works, the Contractor shall have the charge and care thereof and shall take every precaution against injury or damage to any part thereof by the action of the elements, or from any other cause, whether arising from the execution or non-execution of the Work. The Contractor shall rebuild, repair, restore and make good all injuries or damages to any portion of the Work occasioned by any of the above causes before acceptance and shall bear the expense thereof, except damage to the Work due to unforeseeable causes beyond control of and without the fault or negligence of the Contractor, including but not restricted to acts of God, of public adversaries or of governmental authorities. In case of suspension of work from any cause whatever, the Contractor prior to suspension shall take such precautions as may be necessary to prevent damage to the project, provide for normal drainage and shall erect any necessary temporary barricades, signs or other facilities, at the Contractor's expense, as directed by the Engineer.
7. **PERSONAL LIABILITY OF PUBLIC OFFICIALS.** In carrying out any of the provisions of this contract or in exercising any power or authority granted to them thereby, there shall be no personal liability upon the City, its officers, officials, agents and employees, it being understood that in such matters they act as agents and representatives of the City. Any right of action by the Contractor against the City, or its agents or employees, is hereby expressly waived.

VI. GUARANTEE OF MATERIALS AND WORKMANSHIP

The Contractor shall guarantee all materials furnished and all work performed under the Contract against all defects in materials and workmanship for a period of one year following the date of acceptance of the Work, which date shall be understood to be the date of which final payment of all monies due the Contractor under the contract is authorized by the Director of Public Works. Should any defect appear during the guarantee period, the Contractor shall make the required repairs or replacement upon receipt of written notification from the Director of Public Works to do so.

VII. MEDIATION

All claims, disputes and other matters in question between the parties of this Agreement arising out of or relating to this Agreement or breach thereof, which are not disposed by mutual agreement of the parties, shall be subject to mediation as a condition precedent to the institution of legal proceedings by either party. If such claim, dispute or other matter involves a lien arising out of the Contractor's services, the Contractor may proceed in accordance with applicable law to comply with lien notice and filing deadlines prior to resolution of the matter by mediation.

The City and Contractor shall attempt to resolve claims, disputes and other matters in question between them by mediation in accordance with the Rules of the American Arbitration Association currently in effect unless the parties agree otherwise. A request for mediation shall be filed in writing with the other party to this Agreement and, if applicable, the American Arbitration Association. The request may be made concurrently with the filing of a civil action, but mediation shall proceed in advance of legal proceedings, which may be stayed pending mediation for a period of 60 days from the date of filing unless a longer period is agreed to by the parties or required by a court order.

The parties shall share the mediator's and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

VIII. NOTICES

Any notification required or needed under the contract shall be sent to the following:

If to City:

City of De Pere
Attention: Director of Public Works
925 South Sixth Street
De Pere, WI 54115

If to Contractor:

Water Tower Clean and Coat, Inc.
Attention: Russell Fiene, President
W11822 Reynolds Road
Lodi, WI 53555-9785

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

WATER TOWER CLEAN AND COAT, INC.

By:

Russell W. Fiene, President

Sam Paque, Vice President

CITY OF DE PERE

By:

James G. Boyd, Mayor

Carey E. Danen, City Clerk

Approved as to Form:

Anthony S. Wachewicz, City Attorney

J:\Law\Agreements\Contractor\Water Tower Clean and Coat, Inc.4-12-23.docx

CITY OF DE PERE

Public Works Department

925 S. Sixth Street, De Pere, WI 54115 | 920-339-4060 | www.de-pere.org



February 14, 2023

**RE: Request for Proposals
2023 Enterprise Reservoir Cleaning & Overcoating**

The City of De Pere is requesting a proposal from your firm to perform exterior cleaning and overcoating of the City's Enterprise Drive concrete ground storage reservoir.

Enterprise Reservoir

The Enterprise Reservoir located at 1851 Enterprise Drive is a 1,250,000-gallon concrete ground storage reservoir that was constructed in 2006. Your firm will be required to review existing drawings and as-built documents and any other pertinent information regarding the reservoir in order to complete the scope of work for this project. (See picture below) The overflow height of the reservoir is 35-feet. The diameter of the tank is 78-feet.



Exhibit A

Scope of Work:

1. Review existing drawings and as-built documents for the reservoir and any other pertinent information regarding the reservoir to complete the scope of work for the project.
2. The cleaning and overcoat painting shall meet all requirements of the Wisconsin Department of Natural Resources (WDNR), State Statutes, Municipal codes, or other code requirements which includes obtaining any necessary approvals or permits by contractor.
3. Prepare all reports for Wisconsin Department of Natural Resources (WDNR) as required. The contractor shall prepare and submit all necessary WDNR forms and reports to the WDNR. The Notice To Proceed (NTP) will be granted having received State approval for the project.
4. Aggressive power wash of entire reservoir.
5. Overcoat of Euclid Tammscoat color Adobe on the pillars and color Summer on the tank and roof, or equivalent(s) of entire reservoir. Example: Tnemec Series 180 Tnemecrete would be an acceptable replacement provided the color schemes match the existing, per City approval.
6. The overcoat painting will be warranted to be free of defects for a period of five (5) years. The five (5) year warranty shall include all parts and labor to address any defects.
7. The proposal should reflect the necessary effort to perform the above-mentioned work and any additional efforts the firm feels are necessary to complete the exterior cleaning and overcoating of the reservoir.

Hours of Work:

No work shall be performed prior to 7:00 a.m. and shall be completed by 5:00 p.m. Normal working days shall be Monday through Friday. No work will be allowed for any reason on Saturday, Sunday, or Holidays unless weather issues throughout the work requires Saturday work. Work on weekends or holidays must be approved by the City.

Payment:

Payment shall be made when the following conditions have been met:

- 1) The City has inspected and has determined that all the specifications and conditions have been met to the City's satisfaction for the exterior cleaning and overcoating of the reservoir.
- 2) A detailed invoice is submitted to City for the specific showing which items have been completed.

Schedule:

The exterior cleaning and overcoating of the reservoir shall be completed by October 1, 2023.

Indemnification:

To the fullest extent permitted by law, the Contractor hereby agrees to defend, indemnify, and hold harmless the Water Utility of each municipality, its officials, agents and employees against all injuries, deaths, loss, damages, claims, patent claims, suits, liabilities, judgments, cost and expenses, which may in any way accrue against the Water Utility of each municipality, its officials, agents, employees and volunteers arising in whole or in part or in consequence of the performance of this work by the Contractor, its employees, or subcontractors, or which may in any way result therefore, except that arising out of the sole legal cause of the Water Utility of each municipality, its officials, agents, or employees, the Contractor shall, at its own expense appear, defend, and pay all charges of attorneys and all costs and other expenses arising therefore or incurred in connection therewith, and, if any judgment shall be rendered against the municipality, its officials, agents, and employees, in any such action, the Contractor shall, at its own expense, satisfy and discharge the same. Contractor expressly understands and agrees that any performance bond or insurance protection required by the contract, or otherwise provided by contractor, shall in no way limit the responsibility to indemnify, keep and save harmless, and defend the Water Utility of each municipality as herein provided.

Insurance Requirements:

The firm shall be required to provide the following minimum public liability and property damage insurance to cover claims for injuries, including accidental death, as well as from claims for property damages which may arise from the performance of work as stated below:

1. Comprehensive general liability insurance, including personal injury liability, blanket contractual liability and broad form property damage liability. The combined single limit for bodily injury and property damage shall not be less than \$1,000,000; with additional umbrella liability insurance coverage to a total of not less than \$2,000,000.

2. Automobile bodily injury and property damage liability insurance covering owned, non-owned, rented and hired cars. The combined single limit for bodily injury and property damage shall be not less than \$1,000,000 per person/per accident.
3. Statutory workers compensation and employers' liability insurance as required by the state having jurisdiction.
4. Professional liability insurance covering damages resulting from errors and omissions of the Consultant. The limit of liability shall be \$1,000,000 or the total engineers and/or surveyor's fee on the project, whichever is greater.

Property Protection:

The contractor shall take precautions to prevent damage to property and any underground lines and shall restore the site to the conditions existing prior to the start of the project, including the restoration of any damage to, or tracks left in grassy areas caused by large equipment. Topsoil, seed, and mulch landscape restoration will be required.

Additional Information:

- Sample consultant agreement is attached.

All proposals should include the following information:

- 1) Previous Experience: Past Work on projects of similar or greater magnitude.
- 2) References: The proposals shall include the Contractor's experience. At a minimum, three (3) similar projects shall be included as references.
- 3) Cost: Firm shall submit prices on proposal sheets provided with this proposal to complete all work mentioned above.
- 4) Schedule: Firm shall submit the number of days to complete the cleaning and overcoat painting of the standpipe reservoir, and the anticipated start date on the proposal sheet provided with this proposal to complete all work mentioned above.

You may submit your proposal via e-mail to zygarlicke@deperewi.gov or deliver, either in – person, or by courier or mail to:

Eric Zygarlicke
Water Department Supervisor, OIC
City of De Pere
925 South Sixth Street
De Pere, WI 54115

All proposals shall be marked **“2023 Enterprise Reservoir Cleaning & Overcoating”** and received no later than ~~2:00 PM (CST) on Thursday, January 26, 2023.~~

The City of De Pere reserves the right to reject any or all proposals, to waive any informality in bidding and to accept any proposal which the respective City Council deems most favorable to the best interest of the City.

If you have any questions regarding this proposal, please contact Eric Zygarlicke at (920) 339-4063 or zygarlicke@deperewi.gov.

Sincerely,

DEPARTMENT OF PUBLIC WORKS

Eric Zygarlicke
Water Department Supervisor, OIC

City of De Pere Water Utility

2023 Enterprise Reservoir Cleaning & Overcoating Proposal

The following proposal is submitted to: City of De Pere Water Utility, in accordance with the written proposal to furnish all labor, materials, tools, equipment, warranty, and incidentals necessary for the completion of the reservoir cleaning and overcoating to meet all Wisconsin Department of Natural Resources (WDNR), Wisconsin Statutes, and other code requirement as specified in this proposal.

The undersigned FIRM agrees, if this proposal is accepted, to enter into an agreement with the City of De Pere to perform and furnish all work as specified in this proposal. The undersigned firm will meet and adhere to the City of De Pere's requirements as indicated in the proposal.

Based on the details provided in this proposal, the undersigned firm agrees they are able to meet the City of De Pere's requirements and that the price for the reservoir cleaning and overcoating to meet said requirements are as follows:

Lump Sum Price for Enterprise Reservoir Cleaning & Overcoating: \$ _____

Name of Firm

Address of Firm

Telephone Number

The undersigned bidder, being duly sworn, does depose and say that he is an authorized

representative of: _____ and that the said bidder has examined and carefully prepared his bid from the Proposal Requirements, and has checked the same in detail before submitting said proposal or bid; and that said bidder or his agents, officer, or employees have not, either directly or indirectly, entered into any agreement, participated in an collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal or bid.

Signature of Bidder

Date

Print or Type Name of Bidder

Title

Estimated Start Date: _____

Estimated Work Days to Complete: _____

City of De Pere Water Utility

2023 Enterprise Reservoir Cleaning & Overcoating Proposal

The following proposal is submitted to: City of De Pere Water Utility, in accordance with the written proposal to furnish all labor, materials, tools, equipment, warranty, and incidentals necessary for the completion of the reservoir cleaning and overcoating to meet all Wisconsin Department of Natural Resources (WDNR), Wisconsin Statutes, and other code requirement as specified in this proposal.

The undersigned FIRM agrees, if this proposal is accepted, to enter into an agreement with the City of De Pere to perform and furnish all work as specified in this proposal. The undersigned firm will meet and adhere to the City of De Pere's requirements as indicated in the proposal.

Based on the details provided in this proposal, the undersigned firm agrees they are able to meet the City of De Pere's requirements and that the price for the reservoir cleaning and overcoating to meet said requirements are as follows:

Lump Sum Price for Enterprise Reservoir Cleaning & Overcoating: \$ 67,500
 Sixty Seven thousand five hundred

Water Tower Clean & Coat, Inc

Name of Firm

W11822 Reynolds Rd Lodi, WI 53555

Address of Firm

608 279 3438 - Russ Fiene

Telephone Number

608 234 8932 - Sam Pague

XX

The undersigned bidder, being duly sworn, does depose and say that he is an authorized

representative of: Water Tower Clean & Coat, Inc. and that the said bidder has examined and carefully prepared his bid from the Proposal Requirements, and has checked the same in detail before submitting said proposal or bid; and that said bidder or his agents, officer, or employees have not, either directly or indirectly, entered into any agreement, participated in an collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal or bid.


Signature of Bidder

Sam Pague
Print or Type Name of Bidder

March 3, 2023
Date

Vice President
Title

Estimated Start Date: August 1, 2023

Estimated Work Days to Complete: 5

XX

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Board of Public Works Members
From: Eric J. Zygarlicke, Water Department Supervisor
Date: April 10, 2023
RE: Consideration and Possible Action on Enterprise Drive Reservoir Cleaning and Overcoating*

The Enterprise Drive reservoir was constructed in 2006 and was last inspected in 2018. It is in need of cleaning and painting to help extend the life of the exterior of this concrete tank, and to help protect it from the environment.

The department updated the proposal revising the umbrella insurance requirement and re-solicited the three (3) companies that had submitted a quote the first round in January. The City has received the following quotes for performing the cleaning and overcoating:

Classic Protective Coatings, of Menomonie, WI

Enterprise Reservoir = \$ 116,080.00

Badger Specialty Coatings & Construction, of Janesville, WI

Enterprise Reservoir = \$ 82,458.00

Water Tower Clean and Coat, Inc. of Lodi, WI

Enterprise Reservoir = \$ 67,500.00

The department reviewed the proposals that were submitted. The department recommends approving the proposal from Water Tower Clean and Coat, of Lodi, WI for the Enterprise Drive reservoir cleaning and painting for \$67,500.00. Even though the current bid is over the budgeted amount for this project, the 2023 water utility budget does have sufficient funds when considering the cost savings from the other water utility capital projects.

Enterprise Reservoir Cleaning & Painting Proposal Summary 3-3-2023

Company Name	Tank	LS
Water Tower Clean and Coat, Inc.		
	Enterprise Reservoir	\$67,500.00
Classic Protective Coating, Inc		
	Enterprise Reservoir	\$116,080.00
Badger Specialty Coating LLC		
	Enterprise Reservoir	\$82,458.00
MIDCO Diving & Marine		
	Enterprise Reservoir	No Bid
Lane Tank Company, Inc.		
	Enterprise Reservoir	No Bid
Pittsburg Tank & Tower Group		
	Enterprise Reservoir	No Bid
St. Germain Sandblasting		
	Enterprise Reservoir	No Bid
James Orr Coating Inspection, LLC		
	Enterprise Reservoir	No Bid

City of De Pere Water Utility

2023 Enterprise Reservoir Cleaning & Overcoating Proposal

The following proposal is submitted to: City of De Pere Water Utility, in accordance with the written proposal to furnish all labor, materials, tools, equipment, warranty, and incidentals necessary for the completion of the reservoir cleaning and overcoating to meet all Wisconsin Department of Natural Resources (WDNR), Wisconsin Statutes, and other code requirement as specified in this proposal.

The undersigned FIRM agrees, if this proposal is accepted, to enter into an agreement with the City of De Pere to perform and furnish all work as specified in this proposal. The undersigned firm will meet and adhere to the City of De Pere's requirements as indicated in the proposal.

Based on the details provided in this proposal, the undersigned firm agrees they are able to meet the City of De Pere's requirements and that the price for the reservoir cleaning and overcoating to meet said requirements are as follows:

Lump Sum Price for Enterprise Reservoir Cleaning & Overcoating: \$ 82,458.00

BADGER SPECIALTY COATINGS LLC

Name of Firm

4009 SANDHILL DR JANESVILLE, WI 53546

Address of Firm

608 290 3500

Telephone Number

The undersigned bidder, being duly sworn, does depose and say that he is an authorized

representative of: BADGER SPECIALTY COATINGS LLC and that the said bidder has examined and carefully prepared his bid from the Proposal Requirements, and has checked the same in detail before submitting said proposal or bid; and that said bidder or his agents, officer, or employees have not, either directly or indirectly, entered into any agreement, participated in an collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal or bid.

Daniel Tuescher

Signature of Bidder

3/17/23

Date

DANIEL TUESCHER

Print or Type Name of Bidder

PARTNER

Title

Estimated Start Date: 5-1-23

Estimated Work Days to Complete: 21

City of De Pere Water Utility
2023 Enterprise Reservoir Cleaning & Overcoating Proposal

The following proposal is submitted to: City of De Pere Water Utility, in accordance with the written proposal to furnish all labor, materials, tools, equipment, warranty, and incidentals necessary for the completion of the reservoir cleaning and overcoating to meet all Wisconsin Department of Natural Resources (WDNR), Wisconsin Statutes, and other code requirement as specified in this proposal.

The undersigned FIRM agrees, if this proposal is accepted, to enter into an agreement with the City of De Pere to perform and furnish all work as specified in this proposal. The undersigned firm will meet and adhere to the City of De Pere's requirements as indicated in the proposal.

Based on the details provided in this proposal, the undersigned firm agrees they are able to meet the City of De Pere's requirements and that the price for the reservoir cleaning and overcoating to meet said requirements are as follows:

Lump Sum Price for Enterprise Reservoir Cleaning & Overcoating: \$ 116,080.00

Classic Protective Coatings, Inc.

Name of Firm

N7670 State Road 25 Menomonie, WI 54751

Address of Firm

715-233-6267

Telephone Number

The undersigned bidder, being duly sworn, does depose and say that he is an authorized

representative of: Classic Protective Coatings, Inc. and that the said bidder has examined and carefully prepared his bid from the Proposal Requirements, and has checked the same in detail before submitting said proposal or bid; and that said bidder or his agents, officer, or employees have not, either directly or indirectly, entered into any agreement, participated in an collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal or bid.


Signature of Bidder

1-25-23
Date

Michael Burke
Print or Type Name of Bidder

Chief of Operations
Title

Estimated Start Date: May 2023

Estimated Work Days to Complete: 10



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Resolution #23-38 Authorizing First Amendment to Agreement for Consulting Services Between the City of De Pere and Vierbicher Associates, Inc. (Community Development Block Grant Special Project Grant Program).

The Finance/Personnel Committee voted unanimously at its April 11, 2023, meeting to approve the additional services of Vierbicher Associates, Inc. in the amount of \$5,000 for closeout of the CDBG Grant for affordability conversion at 525 North Tenth Street. These items were requested by the Wisconsin Department of Administration.

ATTACHMENTS:

- Reso23-38 (PDF)
- Amendment-Vierbicher(CDBG Grant)4-13-23 (PDF)
- Exhibit 1-2023_03_28 Amendment 220045 Vierbicher De Pere CDBG SP (PDF)
- Proposed CDBG Grant Management Agreement Amendment - April 2023 (PDF)
- Post Monitoring Letter -De Pere (PDF)

RESOLUTION #23-38

AUTHORIZING FIRST AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES
BETWEEN THE CITY OF DE PERE AND VIERBICHER ASSOCIATES, INC.
(Community Development Block Grant Special Project Grant Program)

WHEREAS, the City and Vierbicher Associates, Inc. are parties to a Consulting Agreement (approved by Resolution #22-27) providing consulting services related to grant administration services for a special projects affordability conversion under the Community Development Block Grant (CDBG) Special Projects Grant Program at 525 North Tenth Street; and

WHEREAS, the City is in need of additional consulting services related to close out of the project, including additional coordination with contractor(s) and developer, as further set forth in the First Amendment attached hereto; and

WHEREAS, this matter has been reviewed by the Finance/Personnel Committee, which recommends approval thereof.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor and City Clerk are authorized and directed to execute the First Amendment to Agreement for Consulting Services Between the City of De Pere and Vierbicher Associates, Inc. as is attached hereto.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, employees, and agents are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of April, 2023.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 04/11/2023

**FIRST AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES
BETWEEN THE CITY OF DE PERE AND VIERBICHER ASSOCIATES, INC.
(Community Development Block Grant Special Project Grant Program)**

THIS FIRST AMENDMENT made and entered into this ____ day of _____, 2023, by and between the City of De Pere, a Wisconsin municipal corporation ("City") and Vierbicher Associates, Inc., a Wisconsin corporation ("Consultant").

WHEREAS, the City and Consultant are parties to an Agreement for Consulting Services dated April 7, 2022 ("the Agreement") for grant administration and management services for Community Development Block Grant Special Project CDBG SP21-02 at 525 North Tenth St.; and

WHEREAS, the parties wish to amend the Agreement to provide for additional work for Consultant to perform, namely for additional contractor coordination outside of the Agreement's original scope for close out of the project at the request of Department of Administration (DOA).

NOW THEREFORE, upon the promises and obligations provided herein, together with such other consideration, the receipt and sufficiency of which is hereby acknowledged, the parties mutually agree to amend the Agreement as follows:

1. Consultant's Scope of Work shall be amended to add consulting services to include close out of the project in order to finalize the requests of the DOA, including additional coordination with contractor(s) and developer, as set forth in Consultant's Proposal attached hereto as Exhibit 1, incorporated herein by reference and included as part of Consultant's Proposal (Exhibit B) to the Agreement.
2. The cost for such additional consulting services shall be performed in the lump sum amount of \$5,000.
3. All other terms and conditions of the Agreement shall remain in full force and effect, unless specifically modified by this First Amendment.

This First Amendment has been duly executed as of the date and year first set forth above.

VIERBICHER ASSOCIATES, INC.

By:

Melissa M. Hunt
Department Manager

CITY OF DE PERE

By:

James G. Boyd, Mayor

Carey E. Danen, City Clerk



999 Fourier Drive, Suite 201
Madison, Wisconsin 53717
(608) 826-0532 phone
(608) 826-0530 fax
www.vierbicher.com

April 11th, 2023

Re: Agreement Amendment No. 1
De Pere CDBG SP 21-02 – De Pere, WI

Dear Daniel Lindstrom:

We propose to amend our current Agreement, (April 11th, 2023) for consulting services for the City of De Pere CDBG SP 21-02 to include the additional services requested. The following services shall be provided:

I. SCOPE OF ADDITIONAL SERVICES:

- A. Additional Labor standards monitoring beyond the original scope.
 - 1. Additional contractor coordination is required.
- B. Coordination with the developer.

II. SCHEDULE:

- A. The schedule to complete the activities noted above are as follows:

<u>Activity</u>	<u>Date</u>
-----------------	-------------

- | | |
|----------------------------------|--------------------------------|
| 1. Final Project Close out | April 25 th , 2023. |
|----------------------------------|--------------------------------|

III. FEE STATUS:

- | | |
|--|-----------------|
| A. Original Agreement | \$17,500 |
| B. Agreement Amendment No. 1 | \$5,000 |
| Current Total Agreement Amount: | \$22,500 |

All other terms and conditions of the original Agreement remain in effect.

If the Agreement amendment is acceptable, please sign below and return one executed copy to our Madison office.

Sincerely,

Vierbicher Melissa M. Hunt
Department Manager

James Boyd, City of De Pere Mayor

Authorization to Proceed:

© 2023 Vierbicher Associates, Inc.

Date: _____

CITY OF DE PERE MEMO



To: Finance and Personnel Committee
 From: Daniel Lindstrom, Development Services Director
 Date: April 11, 2023

RE: **Consideration and possible action on the proposed amendment to the Consulting Services Agreement Between the City of De Pere and Vierbicher Associates, Inc.** (Community Development Block Grant Special Project Grant Program Administration for Affordable Housing Conversion Project located at 525 North Tenth Street).

Background

In 2021, the City of De Pere applied to the Wisconsin CDBG Special Project fund for a 55+ older/senior housing affordable housing conversion of the vacant former assisted living facility at 525 N Tenth Street. The City was awarded a grant from the Wisconsin Department of Administration for Northpointe Development to renovate and reopen the vacant building as a senior living facility in 2022. The City anticipated not having the in-house expertise or capacity to complete the necessary federal grant reporting and as such included grant administration in the proposed project budget. Therefore, the City was awarded \$1,522,500 for the project. (\$1,500,000 project, and \$22,500 for grant administration).

In April of last year, the Common Council approved an agreement with Vierbicher Consultants Inc. in the amount of \$17,500 for grant management. The project utilized the lump sum fee but the City; however, through our grant manager, the DOA has requested additional contractor coordination outside of the originally anticipated scope. Therefore, city staff requests an amendment to the agreement for an additional \$5,000 to finalize the requests by the Department of Administration (DOA) and close out the project. The proposed amended total scope and fee shall be \$22,500 and paid through the CDBG grant.

Finally, I also wanted to inform the Council that the DOA recently complete a required desk monitoring visit for the CDBG Grant. The DOA reviewed all the files related to (1) Administration, (2) National Objective Compliance, (3) Procurement and Contracting, (4) Environmental Review, (4) Equal Opportunity, Fair Housing, and Section 3 Compliance, (5) Labor Standards, and (6) Reporting, and (7) Contract language and found the project to be in compliance and they have no additional concerns with the grant management.



Tony Evers, Governor
Kathy Blumenfeld, Secretary
Susan Brown, Division Administrator

March 27, 2023

The Honorable James Boyd, Mayor
City of De Pere
335 S Broadway
De Pere, WI 54115

RE: City of De Pere, Community Development Block Grant Affordable Housing Special Project
Desk Monitoring Notice for CDBG SP 21-02

Dear Mayor Boyd:

This letter is to follow up the review of the City's CDBG Special Project funded by the Division of Energy, Housing and Community Resources Community Development Block Grant Program, Grant Agreement SP 21-02. We would like to thank Ms. Lisa Marone, from Vierbicher, for the assistance provided. She was very helpful in providing information and project documentation for our review.

During the desk monitoring, the Division reviewed the following files:

- Administration
- National Objective Compliance
- Procurement and Contracting
- Environmental Review
- Equal Opportunity, Fair Housing, and Section 3 Compliance
- Labor Standards
- Reporting
- Contract language

The monitoring review resulted in no finding(s) and no concern(s).

Please contact me at (608) 261.7744, or via email at: Cassandra.Dobson1@Wisconsin.gov, if you have any questions.

Sincerely,

Cassandra Dobson, Grant Specialist- Advanced
Bureau of Community Development
Division of Energy, Housing and Community Resources

cc: Carey Danen, City Clerk, City of De Pere
Larry Delo, City Administrator, City of De Pere
Lisa Marone, Vierbicher
Tamra Fabian, Section Chief, DEHCR
David Pawlisch, Director, Bureau of Community Development



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Attorney

FROM: Angela Zills

SUBJECT: Resolution #23-39 Authorizing First Amendment to the Consulting Services Agreement Between the City of De Pere and Walker Consultants, Inc. (Parking Study Implementation and Parking Analysis).

At its meeting on April 11, 2023, the Finance/Personnel Committee voted unanimously to approve an Amendment to the consulting services agreement with Walker Consultants for an updated parking needs analysis based upon a revised development proposal for the former Shopko site.

ATTACHMENTS:

- Reso23-39 (PDF)
- Amendment-Walker Consultants(Parking Study Implementation and Parking Analysis)4-13-23 (PDF)
- Exhibit 1-Walker Consultants (PDF)
- Parking Agreement Amendment - April 2023 (PDF)

RESOLUTION #23-39

AUTHORIZING FIRST AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES
BETWEEN THE CITY OF DE PERE AND WALKER CONSULTANTS, INC.
(Parking Study Implementation and Parking Analysis)

WHEREAS, the City and Walker Consultants, Inc. are parties to a Consulting Agreement (approved by Resolution #22-76) providing consulting services related to parking structure needs and design analysis to ensure sufficient public parking within City's downtown, while fostering continued private development; and

WHEREAS, the City is in need of additional consulting services related to the redevelopment of the former Shopko site, resulting from a new development proposal by the ownership group containing modifications to land use assumptions necessitating an updated parking needs analysis, as further set forth in the First Amendment attached hereto; and

WHEREAS, this matter has been reviewed by the Finance/Personnel Committee, which recommends approval thereof.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor and City Clerk are authorized and directed to execute the First Amendment to Agreement for Consulting Services Between the City of De Pere and Walker Consultants, Inc. as is attached hereto.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, employees, and agents are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 18th day of April, 2023.

APPROVED:

James G. Boyd, Mayor

ATTEST:

Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

Board/Committee Approval: 04/11/2023

**FIRST AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES
BETWEEN THE CITY OF DE PERE AND WALKER CONSULTANTS, INC.
(Parking Study Implementation and Parking Analysis)**

THIS FIRST AMENDMENT made and entered into this ____ day of _____, 2023, by and between the City of De Pere, a Wisconsin municipal corporation ("City") and Walker Consultants, Inc., a foreign corporation authorized to conduct business in Wisconsin ("Consultant").

WHEREAS, the City and Consultant are parties to an Agreement for Consulting Services dated September 16, 2022 ("the Agreement"), which included services related to a parking structure needs and design analysis to foster continued private development within City's downtown to ensure sufficient public parking; and

WHEREAS, the parties wish to amend the Agreement to provide for additional work for Consultant to perform as a result of modifications to land use assumptions for redevelopment of the former Shopko site by the ownership group, necessitating an updated parking needs analysis based upon a new development proposal.

NOW THEREFORE, upon the promises and obligations provided herein, together with such other consideration, the receipt and sufficiency of which is hereby acknowledged, the parties mutually agree to amend the Agreement as follows:

1. Consultant's Scope of Work shall be amended to add consulting services to include an updated parking needs analysis, more specifically described in the tasks set forth in Consultant's Proposal attached hereto as Exhibit 1, incorporated herein by reference and included as part of Consultant's Proposal (Exhibit B) to the Agreement.
2. The cost for such additional consulting services shall be performed in the lump sum amount of \$6,000.
3. All other terms and conditions of the Agreement shall remain in full force and effect, unless specifically modified by this First Amendment.

This First Amendment has been duly executed as of the date and year first set forth above.

WALKER CONSULTANTS, INC.

By:

Kevin White, AICP, CAPP
Parking and Mobility Consultant

Eric Haggett, LEED Green Associate
Director of Planning

CITY OF DE PERE

By:

James G. Boyd, Mayor

Carey E. Danen, City Clerk



1660 S. Highway 100, Suite 545
 Minneapolis, MN 55416
 952.595.9116
 WalkerConsultants.com

March 31, 2023

Mr. Daniel J. Lindstrom, AICP
 Director of Development Services
 City of De Pere, Wisconsin
 335 S. Broadway
 De Pere, Wisconsin 54115

Re: *Proposal for Parking Planning Services Related to the Shopko Redevelopment*
Parking Needs Study Update
De Pere, Wisconsin

Dear Mr. Lindstrom:

Per Walker's proposal for parking planning services dated August 10, 2022, Task 3 involved projecting the anticipated parking needs of the development proposed on the former Shopko site in downtown De Pere. Walker completed its analysis based on a previous development proposal which has since been dramatically altered. Now, the City of De Pere is requesting that Walker perform a similar parking needs analysis for the site, based on a new development proposal.

To complete this new parking needs analysis, Walker proposes the following scope of services:

1. Request from the City and review detailed program data for the development.
2. Request from the City and review available data related to the current use of existing City-owned parking facilities that will be displaced, sold, or transferred to a private owner as part of the project.
3. Using the Urban Land Institute's Shared Parking methodology, develop a model to determine the peak parking needs of the development at full-build out and occupancy. Provide recommendations for the number of spaces required to serve the development and identify how the development's parking needs may vary by:
 - a. Month of year;
 - b. Day of week; and
 - c. Hour of day.
4. Compare the projected peak parking demand expected to be generated by the development with the proposed parking supply and, if necessary, identify strategies to manage parking demand among user types and mitigate any projected parking supply shortages.
5. Prepare a summary memorandum documenting the process, results, and conclusions of the shared parking analysis using narrative, tables, and graphics. Conclusions will include projected parking need for each user type based on proposed development plans.

Exhibit 1



6. Submit the draft memorandum to the City for review and comment.
7. Participate in one (1) conference call with the City to discuss the results of the parking demand analysis and answer any questions.
8. Update the memorandum based on the review call and any comments received in writing from the City and deliver the final memorandum to the City in electronic format.
9. Based on program information for the development provided by the City

Schedule

Walker can commence work on the above scope of services within one (1) week of receiving a signed copy of this agreement. Walker anticipates completing and delivering its draft memorandum to the City within four (4) weeks of receipt of a signed agreement.

Final deliverables can typically be provided within two (2) weeks of receiving comments on draft deliverables.

Professional Fee

Walker proposes to complete the above scope of services for a lump sum professional fee of Six Thousand Dollars (\$6,000.00). Reimbursable expenses will be billed at 1.15 times the cost of travel and living expenses, purchase or rental of specialized equipment, photographs and renderings, document reproduction, postage and delivery costs, long distance telephone and facsimile charges, additional service consultants, and other project related expenses. However, Walker does not anticipate incurring any expenses in the completion of this scope of services.

Walker is dedicated to providing our clients with professional services that meet project requirements and deadlines. If you should have any additional questions, please do not hesitate to call or email us.

Sincerely,

WALKER CONSULTANTS

A handwritten signature in black ink, appearing to read "K. White".

Kevin White, AICP, CAPP
Parking and Mobility Consultant

A handwritten signature in black ink, appearing to read "Eric Haggett".

Eric Haggett, LEED Green Associate
Director of Planning



Authorization

Trusting that this proposal meets with your approval, we ask that you sign in the space below to acknowledge your acceptance of the terms contained herein, and to confirm your authorization for us to proceed. Please return one signed original of this agreement for our records.

City of De Pere

Authorized Signature _____

Printed Name _____

Title _____

Date _____

CITY OF DE PERE MEMO



To: Finance and Personnel Committee
From: Daniel Lindstrom, Development Services Director
Date: April 11, 2023

RE: **Consideration and possible action on the proposed amendment to the Consulting Services Between the City of De Pere and Walker Consultants, Inc. (Parking Study Implementation and Parking Analysis).**

Background

Last August, the Common Council approved an agreement with Walker Consultants to perform several downtown parking-related services described below.

- Task 1: Redevelopment Agreement Consulting
- Task 2: Parking Garage Financial Analysis
- Task 3: Parking Needs Study

Task 3 included understanding the impact to parking in downtown as a result of the development of the former Shopko store. Last year, Walker began Task 3 by analyzing basic land use assumptions given to the staff from the new ownership group (De Pere 230 Development Partners LLC); however, the ownership group modified the assumptions to include a greater mix of land uses; therefore, Walker needs to update the parking needs assessment and update the parking study to accurately reflect the potential impact of the redevelopment of the former Shopko building. Walker utilizes the ULI Shared Parking methodology to develop a model to determine development parking needs at full-build out and occupancy. The cost to re-evaluate the land use assumptions in task three is \$6,000. Walker can commence work on the attached expanded scope of services within one (1) week of receiving a signed copy of this agreement and could complete an amended analysis within four (4) weeks of receipt of a signed agreement.

Funding

Staff requests the continued use of unassigned reserves for the amendment. During future development discussions with the former Shopko ownership group, the City could consider including professional services reimbursements for any consulting services necessary to properly evaluate the project.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Appointments and reappointments to boards and commissions by Mayor Boyd.

ATTACHMENTS:

- Appointment Memo_Apr 2023 (PDF)
- ALDERPERSON COMMITTEE ASSIGNMENTS 2023 (PDF)

Memo

City of De Pere

To: City Council Members
From: James Boyd, Mayor
Subject: Appointment and Reappointments
Date: April 18, 2023 (meeting date)

I am submitting the following names for appointment and reappointment at the April 18, 2023 meeting of the Common Council. I am asking you to please contact me in advance of the meeting if you should have an issue with these appointments.

Commission

Appointment/Reappointment

Brown County Planning Commission

Dan Lindstrom (reappointment)

Historic Preservation Commission

Adam Turriff (reappointment)

Historic Preservation Commission

Patrick Boyd (appointment)

Patrick has been a lifelong resident of De Pere. He attended school in the De Pere school district growing up, went to St. Norbert and UWGB and stayed in De Pere thereafter. For 32 years he was a teacher at Notre Dame Grade School and Wrightstown High School. Patrick volunteers several hours a week at White Pillars and is very passionate about preserving De Pere history. He enjoys the De Pere community and is eager to offer his talents on the Historic Preservation Commission.

ALDERPERSON COMMITTEE ASSIGNMENTS - 2023

HISTORIC PRESERVATION – Jonathon Hansen

CITY PLAN COMMISSION – 2 Alderpersons

BOARD OF HEALTH – Pamela Gantz, Devin Perock

PARK BOARD – Dean Raasch, Amy Kundinger, Shana Ledvina

SUSTAINABILITY COMMISSION – John Quigley

LICENSE COMMITTEE – Pamela Gantz, Dan Carpenter, Devin Perock

PUBLIC WORKS – Shana Ledvina, Dean Raasch, Dan Carpenter, Jonathnn Hansen

FINANCE COMMITTEE – Amy Kundinger, Devin Perock, John Quigley, Pamela Gantz

Devin Perock: Finance Committee, License Committee, Board of Health

Shana Ledvina: Park Board, Public Works

Pamela Gantz: License Committee, Finance Committee, Board of Health

Dean Raasch: Park Board, Public Works

John Quigley: Finance Committee, Sustainability Commission

Dan Carpenter: License Committee, Public Works

Jonathon Hansen: Historic Preservation, Public Works

Amy Kundinger: Park Board, Finance Committee



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Elections by the Common Council.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: A. Alderperson members of the Plan Commission.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: B. President of the Common Council.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023
DEPARTMENT: City Clerk
FROM: Carey Danen
SUBJECT: Voucher approval.

ATTACHMENTS:

- 4-18-23 VOUCHERS (PDF)

4/11/2023 5:01 PM

A / P CHECK REGISTER

PAGE: 1

PACKET: 07001 APR 2023 COUNCIL - 2 4-18-23

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0001	A1 ELEVATOR CORP I-20463	A1 ELEVATOR CORP	R	4/18/2023		180.00CR	102177	180.00
5446	ACTIVE NETWORK LLC I-11125224 I-11126557 I-11128144	ACTIVE NETWORK LLC ACTIVE NETWORK LLC ACTIVE NETWORK LLC ACTIVE NETWORK LLC	R R R	4/18/2023 4/18/2023 4/18/2023		734.80CR 6,587.80CR 2,899.00CR	102178 102178 102178	10,221.60
0302	AIRGAS USA LLC I-9136178101	AIRGAS USA LLC	R	4/18/2023		62.30CR	102179	62.30
0652	AL'S UPHOLSTERING CO LLC I-24679 I-24685 I-24691	AL'S UPHOLSTERING CO LLC AL'S UPHOLSTERING CO LLC AL'S UPHOLSTERING CO LLC AL'S UPHOLSTERING CO LLC	R R R	4/18/2023 4/18/2023 4/18/2023		120.00CR 120.00CR 120.00CR	102180 102180 102180	360.00
2982	ALL CITY COMMUNICATIONS I-4699411-040123	ALL CITY COMMUNICATIONS	R	4/18/2023		92.05CR	102181	92.05
0007	AMBROSIUS SALES & SERVICE I-54948 I-55109	AMBROSIUS SALES & SERVICE AMBROSIUS SALES & SERVICE AMBROSIUS SALES & SERVICE	R R	4/18/2023 4/18/2023		79.75CR 4.70CR	102182 102182	84.45
1698	B A T I I-5875	B A T I	R	4/18/2023		208.82CR	102183	208.82
0020	BADGERLAND PRINTING INC I-29602 I-39604 I-39629 I-39650 I-39651	BADGERLAND PRINTING INC BADGERLAND PRINTING INC BADGERLAND PRINTING INC BADGERLAND PRINTING INC BADGERLAND PRINTING INC	R R R R R	4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023		436.86CR 125.00CR 60.00CR 44.00CR 60.00CR	102184 102184 102184 102184 102184	725.86
0027	BAY TOWEL INC I-4482575 I-4488816	BAY TOWEL INC BAY TOWEL INC BAY TOWEL INC	R R	4/18/2023 4/18/2023		194.89CR 116.00CR	102185 102185	310.89
0028	BAY VERTE MACHINERY INC I-489593-00	BAY VERTE MACHINERY INC	R	4/18/2023		59.97CR	102186	59.97
8891	BAYCARE AURORA LLC I-188-CI0000387 I-188-CI0000397 I-188-CI0000398	BAYCARE AURORA LLC BAYCARE AURORA LLC BAYCARE AURORA LLC BAYCARE AURORA LLC	R R R	4/18/2023 4/18/2023 4/18/2023		134.16CR 928.84CR 853.75CR	102187 102187 102187	1,916.75

4/11/2023 5:01 PM

A / P CHECK REGISTER

PAGE: 2

PACKET: 07001 APR 2023 COUNCIL - 2 4-18-23

VENDOR SET: 01

**** CHECK LISTING ****

BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
3008	BOUND TREE MEDICAL LLC							
	I-84894242	BOUND TREE MEDICAL LLC	R	4/18/2023		91.87CR	102188	
	I-84898867	BOUND TREE MEDICAL LLC	R	4/18/2023		87.16CR	102188	179.03
8413	JUSTINE BRAUN							
	I-202304114015	JUSTINE BRAUN	R	4/18/2023		25.42CR	102189	25.42
0038	BROADWAY AUTOMOTIVE INC							
	C-CM635393P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		75.00	102190	
	C-CM636160P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		29.02	102190	
	I-635378P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		40.95CR	102190	
	I-635393P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		338.25CR	102190	
	I-635394P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		29.02CR	102190	
	I-636160P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		29.02CR	102190	
	I-636357P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		51.63CR	102190	
	I-636451P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		27.30CR	102190	
	I-637673P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		84.13CR	102190	
	I-637673PX1	BROADWAY AUTOMOTIVE INC	R	4/18/2023		81.77CR	102190	
	I-638928P	BROADWAY AUTOMOTIVE INC	R	4/18/2023		98.63CR	102190	676.68
0039	BROOKS TRACTOR INC							
	I-D10281	BROOKS TRACTOR INC	R	4/18/2023		363.25CR	102191	363.25
0046	BROWN COUNTY PORT & RESOURCE RECOVERY							
	I-53940	BROWN COUNTY PORT & RESOURCE R	R	4/18/2023		23,758.51CR	102192	23,758.51
0044	BROWN COUNTY REGISTER OF DEEDS							
	I-INVOICE_928	BROWN COUNTY REGISTER OF DEEDS	R	4/18/2023		0.50CR	102193	0.50
2984	BROWN COUNTY TREASURER							
	I-2023-000000023B	BROWN COUNTY TREASURER	R	4/18/2023		345.92CR	102194	345.92
6061	CARRICO AQUATIC RESOURCES INC							
	I-202304114016	CARRICO AQUATIC RESOURCES INC	R	4/18/2023		9,449.00CR	102195	
	I-202304114017	CARRICO AQUATIC RESOURCES INC	R	4/18/2023		1,270.42CR	102195	
	I-20231516	CARRICO AQUATIC RESOURCES INC	R	4/18/2023		4,200.00CR	102195	
	I-20231517	CARRICO AQUATIC RESOURCES INC	R	4/18/2023		4,450.00CR	102195	19,369.42
0536	CDW GOVERNMENT INC							
	I-HK12007	CDW GOVERNMENT INC	R	4/18/2023		121.40CR	102196	
	I-HK72667	CDW GOVERNMENT INC	R	4/18/2023		39.04CR	102196	
	I-HL32224	CDW GOVERNMENT INC	R	4/18/2023		239.96CR	102196	
	I-HL84636	CDW GOVERNMENT INC	R	4/18/2023		592.88CR	102196	
	I-HL89126	CDW GOVERNMENT INC	R	4/18/2023		3,330.92CR	102196	4,324.20

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VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
6575	CEDAR CORP I-114823	CEDAR CORP	R	4/18/2023		5,725.25CR	102197	5,725.25
8443	CINTAS I-4149724930 I-4150420566 I-4151126444	CINTAS CINTAS CINTAS CINTAS	R R R	4/18/2023 4/18/2023 4/18/2023		47.94CR 47.89CR 47.89CR	102198 102198 102198	 143.72
2708	CLEANING SOLUTION SERVICES INC I-22973 I-22978	CLEANING SOLUTION SERVICES INC CLEANING SOLUTION SERVICES INC	R R	4/18/2023 4/18/2023		1,758.93CR 2,218.50CR	102199 102199	 3,977.43
7997	COMPLETE OFFICE I-AR51015 I-AR51016 I-AR51017 I-AR51018	COMPLETE OFFICE COMPLETE OFFICE COMPLETE OFFICE COMPLETE OFFICE	R R R R	4/18/2023 4/18/2023 4/18/2023 4/18/2023		36.88CR 77.64CR 59.50CR 42.32CR	102200 102200 102200 102200	 216.34
8740	CUMMINS SALES AND SERVICE I-F4-33341	CUMMINS SALES AND SERVICE	R	4/18/2023		4,890.76CR	102201	4,890.76
8027	CURB N DECOR LLC I-23-878	CURB N DECOR LLC	R	4/18/2023		125.00CR	102202	125.00
8989	DAKOTA KOCKEN I-202304114021	DAKOTA KOCKEN	R	4/18/2023		351.00CR	102203	351.00
7288	JESSICA DART I-202304114029	JESSICA DART	R	4/18/2023		130.82CR	102204	130.82
3590	LAWRENCE DELO I-202304114018	LAWRENCE DELO	R	4/18/2023		49.78CR	102205	49.78
3212	DIXON ENGINEERING INC I-23-0330 I-23-0332 I-23-0333	DIXON ENGINEERING INC DIXON ENGINEERING INC DIXON ENGINEERING INC	R R R	4/18/2023 4/18/2023 4/18/2023		1,850.00CR 1,850.00CR 1,450.00CR	102206 102206 102206	 5,150.00
0944	ELECTION SYSTEMS & SOFTWARE INC I-CD2056091	ELECTION SYSTEMS & SOFTWARE IN	R	4/18/2023		37.68CR	102207	37.68
0085	EMERGENCY MEDICAL PRODUCTS INC I-2540368	EMERGENCY MEDICAL PRODUCTS INC	R	4/18/2023		345.80CR	102208	345.80

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4915	ENVIROTECH EQUIPMENT CO, LLC							
	I-21-0016412	ENVIROTECH EQUIPMENT CO, LLC	R	4/18/2023		129.13CR	102209	129.13
0086	ERC INC							
	I-ERC-0423-1296	ERC INC	R	4/18/2023		578.12CR	102210	578.12
7422	EXCEL UNDERGROUND LLC							
	I-10424	EXCEL UNDERGROUND LLC	R	4/18/2023		3,367.61CR	102211	3,367.61
0092	FEAKER & SONS CO INC							
	I-22-11 (5)	FEAKER & SONS CO INC	R	4/18/2023		95,710.13CR	102212	95,710.13
0200	FIRST SUPPLY LLC							
	C-13332553-00	FIRST SUPPLY LLC	R	4/18/2023		19.78	102213	
	C-13494928-00	FIRST SUPPLY LLC	R	4/18/2023		117.02	102213	
	I-13325264-01	FIRST SUPPLY LLC	R	4/18/2023		50.37CR	102213	
	I-13325264-02	FIRST SUPPLY LLC	R	4/18/2023		100.74CR	102213	
	I-13325264-03	FIRST SUPPLY LLC	R	4/18/2023		314.80CR	102213	
	I-13330807-00	FIRST SUPPLY LLC	R	4/18/2023		19.78CR	102213	
	I-13492668-00	FIRST SUPPLY LLC	R	4/18/2023		199.95CR	102213	
	I-13626955-00	FIRST SUPPLY LLC	R	4/18/2023		43.72CR	102213	
	I-13645461-00	FIRST SUPPLY LLC	R	4/18/2023		14.85CR	102213	607.41
6654	FLEETPRIDE INC							
	I-105637351	FLEETPRIDE INC	R	4/18/2023		4,587.76CR	102214	4,587.76
0107	FOX VALLEY TECHNICAL COLLEGE							
	I-TPB0000804679	FOX VALLEY TECHNICAL COLLEGE	R	4/18/2023		575.00CR	102215	575.00
1068	FOX VALLEY TRUCK & BODY INC							
	I-57234	FOX VALLEY TRUCK & BODY INC	R	4/18/2023		6,217.00CR	102216	6,217.00
0562	GALLS LLC							
	I-23730665	GALLS LLC	R	4/18/2023		450.09CR	102217	450.09
6923	GORDON FLESCH COMPANY INC.							
	I-IN14136286	GORDON FLESCH COMPANY INC.	R	4/18/2023		33.30CR	102218	33.30
0666	GRAY'S INC							
	I-38142	GRAY'S INC	R	4/18/2023		2,350.00CR	102219	2,350.00
0117	GRAYBAR ELECTRIC COMPANY INC							
	I-9331182768	GRAYBAR ELECTRIC COMPANY INC	R	4/18/2023		262.59CR	102220	
	I-9331452061	GRAYBAR ELECTRIC COMPANY INC	R	4/18/2023		252.89CR	102220	515.48

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7764	GREAT AMERICA FINANCIAL SVCS I-33741587	GREAT AMERICA FINANCIAL SVCS	R	4/18/2023		1,595.00CR	102221	1,595.00
0122	GREEN BAY REBUILDERS LLC I-63861	GREEN BAY REBUILDERS LLC	R	4/18/2023		140.00CR	102222	140.00
7528	AARON HANSON I-202304114019	AARON HANSON	R	4/18/2023		105.49CR	102223	105.49
1399	INDOFF INC I-3640492 I-3641488	INDOFF INC INDOFF INC	R R	4/18/2023 4/18/2023		310.71CR 126.03CR	102224 102224	 436.74
0362	JOHNSON CONTROLS FIRE PROTECTION LP I-89639189	JOHNSON CONTROLS FIRE PROTECTI	R	4/18/2023		307.97CR	102225	307.97
3201	JOSEPH JOHNSON I-202304114020	JOSEPH JOHNSON	R	4/18/2023		88.56CR	102226	88.56
8364	JOHNSTONE SUPPLY I-6057273	JOHNSTONE SUPPLY	R	4/18/2023		80.65CR	102227	80.65
2602	JOSSART BROTHERS INC I-5433	JOSSART BROTHERS INC	R	4/18/2023		3,664.50CR	102228	3,664.50
1276	JX ENTERPRISES INC C-14250062P I-14250001P I-14252604P I-14253995P I-14254718P I-1453805S	JX ENTERPRISES INC JX ENTERPRISES INC JX ENTERPRISES INC JX ENTERPRISES INC JX ENTERPRISES INC JX ENTERPRISES INC	R R R R R R	4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023		116.76 116.76CR 458.85CR 9.44CR 65.90CR 618.90CR	102229 102229 102229 102229 102229 102229	 1,153.09
3140	KUNDINGER FLUID POWER INC I-50738326	KUNDINGER FLUID POWER INC	R	4/18/2023		824.01CR	102230	824.01
0153	LAFORCE INC I-1217519	LAFORCE INC	R	4/18/2023		18.00CR	102231	18.00
5786	CINDY LEE I-202304114022	CINDY LEE	R	4/18/2023		12.05CR	102232	12.05

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VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0159	LEXIS NEXIS INC I-3094414439	LEXIS NEXIS INC	R	4/18/2023		338.00CR	102233	338.00
7446	MACQUEEN EQUIPMENT I-P27672 I-P27751	MACQUEEN EQUIPMENT MACQUEEN EQUIPMENT	R R	4/18/2023 4/18/2023		147.93CR 327.73CR	102234 102234	475.66
0173	MENARDS INC I-12345B I-12569 I-12687 I-13117 I-13184 I-13197 I-13275 I-13482 I-13763 I-13794	MENARDS INC MENARDS INC MENARDS INC MENARDS INC MENARDS INC MENARDS INC MENARDS INC MENARDS INC MENARDS INC	R R R R R R R R R	4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023		39.49CR 18.90CR 12.51CR 61.85CR 15.18CR 86.81CR 39.98CR 14.58CR 6.99CR 834.94CR	102235 102235 102235 102235 102235 102235 102235 102235 102235 102235	1,131.23
5381	METAL SUPERMARKETS GREEN BAY INC I-1048479	METAL SUPERMARKETS GREEN BAY I	R	4/18/2023		53.61CR	102236	53.61
8473	MINNESOTA PETROLEUM SERVICE I-129516	MINNESOTA PETROLEUM SERVICE	R	4/18/2023		2,786.81CR	102237	2,786.81
0180	MONROE TRUCK EQUIPMENT INC I-844529 I-QUOTE 2MAW003507	MONROE TRUCK EQUIPMENT INC MONROE TRUCK EQUIPMENT INC	R R	4/18/2023 4/18/2023		1,196.00CR 18,495.00CR	102238 102238	19,691.00
3191	NCI I-AR28963	NCI	R	4/18/2023		52.90CR	102239	52.90
0531	NORTHEAST AUTO PARTS INC I-383970 I-384216 I-384321 I-384384 I-384406 I-384467 I-384471 I-384491 I-384508 I-384545 I-384546 I-384593 I-384713 I-384909 I-385031 I-385138 I-385140 I-385176 I-385180	NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC NORTHEAST AUTO PARTS INC	R R	4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023 4/18/2023		49.08CR 6.64CR 13.56CR 1.24CR 8.87CR 24.87CR 3.10CR 26.49CR 16.16CR 26.97CR 5.18CR 180.99CR 19.99CR 6.26CR 155.44CR 17.46CR 17.46CR 29.99CR 19.99CR	102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240 102240	

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VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
	I-385181	NORTHEAST AUTO PARTS INC	R	4/18/2023		21.58CR	102240	
	I-385187	NORTHEAST AUTO PARTS INC	R	4/18/2023		10.93CR	102240	
	I-385201	NORTHEAST AUTO PARTS INC	R	4/18/2023		74.50CR	102240	
	I-385210	NORTHEAST AUTO PARTS INC	R	4/18/2023		2.66CR	102240	
	I-385211	NORTHEAST AUTO PARTS INC	R	4/18/2023		2.66CR	102240	
	I-385213	NORTHEAST AUTO PARTS INC	R	4/18/2023		142.54CR	102240	
	I-385218	NORTHEAST AUTO PARTS INC	R	4/18/2023		322.18CR	102240	
	I-385224	NORTHEAST AUTO PARTS INC	R	4/18/2023		132.86CR	102240	
	I-385238	NORTHEAST AUTO PARTS INC	R	4/18/2023		6.73CR	102240	
	I-385309	NORTHEAST AUTO PARTS INC	R	4/18/2023		11.80CR	102240	
	I-385313	NORTHEAST AUTO PARTS INC	R	4/18/2023		112.66CR	102240	
	I-385326	NORTHEAST AUTO PARTS INC	R	4/18/2023		128.24CR	102240	
	I-385386	NORTHEAST AUTO PARTS INC	R	4/18/2023		171.95CR	102240	
	I-385397	NORTHEAST AUTO PARTS INC	R	4/18/2023		12.27CR	102240	1,783.30
VOID	VOID CHECK		V	4/18/2023			102241	**VOID**
VOID	VOID CHECK		V	4/18/2023			102242	**VOID**
8019	OFFICE ENTERPRISES INC							
	I-529747	OFFICE ENTERPRISES INC	R	4/18/2023		426.18CR	102243	426.18
0194	OLSON TRAILER & BODY LLC							
	I-108513C	OLSON TRAILER & BODY LLC	R	4/18/2023		754.81CR	102244	754.81
8327	OSBURN ASSOCIATES INC							
	I-300295	OSBURN ASSOCIATES INC	R	4/18/2023		967.04CR	102245	967.04
0499	PACK AND SHIP LLC							
	I-297278	PACK AND SHIP LLC	R	4/18/2023		56.69CR	102246	56.69
0197	PACKER CITY INTL TRUCKS INC							
	I-R101052459:01	PACKER CITY INTL TRUCKS INC	R	4/18/2023		1,368.44CR	102247	1,368.44
1331	PACKER FASTENER & SUPPLY INC							
	I-776302	PACKER FASTENER & SUPPLY INC	R	4/18/2023		218.71CR	102248	
	I-791882	PACKER FASTENER & SUPPLY INC	R	4/18/2023		137.29CR	102248	
	I-793895	PACKER FASTENER & SUPPLY INC	R	4/18/2023		1.75CR	102248	
	I-793999	PACKER FASTENER & SUPPLY INC	R	4/18/2023		292.74CR	102248	650.49
1631	JOEL PANSIER							
	I-202304114023	JOEL PANSIER	R	4/18/2023		68.56CR	102249	68.56

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VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0208	POMP'S TIRE SERVICE INC							
	I-1010109603	POMP'S TIRE SERVICE INC	R	4/18/2023		506.84CR	102250	
	I-90082872	POMP'S TIRE SERVICE INC	R	4/18/2023		37.86CR	102250	
	I-90083158	POMP'S TIRE SERVICE INC	R	4/18/2023		453.95CR	102250	998.65
1246	PREVEA HEALTH							
	I-142233	PREVEA HEALTH	R	4/18/2023		250.00CR	102251	
	I-142251	PREVEA HEALTH	R	4/18/2023		873.01CR	102251	1,123.01
0395	PRO ONE JANITORIAL INC							
	I-195647	PRO ONE JANITORIAL INC	R	4/18/2023		1,161.76CR	102252	1,161.76
7584	R LEWIS TECHNOLOGIES INC							
	I-13228	R LEWIS TECHNOLOGIES INC	R	4/18/2023		66.45CR	102253	66.45
5973	RAE-COR DISTRIBUTING INC							
	I-40635	RAE-COR DISTRIBUTING INC	R	4/18/2023		614.87CR	102254	614.87
6948	RAY'S TIRE							
	I-1028901	RAY'S TIRE	R	4/18/2023		2,016.00CR	102255	2,016.00
8387	RED POWER DIESEL							
	I-3657	RED POWER DIESEL	R	4/18/2023		8,644.40CR	102256	8,644.40
0227	REINDERS INC							
	I-6026949-01	REINDERS INC	R	4/18/2023		568.60CR	102257	
	I-6028836-00	REINDERS INC	R	4/18/2023		1,807.65CR	102257	2,376.25
0222	RNOW INC							
	I-2023-65524	RNOW INC	R	4/18/2023		368.11CR	102258	368.11
0158	ROBERT E LEE & ASSOCIATES INC							
	I-83821	ROBERT E LEE & ASSOCIATES INC	R	4/18/2023		1,208.52CR	102259	
	I-83822	ROBERT E LEE & ASSOCIATES INC	R	4/18/2023		19,134.50CR	102259	
	I-83823	ROBERT E LEE & ASSOCIATES INC	R	4/18/2023		142.00CR	102259	
	I-83824	ROBERT E LEE & ASSOCIATES INC	R	4/18/2023		1,329.83CR	102259	
	I-83857	ROBERT E LEE & ASSOCIATES INC	R	4/18/2023		2,854.07CR	102259	
	I-83858	ROBERT E LEE & ASSOCIATES INC	R	4/18/2023		926.31CR	102259	
	I-83915	ROBERT E LEE & ASSOCIATES INC	R	4/18/2023		698.00CR	102259	
	I-83916	ROBERT E LEE & ASSOCIATES INC	R	4/18/2023		1,191.38CR	102259	27,484.61
8200	ANTHONY ROTTIER							
	I-202304114024	ANTHONY ROTTIER	R	4/18/2023		174.02CR	102260	174.02

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0235	SAINT VINCENT HOSPITAL I-2896	SAINT VINCENT HOSPITAL	R	4/18/2023		32.74CR	102261	32.74
8340	BETTY SELLENHEIM I-202304114030	BETTY SELLENHEIM	R	4/18/2023		39.99CR	102262	39.99
8202	SHERWIN WILLIAMS CO I-1756-8 I-2188-9	SHERWIN WILLIAMS CO SHERWIN WILLIAMS CO	R R	4/18/2023 4/18/2023		104.76CR 56.47CR	102263 102263	 161.23
3545	SHORT ELLIOTT HENDRICKSON INC I-443895	SHORT ELLIOTT HENDRICKSON INC	R	4/18/2023		8,560.68CR	102264	8,560.68
2791	SIRCHIE ACQUISITION CO LLC I-577813-IN	SIRCHIE ACQUISITION CO LLC	R	4/18/2023		157.50CR	102265	157.50
8350	MATT SMITH I-202304114025 I-202304114026	MATT SMITH MATT SMITH	R R	4/18/2023 4/18/2023		85.28CR 95.28CR	102266 102266	 180.56
0268	TRUCK EQUIPMENT INC I-1029739-00 I-1043175-00	TRUCK EQUIPMENT INC TRUCK EQUIPMENT INC	R R	4/18/2023 4/18/2023		3,500.00CR 538.11CR	102267 102267	 4,038.11
7015	US BANK EQUIPMENT FINANCE I-497478990	US BANK EQUIPMENT FINANCE	R	4/18/2023		373.40CR	102268	373.40
1355	RONALD J VANPRICE I-202304114027	RONALD J VANPRICE	R	4/18/2023		75.92CR	102269	75.92
1798	VILLA REAL I-LC-1-50909	VILLA REAL	R	4/18/2023		94.90CR	102270	94.90
2645	WI DEPT OF JUSTICE I-202304114028	WI DEPT OF JUSTICE	R	4/18/2023		77.00CR	102271	77.00
0294	WI DEPT OF TRANSPORTATION BBS I-395-0000300569 I-395-0000300592	WI DEPT OF TRANSPORTATION BBS WI DEPT OF TRANSPORTATION BBS	R R	4/18/2023 4/18/2023		7,221.98CR 8,904.01CR	102272 102272	 16,125.99
5109	WILD BLUE TECHNOLOGIES I-28502-01	WILD BLUE TECHNOLOGIES	R	4/18/2023		4,950.00CR	102273	4,950.00

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VENDOR	NAME / I.D.	DESC	CHECK	CHECK	DISCOUNT	AMOUNT	CHECK	CHECK
			TYPE	DATE			NO#	AMOUNT

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	95	0.00	318,457.16	318,457.16
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
VOID CHECKS:	2	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	97	0.00	318,457.16	318,457.16

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

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**** CHECK LISTING ****

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VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
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** POSTING PERIOD RECAP **

FUND	PERIOD	AMOUNT

100	4/2023	99,934.40CR
201	4/2023	4,420.10CR
208	4/2023	25.50CR
209	4/2023	25.42CR
260	4/2023	5,725.25CR
292	4/2023	3,780.38CR
405	4/2023	135,540.35CR
415	4/2023	45,717.53CR
601	4/2023	13,999.97CR
650	4/2023	9,288.26CR
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ALL		318,457.16CR



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Future agenda items.



City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE: April 18, 2023

DEPARTMENT: Economic Development

FROM: Daniel Lindstrom

SUBJECT: Discussion and Possible Action on Potential Acquisition of Private Property for Public Purposes.
