



Plan Commission

Regular Meeting

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

Agenda

Monday, March 27, 2023	7:00 PM	Council Chambers and Virtual
-------------------------------	----------------	-------------------------------------

Pursuant to Wisconsin Statute 19.84, Notice is hereby given to the public that a meeting of the **Plan Commission** of the City of De Pere will be held on **March 27, 2023** at **7:00 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 Spectrum Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at <http://deperecitywi.igmp2.com/>.

I. Call to Order

1. Roll Call
2. Approval of the minutes of the February 27, 2023 Plan Commission meeting.
3. Public comments upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Plan Commission. §6-3(f) DPMC.
4. Consideration and possible action on a 1 lot CSM at 367 Lansdowne ST (Parcel WD-2293).
5. Consideration and possible action on 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). *
6. Consideration and possible action on a major design exception from Zoning Ordinance Section 14-91, Table 9-2, to allow flash dryers to be exposed without metal façade screening on a rear façade at 1751 W Matthew DR (Parcel WD-288).
7. Consideration and possible action to repeal and reenact the FINAL DRAFT Floodplain Zoning Ordinance (Municipal Code Chapter 16). *
8. Consideration and Possible Action to recommend revisions and updates to the Common Council for the Zoning Ordinance and the Official Zoning Map. *
 - A. Consideration and possible action to approve revisions to Municipal Code Chapter 14 (Zoning Ordinance). *
 - B. Consideration and possible action to approve revisions to the Official Zoning Map. *

9. Discussion about site plans received since the February 2023 Plan Commission meeting and review of the status of recently approved development projects.

Adjournment

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the City Planner's office at 339-4043 by noon on the day of the meeting so that arrangements can be made.

*Items with an asterisk require City Council approval.

Agenda Sent To:

Alderspersons

City Administrator

Mayor

Department Heads

TV, Newspapers & Radio Stations

Kress Family Library

De Pere Chamber of Commerce

Troy Hewitt, Robert E Lee & Associates INC

Bill Kingston, Preserve Development LLC

Eric Simensen, Precision Industrial Contractors

Kevin Richards, Sustana Fibers

Store Capital Acquisitions LLC



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: March 27, 2023

DEPARTMENT: Planning

FROM: Kelly Barker

SUBJECT: Approval of the minutes of the February 27, 2023 Plan Commission meeting.

ATTACHMENTS:

- PC_Feb2023_Minutes_Draft (PDF)



Plan Commission

Regular Meeting

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

Draft Minutes

Monday, February 27, 2023

7:00 PM

Council Chambers and Virtual

Call to Order

The meeting was called to order at 7:00 PM by Mayor James Boyd

Attendee Name	Title	Status	Arrived
James Boyd	Mayor	Present	
Brenda Busch	Commissioner	Present	
Dan Carpenter	Alderman	Present	
Mark Higgins	Commissioner	Present	
Dean Raasch	Alderman	Present	
Shane Raymaker	Commissioner	Excused	
Grant Schilling	Commissioner	Present	

Also present: Development Services Director Daniel Lindstrom and City Planner Peter Schlein.

2. Approval of the minutes of the January 23, 2023 Plan Commission meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderman
SECONDER:	Brenda Busch, Commissioner
AYES:	Boyd, Busch, Carpenter, Higgins, Raasch, Schilling
EXCUSED:	Shane Raymaker

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

There were no public comments.

RESULT:	DISCUSSED
----------------	------------------

4. Consideration and possible action on a 21-lot and 2-outlot extraterritorial preliminary plat of Lawrence Parkway First Addition at 2200-2300 BLK Little Rapids RD in Lawrence (Parcels L-458-6, L-2118, L-2117, L-2116, L-2115, L-2114, L-458, L-456, L-456-2, L-457-3). *

City Planner Peter Schlein reviewed the extraterritorial preliminary subdivision plat of Lawrence Parkway in the Town of Lawrence. Staff recommended approval of the plat subject to the conditions in the report. Mayor Boyd moved, seconded by Mark Higgins, to approve the preliminary plat. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Mark Higgins, Commissioner
AYES:	Boyd, Busch, Carpenter, Higgins, Raasch, Schilling
EXCUSED:	Shane Raymaker

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

City Planner Peter Schlein reviewed the 2-lot & 1-outlot CSM at the 2200-2300 Block of American Boulevard. Staff recommended approval of the CSM with no conditions of

approval. Ald. Carpenter moved, seconded by Ald. Raasch, to approve the CSM. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Boyd, Busch, Carpenter, Higgins, Raasch, Schilling
EXCUSED:	Shane Raymaker

6. Consideration and possible action on a 1-lot CSM at 2400-2500 BLK American BL (Parcel WD-L485). *

City Planner Peter Schleinz reviewed the 1-lot CSM at the 2400-2500 block of American Boulevard. Staff recommended approval of the CSM with no conditions of approval. Ald. Raasch moved, seconded by Brenda Busch, to approve the CSM. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Brenda Busch, Commissioner
AYES:	Boyd, Busch, Carpenter, Higgins, Raasch, Schilling
EXCUSED:	Shane Raymaker

7. Consideration and possible action on a major design exception from Zoning Ordinance Section 14-92(9)(a)(1) to add a garage door to an approved carport opening on a primary frontage at 441 Main AV (Parcel WD-288).

City Planner Peter Schleinz reviewed the major design exception from Zoning Ordinance Section 14-92(9)(a)(1) to add a garage door to an approved carport opening on a primary frontage at 441 Main Avenue. Peter explained that staff does not make a recommendation for a major design exception but he is available to answer any questions the commission might have. Ald. Raasch asked why the owner wants the garage door. Peter noted that the second floor is intended to be a rental unit and the garage would serve as parking for the tenant. The applicant indicated that the reason for the garage door is to allow a higher level of safety and security for the tenant. Ald. Raasch asked if a garage door already exists in the back of the building, then why would a garage be needed in the front as well. Development Services Director Daniel Lindstrom explained that the applicant feels the garage door offers a more aesthetic look to the front of the building as opposed to leaving the carport open. According to the applicant's statement, the access from Main Avenue would be an entrance only access and exiting the garage would in turn be accomplished only by existing to the back alley. Discussion followed and it was decided to make it a condition of approval that cars can only enter from Main Avenue and exit from the back alley. Ald. Carpenter moved, seconded by Mayor Boyd, to approve the garage door opening on Main Avenue, which is a primary frontage, with the above condition of approval. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	James Boyd, Mayor
AYES:	Boyd, Busch, Carpenter, Higgins, Raasch, Schilling
EXCUSED:	Shane Raymaker

8. Discussion about repealing and reenacting the City's proposed DRAFT Floodplain Zoning Ordinance (Municipal Code Chapter 16).

City Planner Peter Schleinzi reviewed the City's proposed Draft Floodplain Zoning Ordinance. There are five notable changes in the Ordinance, which are:

- For non-conforming structures with new living quarters built at or above the flood protection elevation the WI DNR is prohibited from imposing cost-based regulations or restrictions to the structure.
- All development must be regulated by the City in special flood hazard areas, regardless of conforming or non-conforming status.
- The City had a 1978 exemption from FEMA in basements in the floodfringe, which is not proposed in the DRAFT Floodplain Zoning Ordinance.
- Certain floodplain variance authorities were created for the Zoning Board of Appeals.
- The City may impose higher floodplain standards than NFIP. No new standards are proposed.

At this time no action needs to be taken. It is being presented to the Plan Commission in order for the members to review it prior to the March 27, 2023 Plan Commission meeting. At that time, the Plan Commission will be asked to make a recommendation to the Common Council.

RESULT:	DISCUSSED
----------------	------------------

9. Discussion about the 2022 City of De Pere Housing Affordability Report Update.

City Planner Peter Schleinzi reported that the 2022 City of De Pere Housing Affordability Report was posted on the City website. This is a discussion-only item so no action is required.

RESULT:	DISCUSSED
----------------	------------------

10. Discussion about site plans received since the January 2023 Plan Commission meeting and review of the status of recently approved development projects.

City Planner Peter Schleinzi reviewed the site plan review status list which identifies site plan projects that are either under review, denied, approved, permitted/under construction, or obtaining occupancy permits. A few Plan Commission members commented on the list and that it was very informative. They thanked staff for the extensive review. No one had questions. Because this was a discussion-only item, no action was taken.

RESULT:	DISCUSSED
----------------	------------------

Adjournment

Mayor Boyd moved, seconded by Brenda Busch, to adjourn the meeting at 7:29 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: March 27, 2023

DEPARTMENT: Planning

FROM: Kelly Barker

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



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: March 27, 2023

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Consideration and possible action on a 1 lot CSM at 367 Lansdowne ST (Parcel WD-2293).

ATTACHMENTS:

- PC Report - CSM at 367 Lansdowne ST (DOCX)
- Preliminary CSM - 14 Mar 2023 (PDF)

- Item 4: Consideration and possible action on a 1 lot CSM at 367 Lansdowne ST (Parcel WD-2293).

SITE MAP



REQUESTED ACTION:	Certified Survey Map Approval.
COMMON DESCRIPTION:	367 Lansdowne ST, located between Lansdowne ST and Brookline AV.
ZONING:	PI-1 (Public & Institutional Districts).
SURROUNDING LAND USES:	Developing detached houses (R1-80) in all directions. Developing two-unit houses (RM-1) and multi-unit buildings (RM-2) a short distance to the west and southwest.
COMPREHENSIVE PLAN:	Parks and Recreation.
APPLICANT / OWNERS:	<u>Authorized Representative and Property Owner</u> City of De Pere 335 S Broadway ST De Pere, WI 53115

LAND USE HISTORY:

After a review of air photographs, the site has been vacant since 1938. The final plat of Waterview heights Fifth Addition was approved in 2002, which created the outlot for a park.

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 property is owned by the city for a city park.
- The purpose for the CSM is to change the status of the outlot to a buildable lot. No new property lines are proposed.

All conditions of approval are listed at the end of the report. The conditions are technical and can be overseen by staff.

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, subject to:

1. Meeting all other state and local regulations, including the City of De Pere and Brown County Planning Commission.
 - a. Per Brown County, in the heading of all sheets and the Surveyor's Certificate, add "Brown County Records" after the document number.
 - b. Per Brown County, identify the line in Brookline AV ROW that is southwest from N51°21'20"W 322.66'.

CERTIFIED SURVEY MAP

ALL OF OUTLOT 4, WATERVIEW HEIGHTS FIFTH ADDITION, DOCUMENT NUMBER 3014873, BEING PART OF LOTS 115 AND 116 OF WILLIAM'S 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 and mapped all of all of Outlot 4, Waterview Heights Fifth Addition, Document Number 3014873, being part of Lots 115 and 116 of William's Grant Subdivision, City of De Pere, Brown County, Wisconsin.

Said parcel contains 87,120 square feet or 2.000 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 retracement of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in the surveying and mapping of the same.

Dated this _____ day of _____, 2023.

Troy E. Hewitt

PLS #2831

ROBERT E. LEE & ASSOCIATES, INC.

RESTRICTIVE COVENANTS WITH THE CITY OF DE PERE:

1.

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.
2.

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.
3.

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.
4.

Sidewalks are required on all street right of ways, including the west side of Lost Dauphin Road.

CERTIFIED SURVEY MAP

ALL OF OUTLOT 4, WATERVIEW HEIGHTS FIFTH ADDITION, DOCUMENT NUMBER 3014873, BEING PART OF LOTS 115 AND 116 OF WILLIAM'S GRANT SUBDIVISION, CITY OF DE PERE, BROWN COUNTY, WISCONSIN

OWNER'S CERTIFICATE:

As owners, we do hereby certify that we caused the land described on this Certified Survey Map to be surveyed, mapped, divided and dedicated as represented on this map. We also do further certify that this Certified Survey Map is required by s-236.34 to be submitted to the following for approval or objection: CITY OF DE PERE

James Boyd, City of De Pere Mayor

Date

Carey E. Danen, City of De Pere Clerk

Date

STATE OF WISCONSIN)
COUNTY) SS

Personally came before me this day of , 2023, the above named to me known to be the same persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

(print name)

My commission expires:

CERTIFIED SURVEY MAP

ALL OF OUTLOT 4, WATERVIEW HEIGHTS FIFTH ADDITION, DOCUMENT NUMBER 3014873, BEING PART OF LOTS 115 AND 116 OF
WILLIAM'S 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



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: March 27, 2023

DEPARTMENT: Planning

FROM: Peter Schleinz

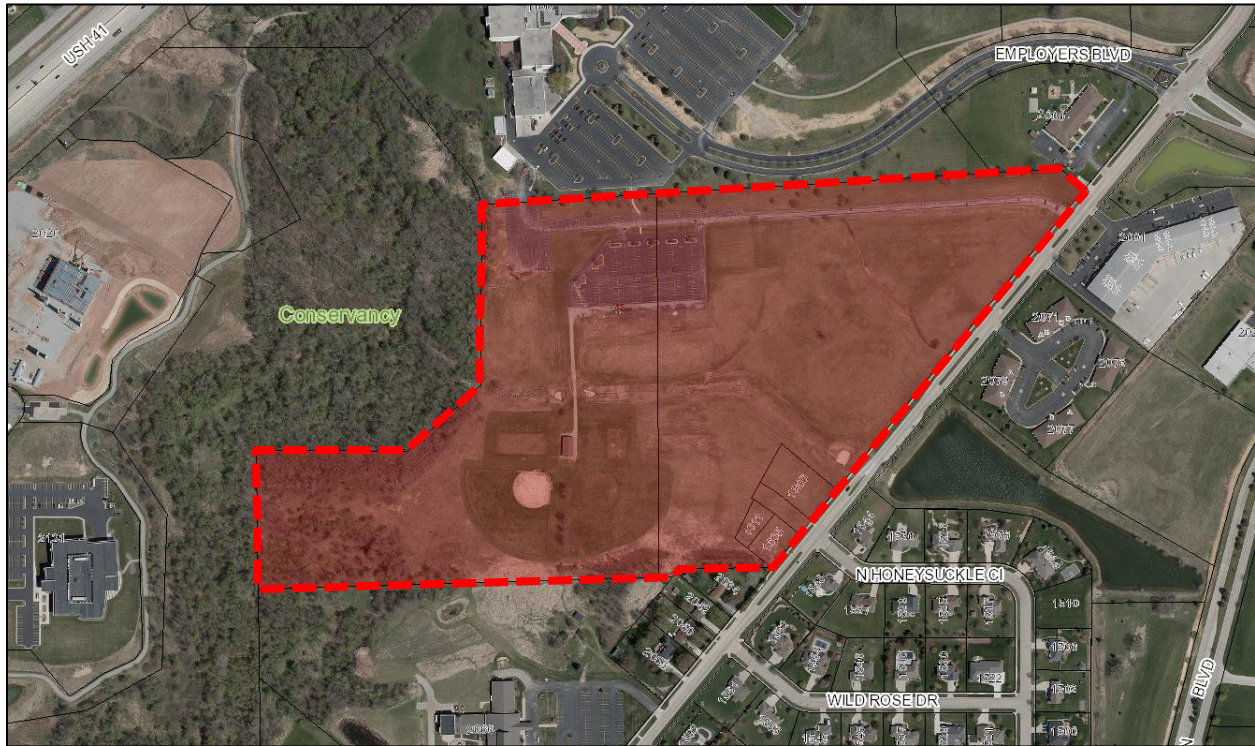
SUBJECT: Consideration and possible action on a 35 lot and 5 outlot final plat of The Kingston Preserve at the 2000 BLK Lawrence DR (Parcels WD-D0034, WD-D0034-1, WD-D0034-2, WD-D0034-3, WD-D0035).
*

ATTACHMENTS:

- PC Report - Fin Plat (DOCX)
- Final Plat and Application - 13 Mar 2023 (PDF)

ITEM 5: Consideration and possible action on 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). *

SITE MAP



REQUESTED ACTION: Final Plat Approval.

COMMON DESCRIPTION: 2000 BLK Lawrence DR, southwest from Lawrence DR and Employers BL.

ZONING: R1-45 PDD (Detached houses with a Planned Development District overlay).

SURROUNDING LAND USES: Office (O) and Business Park (BP-1) to the north and east. Detached houses (R1-80) and church (PI-1) to the south. Conservancy (C) to the west.

COMPREHENSIVE PLAN: Neighborhood Residential (Including Multi-Family).

APPLICANT/OWNER:

<u>Authorized Representative</u>	<u>Property Owner</u>
Troy Hewitt, PLS	Preserve Development LLC
Robert E Lee & Associates INC	ATTN: Bill Kingston, Member
1250 Centennial Centre BL	3346 Pine Tree RD
Hobart, WI 54155	Hobart, WI 54155

LAND USE HISTORY: After a review of air photographs, the park at the west end and Employers BL at the north end developed in the 1980's.

STAFF REVIEW:

When reviewing a final plat, staff considers State Statutes 236 Sections 46-3 through 46-7 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 original preliminary plat was reviewed by Plan Commission in November 2022 with 82 lots and 7 outlots. The final plat has been split into two final plat project phases. This is the first final plat project with 35 lots and 5 outlots.
 - Lots 1-34 are for detached houses.
 - Outlots 1-2 are private-owned open spaces.
 - Outlots 3-4 are dedicated to the city for stormwater management.
 - Outlot 5 is proposed for future land divisions as part of a second final plat project.
- The City's minimum acreage and frontage are met at 0.2 acres and 75-feet, per a PDD overlay that was created for the site. The PDD was approved by Common Council on November 15, 2022.
- The proposed construction start dates for each final plat project phase are spring 2023 for phase one, and spring 2025 for phase two.

All conditions of approval are listed at the end of the report. The conditions are technical and can be overseen by staff.

The final plat meets the criteria of State Statutes 236 and Sections 46-3 through 46-7 of the De Pere Platting and Division of Land Code. The proposed land division does not impact the Comprehensive Plan negatively. The proposed lot size, frontage, and setbacks meet acceptable City requirements.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the final plat and forwarding the plat to the Common Council for approval, subject to:

1. Meeting all other state and local regulations, including the City of De Pere and Brown County Planning Commission.
 - a. Per Brown County, in the heading of all sheets and the Surveyor's Certificate, add "Brown County Records" after the document number.
 - b. Per Brown County, identify "NW-SE" and "NE-SE" within Outlot 5.
2. The existing building is identified as "to be razed." Clarify that the razing is completed by the subdivider.
3. Modify restrictive Covenant #3 to reference being graded by the subdivider.
4. Some of the seven restrictive covenants are incorrectly placed under a titled list for covenants between the city and property owner when the subdivider other agencies need to be included. Revise the title list to include the subdivider or create separate title lists for the subdivider.

5. The anticipated utility and storm easements for City facilities are as follows. Please note these locations may change once final design is completed.
 - a. Provide a 20-foot storm sewer easement on the east side of Lot 1; on Outlot 1 adjacent to Lot 17; on Outlot 6 on the south side of Lot 61 and extending to Outlot 5.
 - b. Add 30 feet to the south side of the existing "Storm sewer/drainage easement" on Outlot 6.
 - c. Provide a 25-foot storm sewer/drainage easement north of the existing storm sewer on Lot 29.
 - d. Provide 30-foot utility easement over the existing water main and sanitary sewer north of Employers Boulevard where the water main and sanitary sewer is located outside of the proposed right of way. The water main will need to be located. There is proposed water main and sanitary sewer that will extend south of the existing utilities and into the right of way for Employers Boulevard and the Preserve Court. An easement will be required over the proposed water main and sanitary sewer located outside the right of way.
6. The anticipated additional drainage easements are as listed below. This may be modified depending on the wetland permitting discussion.
 - a. 6-foot: Lots 1 thru 17 and Outlot 1 adjacent to lots 1 thru 17; Lot 76 thru 78 and Outlot 6 adjacent to lots 76 thru 78; Lots 73 thru 75 and Outlot 4 adjacent to Lots 61 thru 71 and 73 thru 75; Outlot 7 adjacent to Lots 49 thru 58.
 - b. 12-foot: Back lot lines of lots 33 thru 48; Outlot 4 between the back corner of Lot 75 to Outlot 5; Outlot 6 adjacent to the side lot line of Lot 76.
 - c. Drainage easement on Outlot 3.
7. The preliminary layout for right of way for USPS CBU's is shown on the exhibit provided by planning. Each CBU area will be 18 feet long by 5 feet deep. Provide a right of way detail and label each per the lots served as listed below.
 - a. CBU Detail #1 – 26 CBU serves Lots 1 thru 12 and 76 through 82.
 - b. CBU Detail #2 – 16 CBU serves Lots 13 through 28.
 - c. CBU Detail #3 – 26 CBU serves Lots 29 thru 44 and 66 through 75.
 - d. CBU Detail #4 – 26 CBU serves Lots 45 thru 65.
8. Add an arrow pointing to the location for the "Existing City of De Pere 6' drainage easement" on Lot 2.
9. Utility Easement Provisions: OWNER NAME, Grantor to Wisconsin Public Service Corporation, A Wisconsin Corporation, Time Warner Cable, AT&T, City of De Pere, and other public utilities, grantees.
 - a. Update the language to include, "...and other public utilities, grantee" and eliminate "grantee" after Wisconsin Public Service Corporation.
10. Add the following under the USPS note:
 - a. Lots 1 thru 12 and 29 thru 35 are assigned to the CBU #1 location.
 - b. Lots 13 thru 28 are assigned to the CBU #2 location.



CITY OF DE PERE
APPLICATION FOR
PLAT REVIEW

Fee: \$

Receipt #: _____

Date: _____

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) REL	Authorized Representative TROY HEWITT	Title SURVEYOR	
Mailing Address 1250 CENTENNIAL CENTRE BLVD	City HOBART	State WI	ZIP Code 54155
Email Address thewitt@releeinc.com	Phone Number (incl. area code) thewitt@releeinc.com	Fax Number (incl. area code) 920-662-9641 (office number)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) PRESERVE DEVELOPMENT, LLC	Contact Person BILL KINGSTON	Title MEMBER	
Mailing Address 3346 S PINE TREE RD	City HOBART	State WI	ZIP Code 54155
Email Address bkingston@draco-pm.com	Phone Number (incl. area code)	Fax Number (incl. area code) 414-651-5077 (office number)	

SECTION 3: Project or Site Location

Project Address/Description	Parcel No.
-----------------------------	------------

SECTION 4: Plat Review

Review Type:	☐ Preliminary Plat ☒ Final Plat ☐ Condominium Plat		
Fee:	Preliminary Plat Fee: \$300 + (____ # of lots and outlots x \$68) Final Plat Fee: \$200 Condominium Plat Fee: \$300 + (____ # of units x \$68) + (____ # of common elements x \$68)		\$ 200
Present Use of Parcel:	COMMERCIAL AND PARK		
Proposed Use of Lots:	SINGLE FAMILY RESIDENTIAL		

Please submit 1 hard copy, 1 PDF copy, and 1 CAD copy of the Plat if the property is located within the City or if the property is located within the extraterritorial jurisdiction.

SECTION 5: Certification and Permission

Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) TROY HEWITT	Title SURVEYOR	Phone Number 920-662-9641
Signature of Applicant		Date Signed 3/8/22

TO BE COMPLETED BY CITY STAFF

Plat Review authorized by the De Pere Municipal Code, Chapter 46.	
---	--

THE KINGSTON PRESERVE

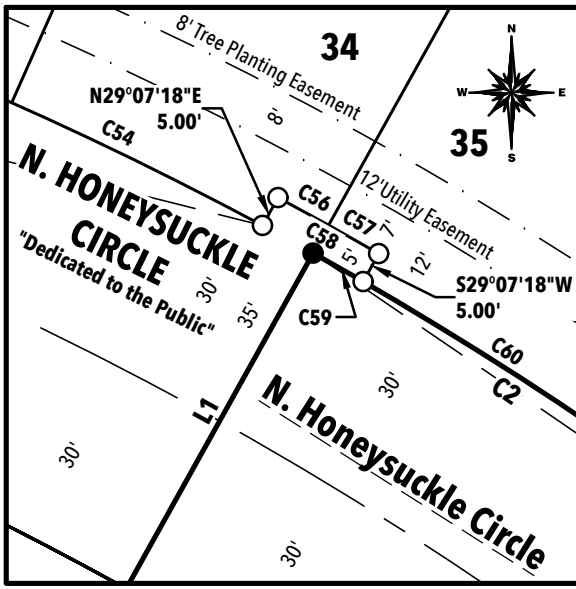
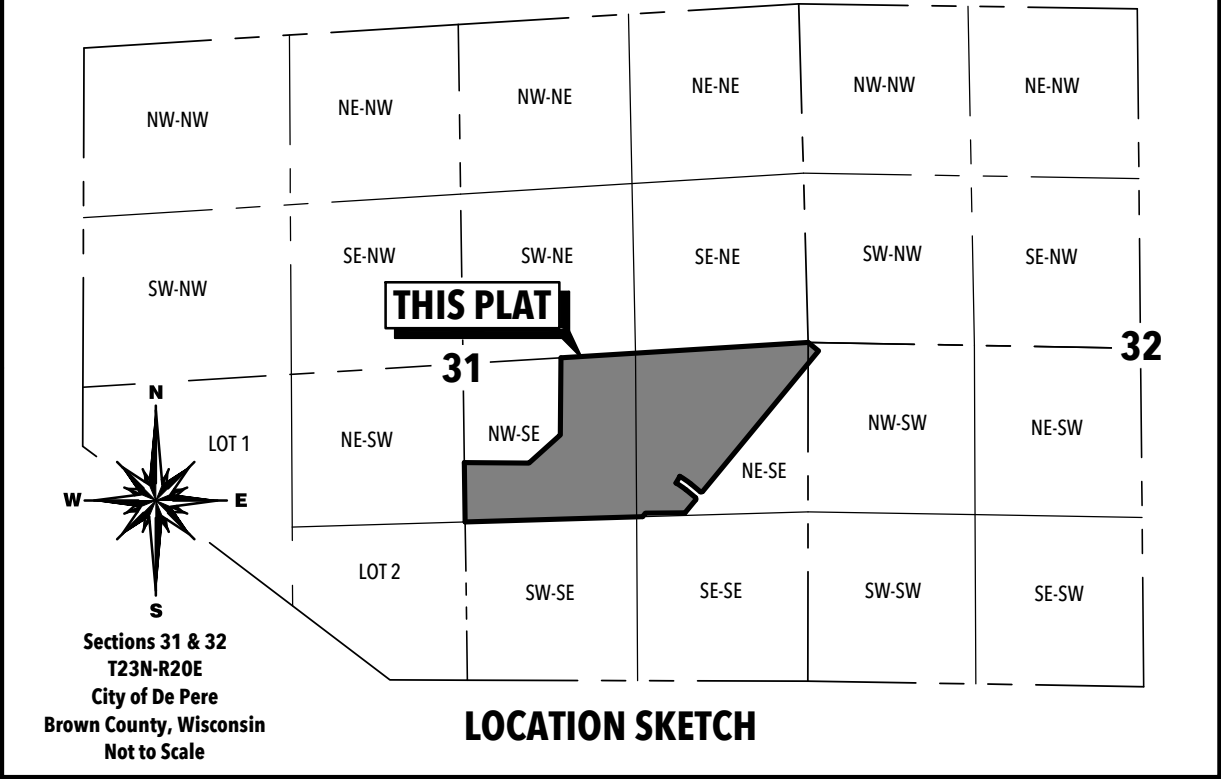
A PLANNED DEVELOPMENT DISTRICT

PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 31 AND ALL OF LOTS 1, 2, 3 AND 4 OF CERTIFIED SURVEY MAP NUMBER 9574, DOCUMENT NUMBER 3026433, LOCATED IN PART OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 31, AND PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, ALL LOCATED IN TOWNSHIP 23 NORTH, RANGE 20 EAST, CITY OF DE PERE, BROWN COUNTY, WISCONSIN

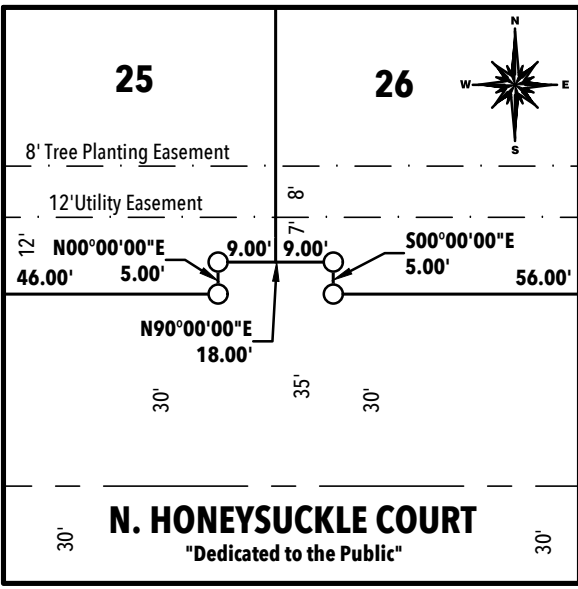
PARCEL AREA TABLE			
PARCEL #	AREA	PARCEL #	AREA
1	15,528 SQ. FT.	19	14,100 SQ. FT.
2	8,630 SQ. FT.	20	14,681 SQ. FT.
3	9,062 SQ. FT.	21	16,187 SQ. FT.
4	8,921 SQ. FT.	22	14,427 SQ. FT.
5	8,927 SQ. FT.	23	10,308 SQ. FT.
6	8,930 SQ. FT.	24	7,975 SQ. FT.
7	9,528 SQ. FT.	25	7,930 SQ. FT.
8	9,517 SQ. FT.	26	9,380 SQ. FT.
9	8,173 SQ. FT.	27	7,975 SQ. FT.
10	8,173 SQ. FT.	28	13,070 SQ. FT.
11	9,652 SQ. FT.	29	8,853 SQ. FT.
12	9,645 SQ. FT.	30	9,474 SQ. FT.
13	8,847 SQ. FT.	31	12,994 SQ. FT.
14	7,975 SQ. FT.	32	9,344 SQ. FT.
15	7,975 SQ. FT.	33	8,788 SQ. FT.
16	7,975 SQ. FT.	34	8,587 SQ. FT.
17	9,030 SQ. FT.	35	30,773 SQ. FT.
18	11,586 SQ. FT.		

PLATTED AREA DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES

93,502 SQ. FT.
2.147 Acres



CBU DETAIL #1
19 CBU serves lots 1-12, 29-35
1" = 30'

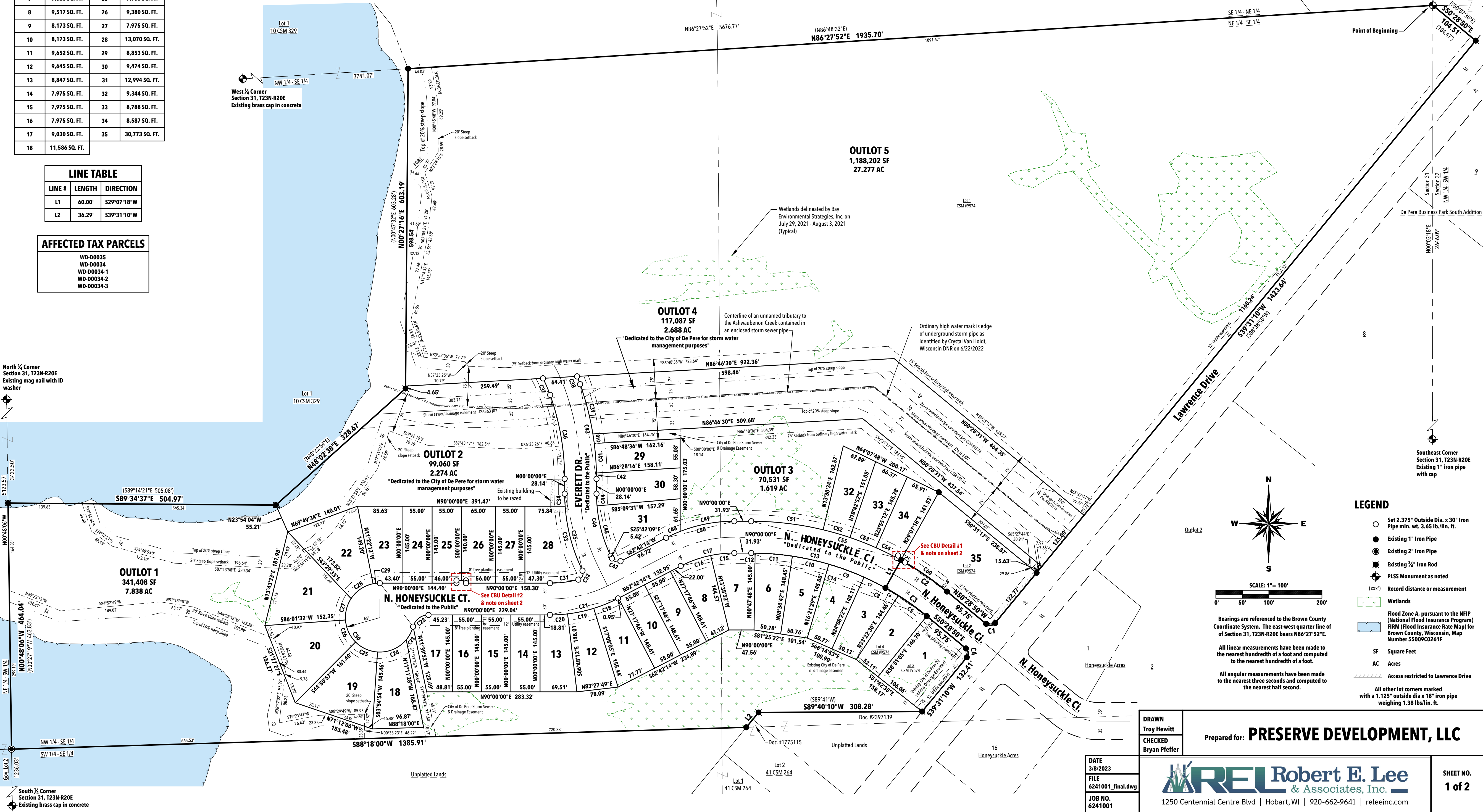


CBU DETAIL #2
16 CBU serves lots 13-28
1" = 30'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	60.00'	S29°07'18"W
L2	36.29'	S39°31'10"W

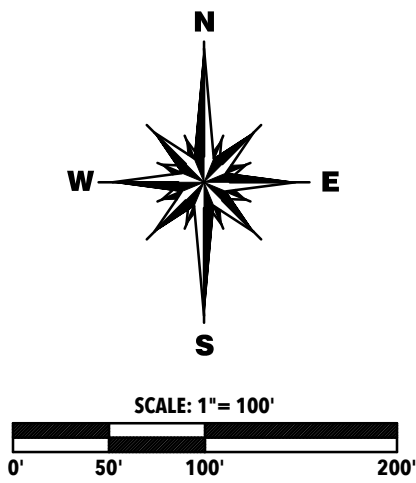
AFFECTED TAX PARCELS

WD-D0035
WD-D0034
WD-D0034-1
WD-D0034-2
WD-D0034-3



LEGEND

- Set 2.375" Outside Dia. x 30' Iron Pipe min. wt. 3.65 lb./lin. ft.
- Existing 1" Iron Pipe
- Existing 2" Iron Pipe
- Existing ¾" Iron Rod
- PLSS Monument as noted
- Record distance or measurement (xxx)
- Wetlands
- Flood Zone A, pursuant to the NFIP (National Flood Insurance Program) FIRM (Flood Insurance Rate Map) for Brown County, Wisconsin, Map Number 55069C0261E
- SF Square Feet
- AC Acres
- Access restricted to Lawrence Drive
- All other lot corners marked with a 1.125" outside dia x 18" iron pipe weighing 1.38 lbs./lin. ft.



Bearings are referenced to the Brown County Coordinate System. The east-west quarter line of Section 31, T23N-R20E bears N86°27'52"E.

All linear measurements have been made to the nearest hundredth of a foot and computed to the nearest hundredth of a foot.

All angular measurements have been made to the nearest three seconds and computed to the nearest half second.

DRAWN
Troy Hewitt
CHECKED
Bryan Pfeffer

Prepared for: **PRESERVE DEVELOPMENT, LLC**

REL Robert E. Lee & Associates, Inc.
1250 Centennial Centre Blvd | Hobart, WI | 920-662-9641 | releinc.com

DATE
3/8/2023
FILE
6241001_final.dwg
JOB NO.
6241001

SHEET NO.
1 of 2

THE KINGSTON PRESERVE

A PLANNED DEVELOPMENT DISTRICT

PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 31 AND ALL OF LOTS 1, 2, 3 AND 4 OF CERTIFIED SURVEY MAP NUMBER 9574, DOCUMENT NUMBER 3026433, LOCATED IN PART OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 31, AND PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, ALL LOCATED IN TOWNSHIP 23 NORTH, RANGE 20 EAST, CITY OF DE PERE, BROWN COUNTY, WISCONSIN

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH	TANGENT BEARING
C1	90°00'00"	12.00'	18.85'	S84°31'10"W	16.97'	N50°28'50"W
C2	10°23'52"	580.00'	105.26'	N55°40'46"W	105.11'	N50°28'50"W
C3	10°23'52"	520.00'	94.37'	N55°40'46"W	94.24'	N50°28'50"W
C4	90°00'00"	12.00'	18.85'	S05°28'50"E	16.97'	S39°31'10"W
C5	7°16'31"	520.00'	66.03'	N54°07'05.5"W	65.99'	N50°28'50"W
C6	3°07'21"	520.00'	28.34'	N59°19'01.5"W	28.34'	N57°45'21"W
C7	4°58'56"	520.00'	45.22'	N63°22'10"W	45.20'	N60°52'42"W
C8	8°06'17"	520.00'	73.56'	N61°48'29.5"W	73.49'	N57°45'21"W
C9	7°46'53"	520.00'	70.62'	S69°45'04.5"E	70.57'	S73°38'31"E
C10	7°46'46"	520.00'	70.61'	S77°31'55"E	70.55'	S81°25'18"E
C11	7°46'55"	520.00'	70.62'	S85°18'45.5"E	70.57'	S89°12'12"E
C12	0°47'48"	520.00'	7.23'	S89°36'06"E	7.23'	N90°00'00"E
C13	29°07'18"	520.00'	264.30'	N75°26'21"W	261.46'	N60°52'42"W
C14	39°31'10"	520.00'	358.67'	N70°14'25"W	351.60'	N50°28'50"W
C15	11°40'37"	220.00'	44.84'	S84°09'41.5"W	44.76'	N90°00'00"W
C16	15°37'09"	220.00'	59.97'	S70°30'48.5"W	59.79'	S78°19'23"W
C17	27°17'46"	220.00'	104.81'	S76°21'07"W	103.82'	N90°00'00"W
C18	10°09'41"	280.00'	49.66'	N67°47'04.5"E	49.59'	N72°51'55"E
C19	10°19'53"	280.00'	50.49'	N78°01'51.5"E	50.42'	N83°11'48"E
C20	6°48'12"	280.00'	33.25'	N86°35'54"E	33.23'	N90°00'00"E
C21	27°17'46"	280.00'	133.40'	N76°21'07"E	132.14'	N90°00'00"E
C22	74°44'33"	30.00'	39.14'	S52°37'43.5"W	36.42'	N90°00'00"W
C23	24°47'31"	65.00'	28.13'	N27°39'12.5"E	27.91'	N40°02'58"E
C24	53°51'56"	65.00'	61.11'	N66°58'56"E	58.88'	S86°05'06"E
C25	40°56'03"	65.00'	46.44'	S65°37'04.5"E	45.46'	S45°09'03"E
C26	41°10'35"	65.00'	46.71'	S24°33'45.5"E	45.71'	S03°58'28"E
C27	37°25'52"	65.00'	42.46'	S14°44'28"W	41.71'	S33°27'24"W
C28	45°10'23"	65.00'	51.25'	S56°02'35.5"W	49.93'	S78°37'47"W
C29	11°22'13"	65.00'	12.90'	S84°18'53.5"W	12.88'	N90°00'00"W
C30	254°44'33"	65.00'	289.00'	S37°22'16.5"E	103.31'	N90°00'00"W

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH	TANGENT BEARING
C31	14°03'19"	220.00'	53.97'	N82°58'20.5"E	53.83'	N90°00'00"E
C32	102°01'11"	12.00'	21.37'	S24°56'05.5"W	18.65'	S75°56'41"W
C33	21°58'56"	330.00'	126.61'	S15°05'01"E	125.83'	S04°05'33"E
C34	4°05'33"	330.00'	23.57'	S02°02'46.5"E	23.57'	S00°00'00"E
C35	26°04'29"	330.00'	150.18'	S13°02'14.5"E	148.89'	S00°00'00"E
C36	19°39'58"	470.00'	161.32'	N09°49'59"W	160.53'	N00°00'00"E
C37	7°14'18"	270.00'	34.11'	N23°17'07"W	34.09'	N19°39'58"W
C38	2°44'34"	330.00'	15.80'	N21°02'14"W	15.80'	N19°39'58"W
C39	10°28'49"	530.00'	96.94'	S14°25'33.5"E	96.81'	S19°39'58"E
C40	1°57'19"	530.00'	18.09'	S08°12'29.5"E	18.09'	S09°11'09"E
C41	6°02'59"	530.00'	55.96'	S04°12'20.5"E	55.94'	S07°13'50"E
C42	1°10'51"	530.00'	10.92'	S00°35'25.5"E	10.92'	S01°10'51"E
C43	19°39'58"	530.00'	181.91'	N09°49'59"W	181.02'	N00°00'00"E
C44	4°50'29"	270.00'	22.81'	S02°25'14.5"E	22.81'	S00°00'00"E
C45	20°51'40"	270.00'	98.31'	S15°16'19"E	97.76'	S04°50'29"E
C46	25°42'09"	270.00'	121.12'	S12°51'05"E	120.11'	S00°00'00"E
C47	91°35'37"	12.00'	19.18'	S71°29'57.5"E	17.20'	S25°42'09"E
C48	5°55'25"	280.00'	28.95'	S65°39'56.5"W	28.94'	S68°37'39"W
C49	21°22'21"	280.00'	104.45'	S79°18'49.5"W	103.84'	N90°00'00"W
C50	27°17'46"	280.00'	133.40'	S76°21'07"W	132.14'	N90°00'00"W
C51	13°30'34"	580.00'	136.75'	S83°14'43"E	136.44'	N90°00'00"E
C52	5°12'18"	580.00'	52.69'	S73°53'17"E	52.67'	S76°29'26"E
C53	5°12'21"	580.00'	52.70'	S68°40'57.5"E	52.68'	S71°17'08"E
C54	4°18'44"	580.00'	43.65'	S63°55'25"E	43.64'	S66°04'48"E
C55	28°13'57"	580.00'	285.79'	N75°53'01.5"W	282.91'	N61°46'03"W
C56	0°52'54"	585.00'	9.00'	S61°19'09"E	9.00'	S61°45'36"E
C57	0°52'53"	585.00'	9.00'	S60°26'15.5"E	9.00'	S60°52'42"E
C58	1°45'47"	585.00'	18.00'	N60°52'42.5"W	18.00'	N59°59'49"W
C59	0°53'21"	580.00'	9.00'	S60°26'01.5"E	9.00'	S60°52'42"E
C60	9°30'31"	580.00'	96.26'	S55°14'05.5"E	96.15'	S59°59'21"E

OWNER'S CERTIFICATE OF DEDICATION:

Preserve Development, LLC, a Wisconsin limited liability company duly organized and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Preserve Development, LLC, does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

CITY OF DE PERE
BROWN COUNTY
DEPARTMENT OF ADMINISTRATION

Dated this _____ day of _____, 2023.

In the presence of Preserve Development, LLC

By _____

Name: _____

Title: _____

STATE OF WISCONSIN)

(COUNTY) SS

Personally came before me this _____ day of _____, 2023, the above named property owner(s) to me known to be the person who executed the foregoing instrument and acknowledged the same.

My commission expires _____

Notary Public, Wisconsin

COMMON COUNCIL APPROVAL CERTIFICATE

Resolved, that the plat of "THE KINGSTON PRESERVE" in the City of De Pere, Preserve Development, LLC, owner, is hereby approved by the Common Council on _____, 2023.

Carey E. Danen, City Clerk

Date

CITY OF DE PERE TREASURER'S CERTIFICATE

I, being the duly elected, qualified and acting Treasurer of the City of De Pere, do hereby certify that in accordance with the records in my office, there are no unredeemed tax sales and no unpaid taxes, or no special assessments on and of the land included in this plat.

Joe Zegers

Date

City of De Pere Treasurer

BROWN COUNTY TREASURER'S CERTIFICATE

I, being the duly elected, qualified and acting Treasurer of Brown County, do hereby certify that in accordance with the records in my office, there are no unredeemed tax sales and no unpaid taxes, or no special assessments on and of the land included in this plat.

Paul Zeller

Date

Brown County Treasurer

SURVEYOR'S CERTIFICATE

I, Troy E. Hewitt, Professional Land Surveyor, hereby certify that by the order and under the direction of Preserve Development, LLC, I have surveyed, divided and mapped a parcel of land being part of the Northwest 1/4 of the Southeast 1/4 of Section 31 and all of Lots 1, 2, 3 and 4 of Certified Survey Map Number 9574, Document Number 3026433, located in part of the Northeast 1/4 of the Southeast 1/4 of Section 31, and part of the Northwest 1/4 of the Southwest 1/4 of Section 32, all located in Township 23 North, Range 20 East, City of De Pere, Brown County, Wisconsin more fully described as follows:

Commencing at the Southeast corner of said Section 31; thence N00°03'18"E, 2646.09 feet on the east line of said Southeast ¼ to the East ¼ corner of said Section 31, the POINT OF BEGINNING; thence S50°28'50"E, 104.51 feet on the north line of said Lot 1 to the west right of way of Lawrence Drive; thence S39°31'10"W, 1423.64 feet on said west right of way; thence 18.85 feet on the arc of a 12.00 foot radius curve to the right, having a long chord which bears S84°31'10"W, 16.97 feet on said west right of way to the north right of way of North Honeysuckle Circle; thence N50°28'50"W, 95.75 feet on said north right of way; thence 105.26 feet on the arc of a 580.00 foot radius curve to the left, having a long chord which bears N55°40'46"W, 105.11 feet on said north right of way to the west right of way of said North Honeysuckle Circle; thence S29°07'18"W, 60.00 feet on said west right of way to the south right of way of said North Honeysuckle Circle; thence 94.37 feet on the arc of a 520.00 foot radius curve to the right, having a long chord which bears S55°40'46"E, 94.24 feet on said south right of way; thence S50°28'50"E, 95.75 feet on said south right of way to the west right of way of Lawrence Drive; thence 18.85 feet on the arc of a 12.00 foot radius curve to the right, having a long chord which bears S05°28'50"E, 16.97 feet on said west right of way; thence S39°31'10"W, 132.41 feet on said west right of way to the southeast corner of said Lot 3; thence S89°40'10"W, 308.28 feet on the north line of lands described in Document Number 2397139; thence S39°31'10"W, 36.29 on the west line of said lands and continuing on the west line of lands described in Document Number 1775115 to the south line of said Northeast ¼ of the Southeast ¼; thence S88°18'00"W, 1385.91 feet on said south line and continuing on the south line of said Northwest ¼ of the Southeast ¼ to the southwest corner thereof; thence N00°48'06"W, 464.04 feet on the west line of said Northwest ¼ of the Southeast ¼ to a north line of lands described as Parcel D in Document Number 2970378; thence S89°34'37"E, 504.97 feet on said north line; thence N48°02'38"E, 328.67 feet on said north line to a west line of said lands; thence N00°27'16"E, 603.19 feet on said west line to the east-west quarter line of said Section 31; thence N86°27'52"E, 1935.70 feet on said east-west quarter line to the Point of Beginning.

Said parcel contains 2,282,710 Square Feet (52.404 Acres) of land more or less.

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 of the Wisconsin Statutes in the surveying, dividing and mapping of the same.

Troy E. Hewitt
ROBERT E. LEE & ASSOCIATES, INC.

3/7/23

Date

DRAWN
Troy Hewitt
CHECKED
Bryan Pfeffer

Prepared for: **PRESERVE DEVELOPMENT, LLC**

DATE
3/8/2023
FILE
6241001_final.dwg
JOB NO.
6241001

REL Robert E. Lee
& Associates, Inc.
1250 Centennial Centre Blvd | Hobart, WI | 920-662-9641 | releinc.com

SHEET NO.
2 of 2



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: March 27, 2023

DEPARTMENT: Planning

FROM: Peter Schleinz

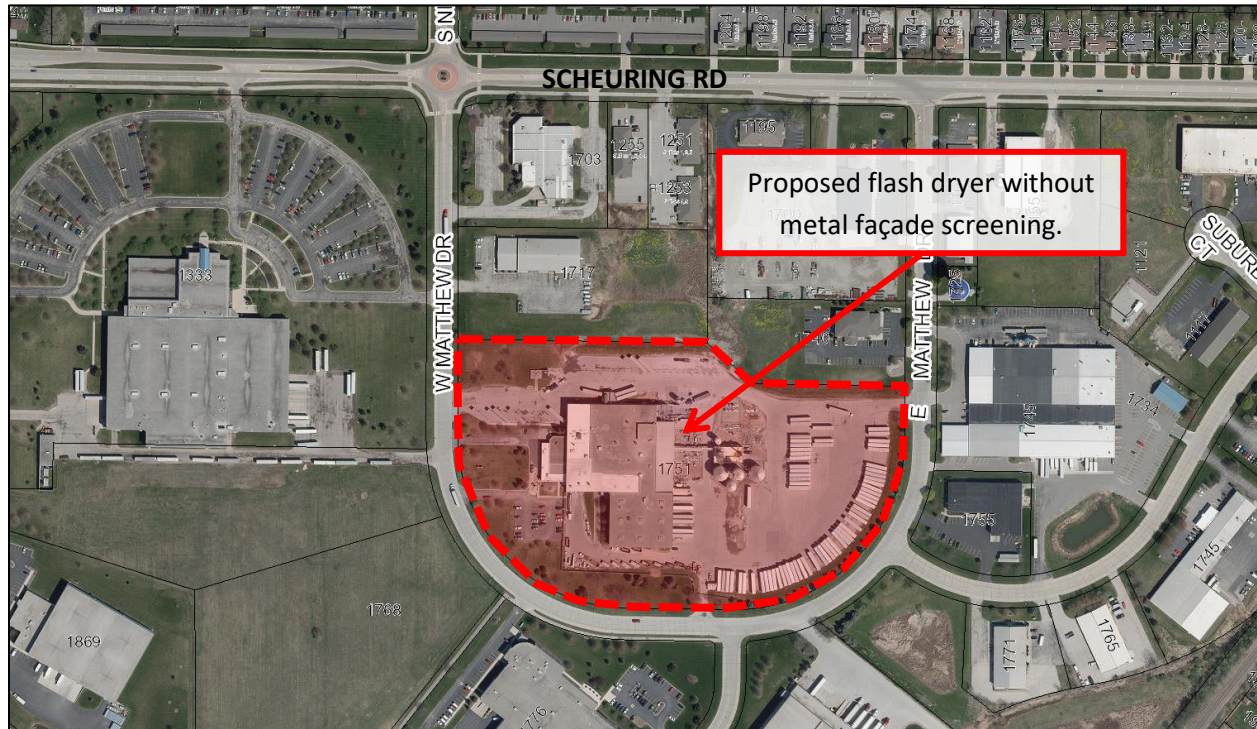
SUBJECT: Consideration and possible action on a major design exception from Zoning Ordinance Section 14-91, Table 9-2, to allow flash dryers to be exposed without metal façade screening on a rear façade at 1751 W Matthew DR (Parcel WD-288).

ATTACHMENTS:

- PC Report - Major Design Exception (DOCX)
- Site Plan - ONLY Footprint and elevations - 13 Mar 2023 (PDF)

- ITEM 6:** Consideration and possible action on a major design exception from Zoning Ordinance Section 14-91, Table 9-2, to allow flash dryers to be exposed without metal façade screening on a rear façade at 1751 W Matthew DR (Parcel WD-288).

SITE MAP



- REQUESTED ACTION:** Major Design Exception.
- COMMON DESCRIPTION:** 1751 W Matthew DR , between W Matthew DR and E Matthew DR.
- ZONING:** BP-2 (Business Park-2 District.).
- SURROUNDING LAND USES:** Business Park (BP-1) to the north, east, and west.
Business Park (BP-2) and Conservancy (C) to the south and east.

Note: The nearest residential district to the north is ~940-feet away. The nearest residential district to the east is ~1,525-feet away.

- COMPREHENSIVE PLAN:** Business Park.

- | | | |
|-------------------------|--|--|
| APPLICANT/OWNER: | <u>Authorized Representative</u>
Eric Simensen, President
Precision Industrial Contractors
1555 Down River DR
Woodland, WA 98674 | <u>Property Owner</u>
Store Capital Acquisitions LLC
8377 E Hartford ST STE 100
Scottsdale, AZ 85255-5686 |
|-------------------------|--|--|

- LAND USE HISTORY:** The property was developed for business park use in the early 1990's.

STAFF REVIEW:

Recent Site Plans

On March 13, 2023 a site plan was submitted for review by staff for the addition of three flash dryer systems on the north and east sides of the Sustana Fiber building at 1751 W Matthew DR. The majority of the flash dryer system is screened with an approvable perforated metal façade (minor façade material) to allow for the release of some of the heat that the system generates. However, a 130-foot 5-inch tall component on the east façade is not screened on the site plan.

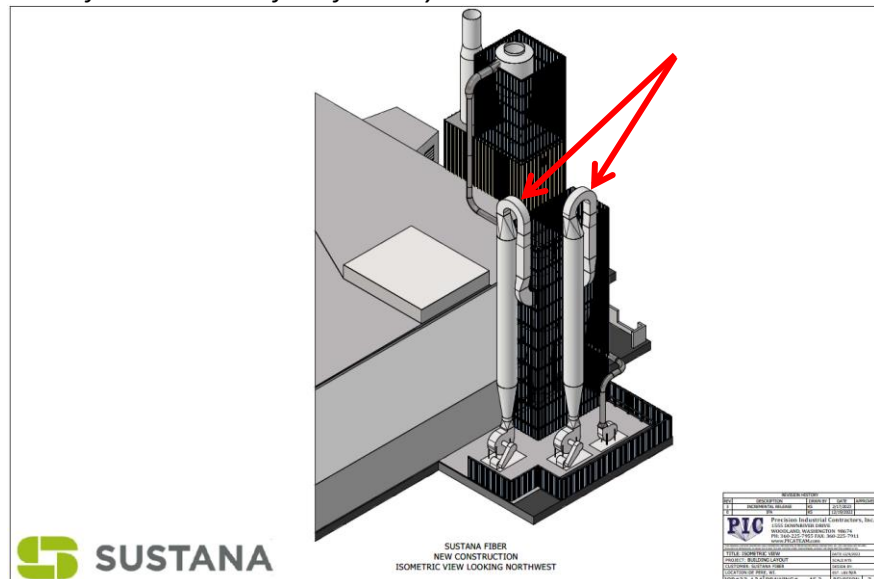
Major Design Exception Request

On March 13, 2023, the authorized representative asked to let the flash dryer vent component remain unscreened, and identified that the component could not properly release enough heat if screened like the rest of the flash dryer system.

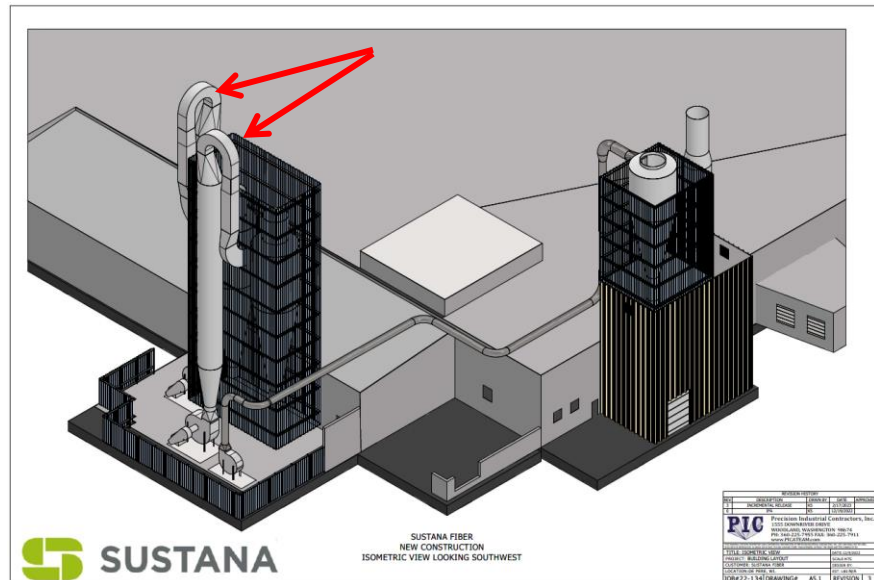
- Per Zoning Ordinance Section 14-91, Table 9-2, a perforated metal façade is a permitted minor façade material on the rear of the building. However, providing no façade material is prohibited.

Plan Commission review is required for variations to minor façade materials. The request is considered a major design exception for relief from strict compliance with the regulations of Article IX (Buildings and Site Design).

View of the east side of the flash dryer vent.



View of the north side of the same flash dryer vent.



Criteria for Review

The Plan Commission's decision to approve or deny a request for a major design exception must be based on a determination of whether:

1. The requested design exception is consistent with the general intent statement of 14-125(2);
 - a. *Intent statement: The design exception provisions of this section are intended to authorize the granting of relief from strict compliance with the regulations when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The exception provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and consistency with the comprehensive plan.*
2. The requested design exception is consistent with the comprehensive plan and any adopted area plan; and
3. The requested design exception will not result in any adverse impacts on other properties in the area beyond those impacts ordinarily expected through implementation of the regulation.

Required Design Criteria

No additional design criteria are required.

***City of De Pere
Staff Comments***

***Plan Commission
March 27, 2023***

REVIEW PROCESS:

Staff does not make a recommendation for major design exceptions. Plan Commission reviews the petition, and then makes a final decision of approval or denial.



CITY OF DE PERE

APPLICATION FOR
SITE PLAN REVIEW

Fee: \$ 350.00

Receipt #: 179475

Date: 2/16/2023

Read all instructions provided before completing. If additional space is needed, attach additional pages. Type or use black ink.

SECTION 1: Applicant / Permittee Information

Applicant Name (Ind., Org. or Entity) PRECISION INDUSTRIAL CONTRACTORS	Authorized Representative ERIC SIMENSEN	Title PRESIDENT	
Mailing Address 1555 DOWN RIVER DR	City WOODLAND	State WA	ZIP Code 98674
Email Address eric@picteam.com	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 2: Landowner Information (complete these fields when project site owner is different than applicant)

Name (Ind. Org. or Entity) SUSTANA FIBERS	Contact Person KEVIN RICHARDS	Title PRESIDENT	
Mailing Address 1751 W. MATHEW DR	City DE PERE	State WI	ZIP Code 54115
Email Address KRichards@sustanagroup.com	Phone Number (incl. area code)	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description 1751 W MATHEW DR. De Pere, WI 54115	Parcel No. WD-364-0-526
--	----------------------------

SECTION 4: Project Information

Existing Zoning: BUSINESS/ INDUSTRIAL			
Present Use of Parcel: BUSINESS/ INDUSTRIAL			
Proposed Use of Parcel: BUSINESS/ INDUSTRIAL			
Estimated Start Date: 3/1/23	Estimated Completion Date:	8/1/23	

Please submit 1 hard copy 24x36, 1 hard copy 11x17 and 1 PDF copy of the submittal.

SECTION 5: Certification and Permission

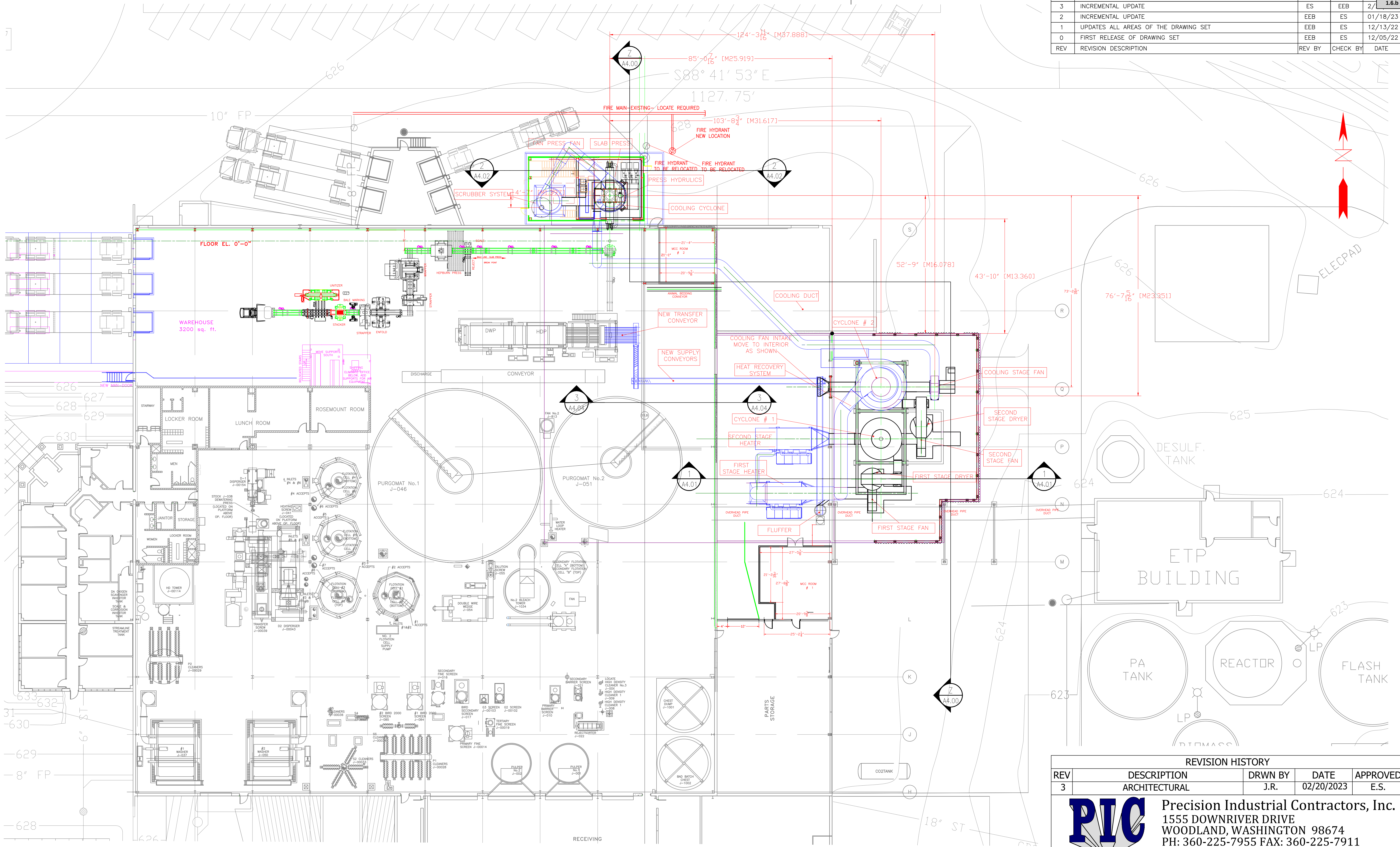
Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or forfeiture under the provisions of applicable laws.

Permission: I hereby give the City permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Name of Owner/Authorized Representative (please print) ERIC SIMENSEN	Title PRESIDENT/PIC	Phone Number 360-904-9767
Signature of Applicant 		Date Signed 2/16/23

TO BE COMPLETED BY CITY STAFF

CSM Review authorized by the De Pere Municipal Code, Chapter 46.



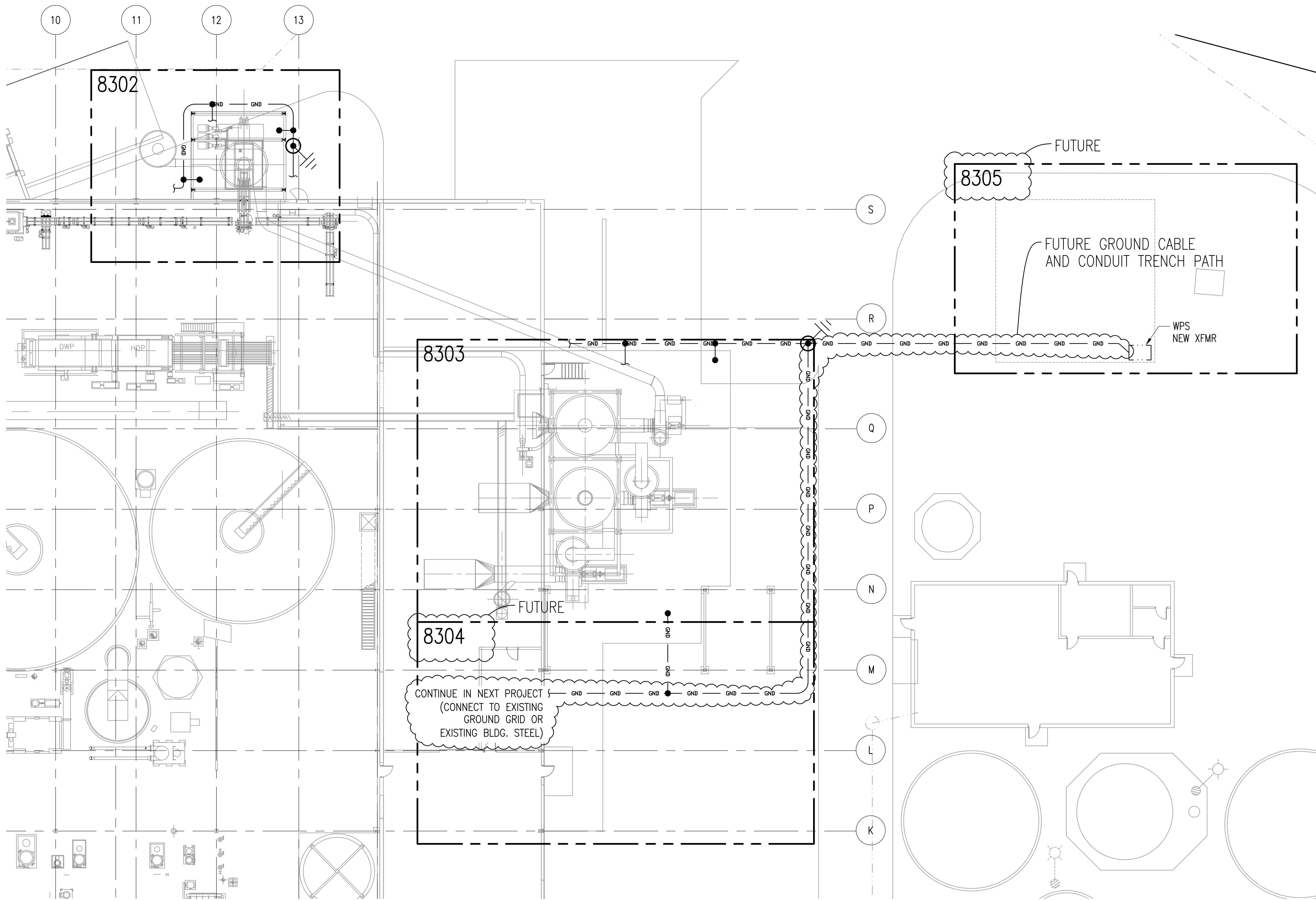
3	INCREMENTAL UPDATE	ES	EEB	2/	1.6.b
2	INCREMENTAL UPDATE	EEB	ES	01/18/23	
1	UPDATES ALL AREAS OF THE DRAWING SET	EEB	ES	12/13/22	
0	FIRST RELEASE OF DRAWING SET	EEB	ES	12/05/22	
REV	REVISION DESCRIPTION	REV BY	CHECK BY	DATE	



DRAWINGS COLOR KEY	
EXISTING EQUIPMENT	
RELOCATED EQUIPMENT	
NEW EQUIPMENT	
NEW BUILDING AND STRUCTURES	

THIS DRAWING CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION OF PRECISION INDUSTRIAL CONTRACTORS, INC. (PIC) AND SHALL NOT BE USED, DISCLOSED OR REPRODUCED, IN WHOLE OR IN PART, FOR ANY PURPOSE OTHER THAN INTENDED, WITHOUT THE PRIOR WRITTEN CONSENT OF PIC.

REVISION HISTORY				
REV	DESCRIPTION	DRWN BY	DATE	APPROVED
3	ARCHITECTURAL	J.R.	02/20/2023	E.S.
PIC Precision Industrial Contractors, Inc. 1555 DOWNRIVER DRIVE WOODLAND, WASHINGTON 98674 PH: 360-225-7955 FAX: 360-225-7911 www.PICATEAM.com				
PROJECT:FLASH DRYER INSTALLTION				
TITLE: SUSTANA FIBER FLASH DRYER ARCHITECTURAL SET SITE BUILDING			DATE:12/05/2022 SCALE: 1/16"=1'-2"	
CUSTOMER:SUSTANA FIBER			DRAWN BY:E.E.B	
LOCATION:DU PERE , WI			SHEET: 3 OF 16	
JOB#22-134T DRAWING#IFA A1.01			REVISION	



GENERAL GROUNDING NOTES:

1. ALL MATERIALS SHALL BE OF COPPER OR COPPER BRONZE, AND LISTED FOR GROUNDING.
2. PER NEC 250.50 ALL GROUNDING ELECTRODES DESCRIBED IN 250.52(A)(1) THROUGH (7) SHALL BE BONDED TOGETHER TO FORM THE GROUNDING ELECTRODE SYSTEM. WHERE NONE EXIST ELECTRODES DESCRIBED IN 250.52(A)(4) THROUGH (8) SHALL BE INSTALLED AND CONNECTED.
3. ALL CONNECTIONS SHALL COMPLY WITH NEC 250.8.
4. REFER TO NEC 250.52 FOR SPECIFIC MINIMUM REQUIREMENTS FOR GROUNDING ELECTRODES.
5. ALL ELECTRICAL EQUIPMENT SHALL BE GROUNDED USING EQUIPMENT GROUNDING CONDUCTOR SIZED IN ACCORDANCE WITH CURRENT NATIONAL ELECTRICAL CODE.
6. THE UNDERGROUND GROUND LOOP SHALL BE A MINIMUM OF 30" BELOW FINISHED GRADE AND AT LEAST 24" AWAY FROM ALL OUTSIDE WALL FOUNDATIONS, WHEREVER POSSIBLE.
7. FOR PERIMETER GROUND USE #4/0 SOFT-DRAWN, STRANDED, BARE COPPER WIRE.
8. GROUND RODS SHALL BE 3/4" x 10 FEET LONG, COPPER TYPE.
9. GROUND TEST STATION SHALL BE INSTALLED FLUSH WITH FINISHED GRADE, AND NOT LOCATED IN VEHICLE OR PEDESTRIAN TRAFFIC PATHS SUCH AS DOORWAY, SIDEWALKS AND ROADWAYS, VERIFY LOCATION IN THE FIELD.
10. FOR COLUMNS, STRUCTURES, FRAMES, TANKS, ETC. USE #2/0-BARE SOFT-DRAWN STRANDED, BARE COPPER GROUND CONDUCTORS.
11. ALL GROUNDING SYSTEM CABLES SHALL BE TESTED FOR CONTINUITY AND THE RESISTANCE SHALL NOT EXCEED 5 OHMS AT ANY POINT. ADDITIONAL GROUND RODS ARE TO BE ADDED AS REQUIRED.
12. RUN OVERHEAD GROUNDING WIRES INSIDE SCH 80 PVC SPEC. 8.3.001 3.3.1 CONDUITS IN THE AREA WHERE SUBJECT TO DAMAGE.
13. WHEN METAL CONDUITS ARE USED, THEY SHALL BE BONDED TO THE GROUNDING CONDUCTOR AT BOTH ENDS OF THE CONDUIT PER NEC 250.64 (E).
14. ELECTRICAL CONTRACTOR SHALL COIL AND PROTECT 10 FEET OF #2/0 GROUND WIRE ABOVE GRADE OR FLOOR FOR GROUNDING OF EQUIPMENT NOT INSTALLED AT THE TIME OF THE GROUNDING LOOP INSTALLATION. CONTRACTOR SHALL CONNECT COILED #2/0 GROUND WIRE TO PROCESS EQUIPMENT WHEN THE EQUIPMENT IS INSTALLED.
15. ALL SLEEVES SHALL BE SEALED WITH OIL AND HEAT RESISTANT SEAL.
16. CONTRACTOR SHALL COORDINATE GROUNDING STUB-UPS LOCATIONS WITH OTHER TRADES AND LATEST VENDOR DRAWINGS.
17. THE CONTRACTOR SHALL PROTECT INSTALLED WORK AND REPAIR OR REPLACE ANY DAMAGE AT HIS EXPENSE.
18. CONTRACTOR SHALL TIE NEW PERIMETER GROUND TO EXISTING PERIMETER GROUND AND TO EXISTING BUILDING POWER SERVICE.

SYMBOLS:

- ABOVEGROUND GROUND CABLE
- GND — UNDERGROUND GROUND CABLE
- ⊙ GROUND ROD
- GROUND CONNECTION
- ⌚ GROUND STUB UP LOCATION
- ⊙ GROUND TEST WELL

ISSUED FOR CONSTRUCTION

NOTICE
THIS DRAWING HAS NOT BEEN PUBLISHED AND IS THE SOLE PROPERTY OF COOPER & ASSOCIATES LLC
AND IS LENT TO THE BORROWER FOR THEIR CONFIDENTIAL USE ONLY AND IN CONSIDERATION OF THE LOAN OF THIS DRAWING, THE BORROWER PROMISES AND AGREES TO RETURN IT UPON REQUEST AND AGREES THAT IT SHALL NOT BE REPRODUCED, COPIED, LENT OR OTHERWISE DISPOSED OF DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED.
FILE NAME: 1296-8300 24" X 36"

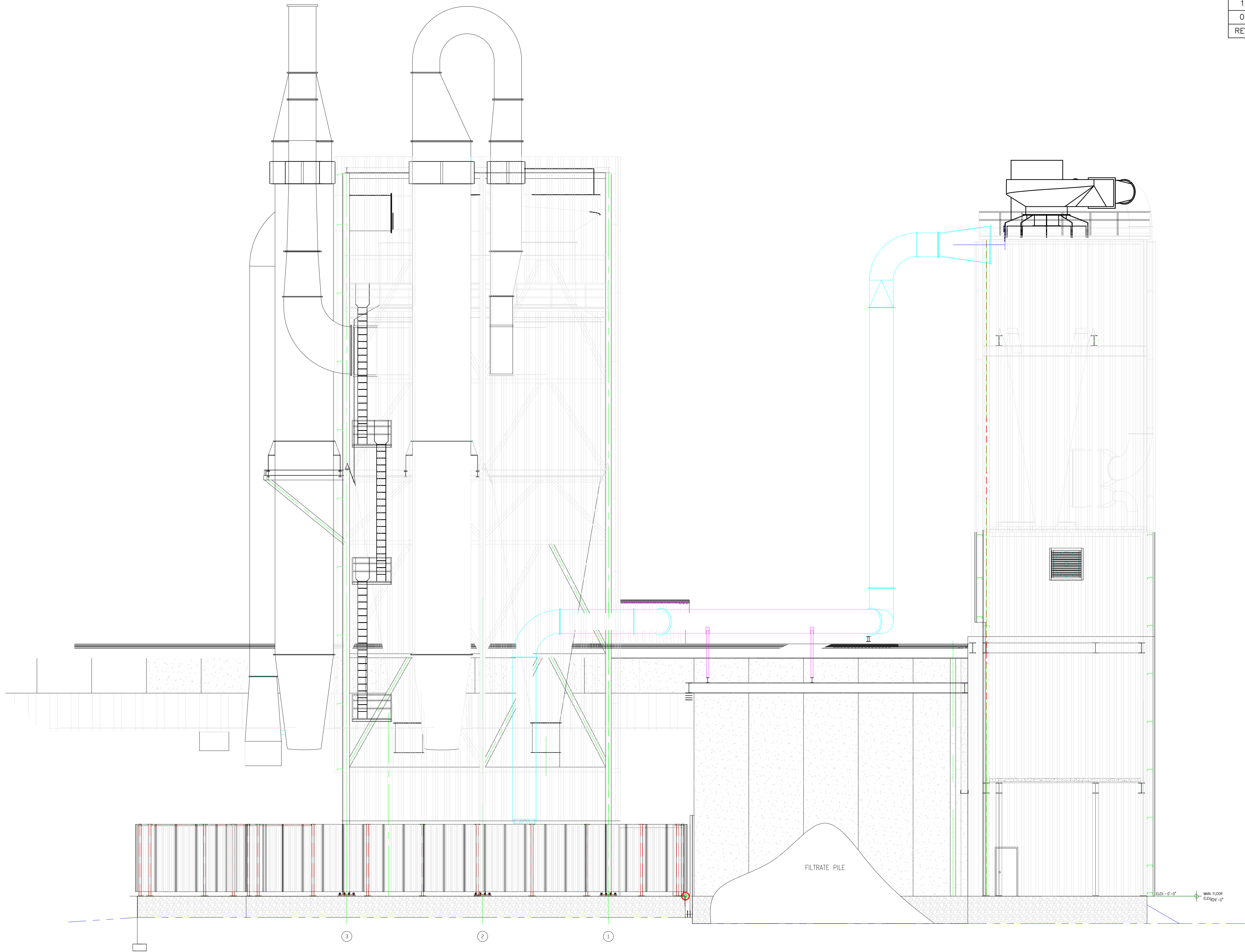
MK	REVISION	DATE	DR. BY	IS. BY
A	ISSUED FOR REVIEW	12/02/22	SMA	DA
O	ISSUED FOR CONSTRUCTION	01/09/23	SED	DA

COOPER & ASSOCIATES LLC
a **Quad Plus** company
Engineers — Project Managers
Project Number: **1296**
2200 Ellis Road, New Lenox, Illinois, 60451
Phone: 815-740-0860 www.cooper-engr.com

DRAWN BY SMA	DATE 11-28-2022	PROJECT DRYER INSTALLATION	SHEET D	DRAWING NUMBER 1296-8300	SHEET 1 of 1
CHECKED BY DA	DATE 01-09-23				
APPROVED BY XXX	DATE XX-XX-XX				
FILE NAME 1296-8300.dwg					SCALE 1/16"=1'-0"

GROUNDING
KEY PLAN

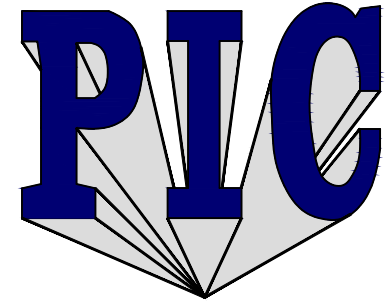
3	INCREMENTAL UPDATE	ES	EEB	2/16.6.b
2	INCREMENTAL UPDATE	EEB	ES	01/18/23
1	UPDATES ALL AREAS OF THE DRAWING SET	EEB	ES	12/13/22
0	FIRST RELEASE OF DRAWING SET	EEB	ES	12/05/22
REV	REVISION DESCRIPTION	REV BY	CHECK BY	DATE



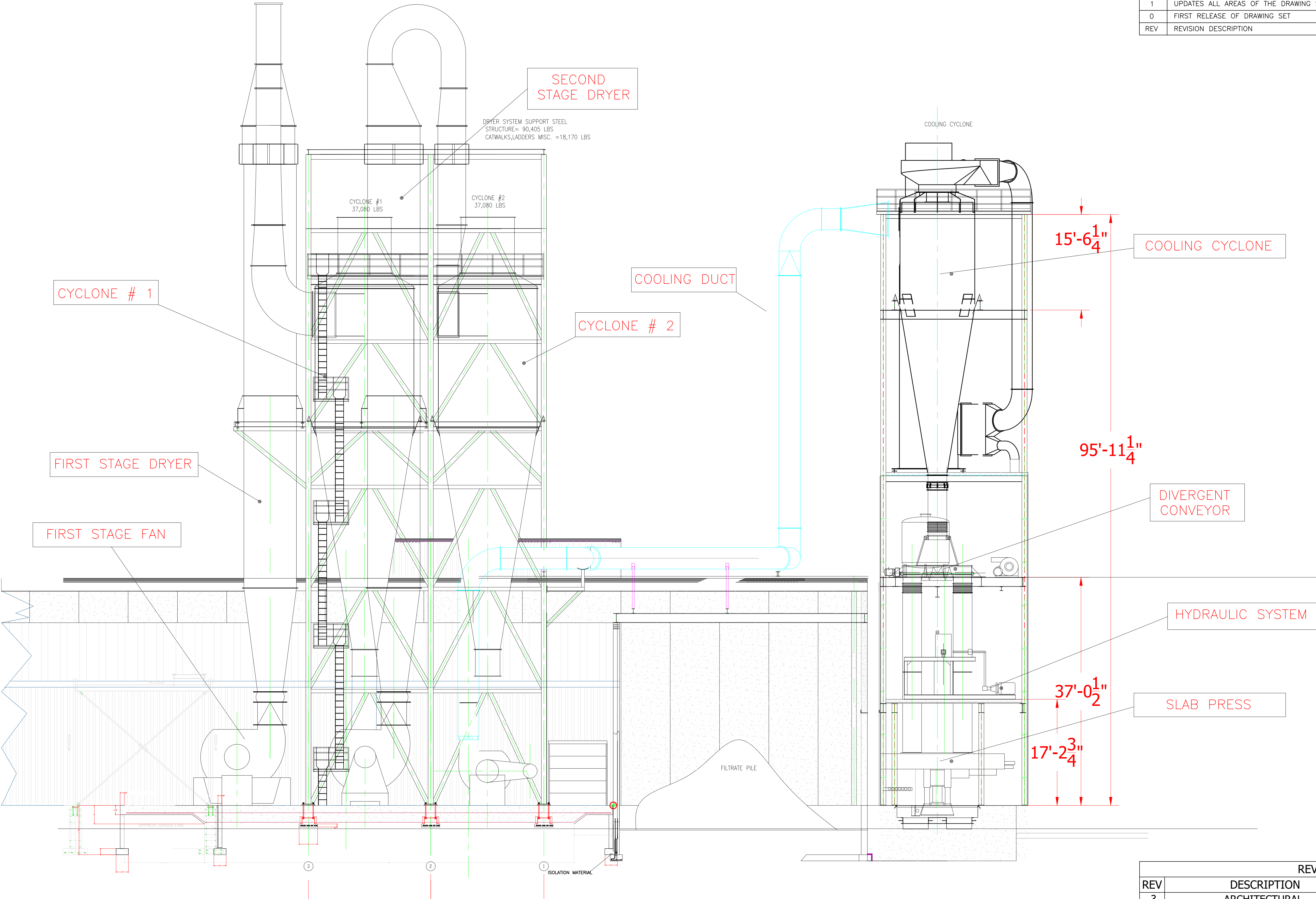
1 NORTH ELEVATION VIEW OF THE FLASH DRYER SYSTEM WITH SIDING
A3.00 SCALE= 1/8"=1'-0"



THIS DRAWING CONTAINS
PROPRIETARY AND CONFIDENTIAL
INFORMATION OF PRECISION
INDUSTRIAL CONTRACTORS, INC.
(PIC) AND SHALL NOT BE USED,
DISCLOSED OR REPRODUCED, IN
WHOLE OR IN PART, FOR ANY
PURPOSE OTHER THAN INTENDED,
WITHOUT THE PRIOR WRITTEN
CONSENT OF PIC.

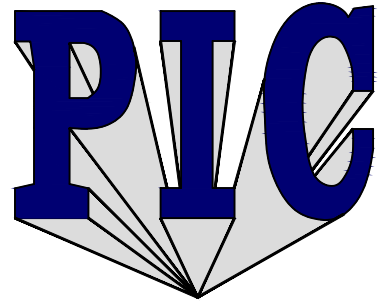
REVISION HISTORY				
REV	DESCRIPTION	DRWN BY	DATE	APPROVED
3	ARCHITECTURAL	J.R.	02/20/2023	E.S.
 Precision Industrial Contractors, Inc. 1555 DOWNRIVER DRIVE WOODLAND, WASHINGTON 98674 PH: 360-225-7955 FAX: 360-225-7911 www.PICATEAM.com				
PROJECT:FLASH DRYER INSTALLTION				
TITLE: SUSTANA FIBER FLASH DRYER ARCHITECTURAL SET NORTH ELEVATION VIEW FLASH DRYER TOWERS			DATE:12/05/2022 SCALE: 1/8"=1'-0"	
CUSTOMER:SUSTANA FIBER			DRAWN BY:E.E.B	
LOCATION:DU PERE , WI			SHEET: 4 OF 16	
JOB#22-134T DRAWING#IFA A3.00			REVISION	

3	INCREMENTAL UPDATE	ES	EEB	2/16.6
2	INCREMENTAL UPDATE	EEB	ES	01/18/23
1	UPDATES ALL AREAS OF THE DRAWING SET	EEB	ES	12/13/22
0	FIRST RELEASE OF DRAWING SET	EEB	ES	12/05/22
REV	REVISION DESCRIPTION	REV BY	CHECK BY	DATE



Z-Z CROSS SECTION OF THE FLASH DRYER SYSTEM
SCALE= 1/8"=1'-0"

REVISION HISTORY				
REV	DESCRIPTION	DRWN BY	DATE	APPROVED
3	ARCHITECTURAL	J.R.	02/20/2023	E.S.



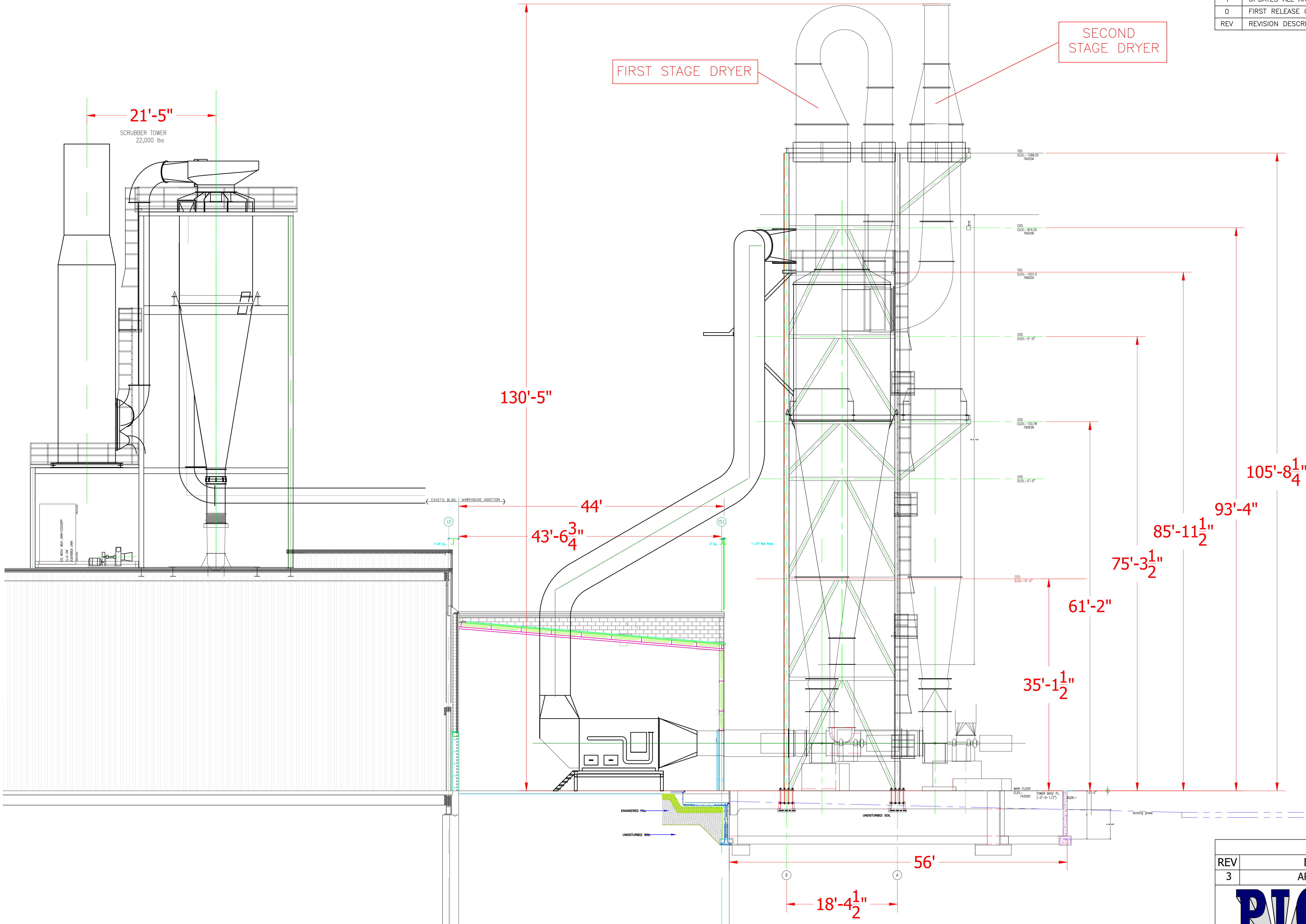
Precision Industrial Contractors, Inc.
1555 DOWNRIVER DRIVE
WOODLAND, WASHINGTON 98674
PH: 360-225-7955 FAX: 360-225-7911
www.PICATEAM.com

PROJECT:FLASH DRYER INSTALLTION	
TITLE: SUSTANA FIBER FLASH DRYER ARCHITECTURAL SET CROSS SECTION OF THE FLASH DRYER SYSTEM	DATE:12/05/2022 SCALE: 1/8"=1'-0"
CUSTOMER:SUSTANA FIBER	DRAWN BY:E.E.B
LOCATION:DU PERE , WI	SHEET: 7 OF 16
JOB#22-134T DRAWING#IFA A4.00	REVISION

THIS DRAWING CONTAINS
PROPRIETARY AND CONFIDENTIAL
INFORMATION OF PRECISION
INDUSTRIAL CONTRACTORS, INC.
(PIC) AND SHALL NOT BE USED,
DISCLOSED OR REPRODUCED, IN
WHOLE OR IN PART, FOR ANY
PURPOSE OTHER THAN INTENDED,
WITHOUT THE PRIOR WRITTEN
CONSENT OF PIC.



3	INCREMENTAL UPDATE	ES	EEB	2/	1.6.b
2	INCREMENTAL UPDATE	EEB	ES	01/18/23	
1	UPDATES ALL AREAS OF THE DRAWING SET	EEB	ES	12/13/22	
0	FIRST RELEASE OF DRAWING SET	EEB	ES	12/05/22	
REV	REVISION DESCRIPTION	REV BY	CHECK BY	DATE	

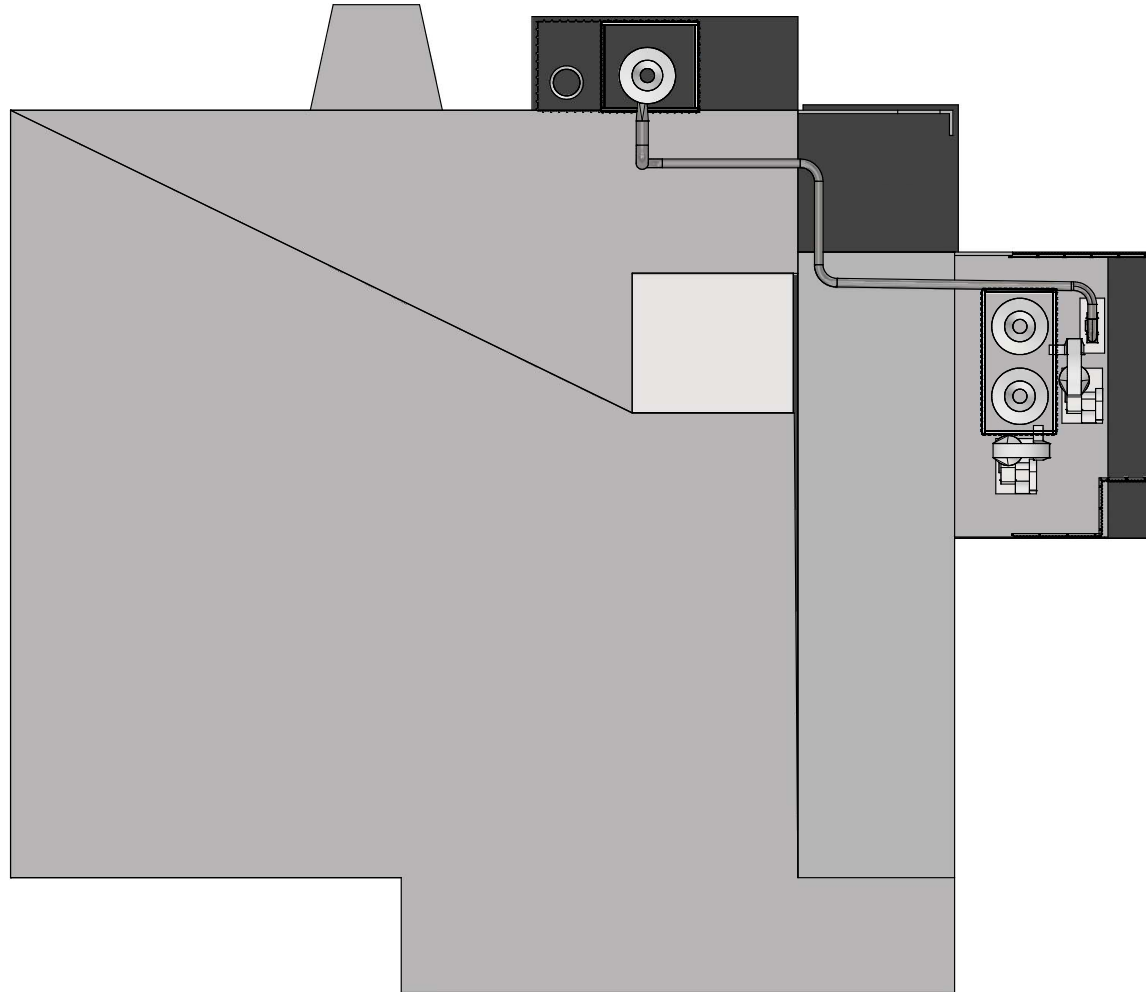


1-1 CROSS SECTION OF FLASHER DRYER TOWER
A4.01 SCALE = 1/8"=1'-0"



THIS DRAWING CONTAINS
PROPRIETARY AND CONFIDENTIAL
INFORMATION OF PRECISION
INDUSTRIAL CONTRACTORS, INC.
(PIC) AND SHALL NOT BE USED,
DISCLOSED OR REPRODUCED, IN
WHOLE OR IN PART, FOR ANY
PURPOSE OTHER THAN INTENDED,
WITHOUT THE PRIOR WRITTEN
CONSENT OF PIC.

REVISION HISTORY				
REV	DESCRIPTION	DRWN BY	DATE	APPROVED
3	ARCHITECTURAL	J.R.	02/20/2023	E.S.
PIC Precision Industrial Contractors, Inc. 1555 DOWNRIVER DRIVE WOODLAND, WASHINGTON 98674 PH: 360-225-7955 FAX: 360-225-7911 www.PICATEAM.com				
PROJECT:FLASH DRYER INSTALLTION				
TITLE: SUSTANA FIBER FLASH DRYER ARCHITECTURAL SET CROSS SECTION OF THE FLASH DRYER TOWERS			DATE:12/05/2022 SCALE: 1/8"=1'-0"	
CUSTOMER:SUSTANA FIBER			DRAWN BY:E.E.B	
LOCATION:DU PERE , WI			SHEET: 8 OF 16	
JOB#22-134T DRAWING#IFA A4.01			REVISION	

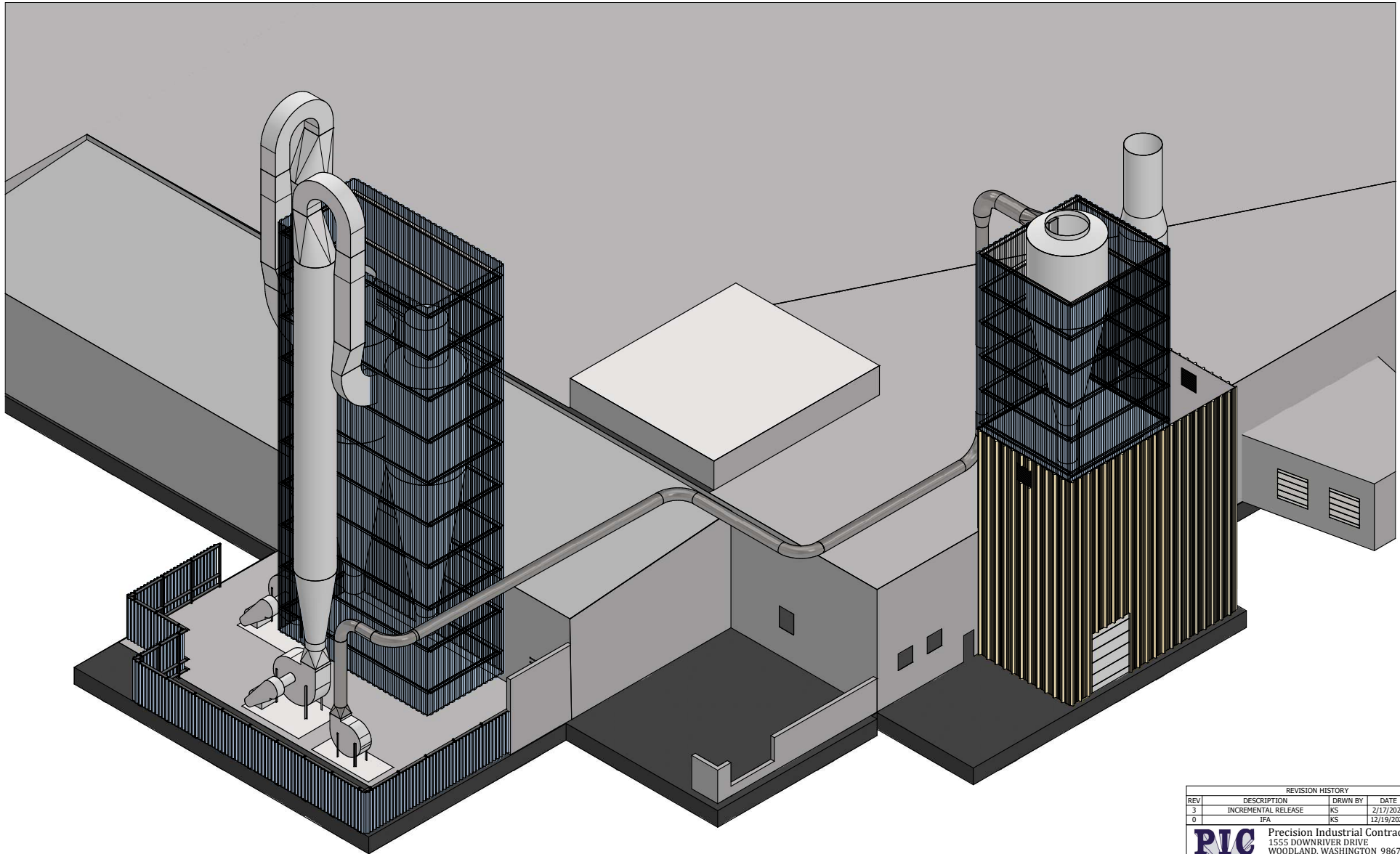


SUSTANA FIBER
NEW CONSTRUCTION
PLAN VIEW



REVISION HISTORY				
REV	DESCRIPTION	DRWN BY	DATE	APPROVED
3	INCREMENTAL RELEASE	KS	2/17/2023	
0	IFA	KS	12/19/2022	

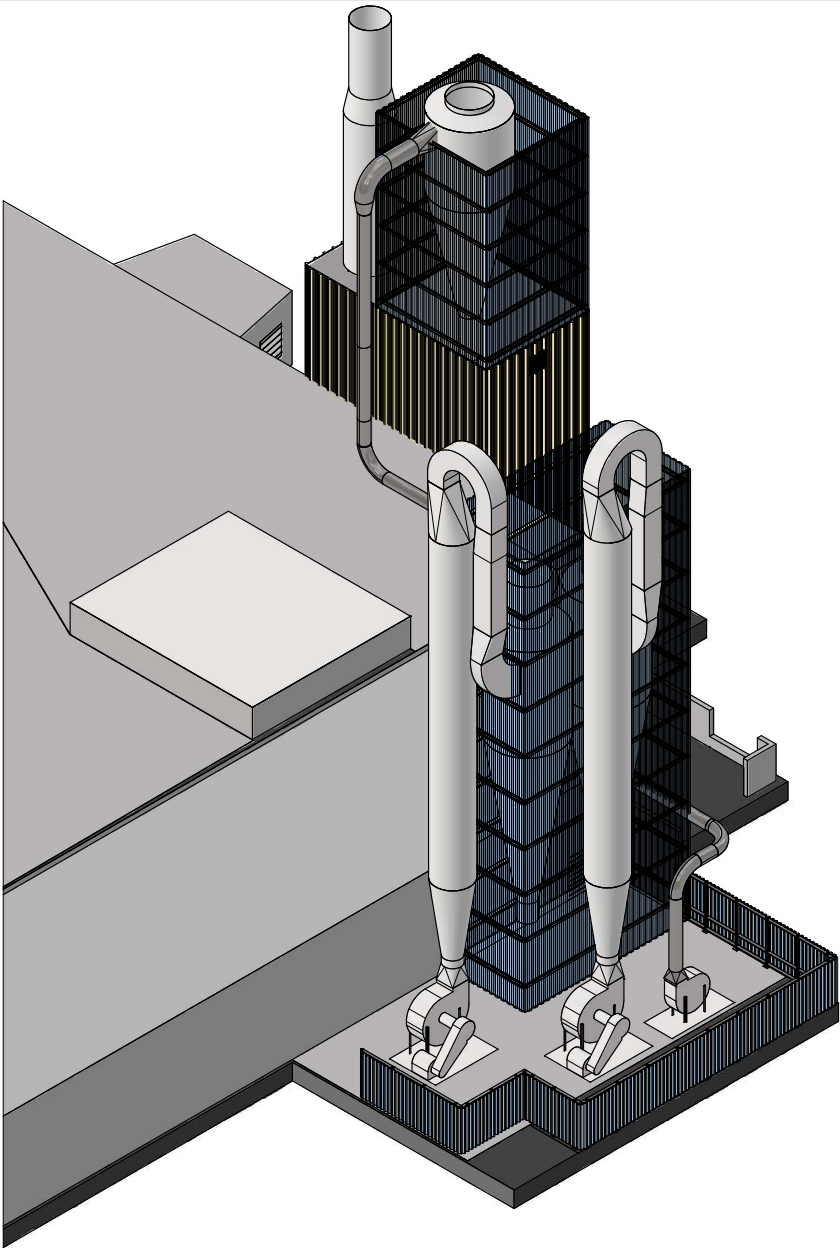
 Precision Industrial Contractors, Inc. 1555 DOWNRIVER DRIVE WOODLAND, WASHINGTON 98674 PH: 360-225-7955 FAX: 360-225-7911 www.PICATEAM.com	
THIS DRAWING CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION OF PRECISION INDUSTRIAL CONTRACTORS, INC. (PIC) AND SHALL NOT BE USED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN CONSENT OF PIC.	
TITLE: ISOMETRIC VIEW	DATE: 12/9/2022
PROJECT: BUILDING LAYOUT	SCALE: NTS
CUSTOMER: SUSTANA FIBER	DESIGN BY:
LOCATION: DE PERE, WI.	EST. LBS: N/A
JOB# 22-134 DRAWING#	A5.0 REVISION 3



SUSTANA FIBER
NEW CONSTRUCTION
ISOMETRIC VIEW LOOKING SOUTHWEST

REVISION HISTORY				
REV	DESCRIPTION	DRWN BY	DATE	APPROVED
3	INCREMENTAL RELEASE	KS	2/17/2023	
0	IFA	KS	12/19/2022	

PIC Precision Industrial Contractors, Inc. 1555 DOWNRIVER DRIVE WOODLAND, WASHINGTON 98674 PH: 360-225-7955 FAX: 360-225-7911 www.PICATEAM.com	
THIS DRAWING CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION OF PRECISION INDUSTRIAL CONTRACTORS, INC. (PIC). NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN CONSENT OF PIC.	
TITLE: ISOMETRIC VIEW	DATE: 12/9/2022
PROJECT: BUILDING LAYOUT	SCALE: NTS
CUSTOMER: SUSTANA FIBER	DESIGN BY:
LOCATION: DE PERE, WI.	EST. LBS: N/A
JOB# 22-134 DRAWING#	A5.1 REVISION 3



SUSTANA FIBER
NEW CONSTRUCTION
ISOMETRIC VIEW LOOKING NORTHWEST

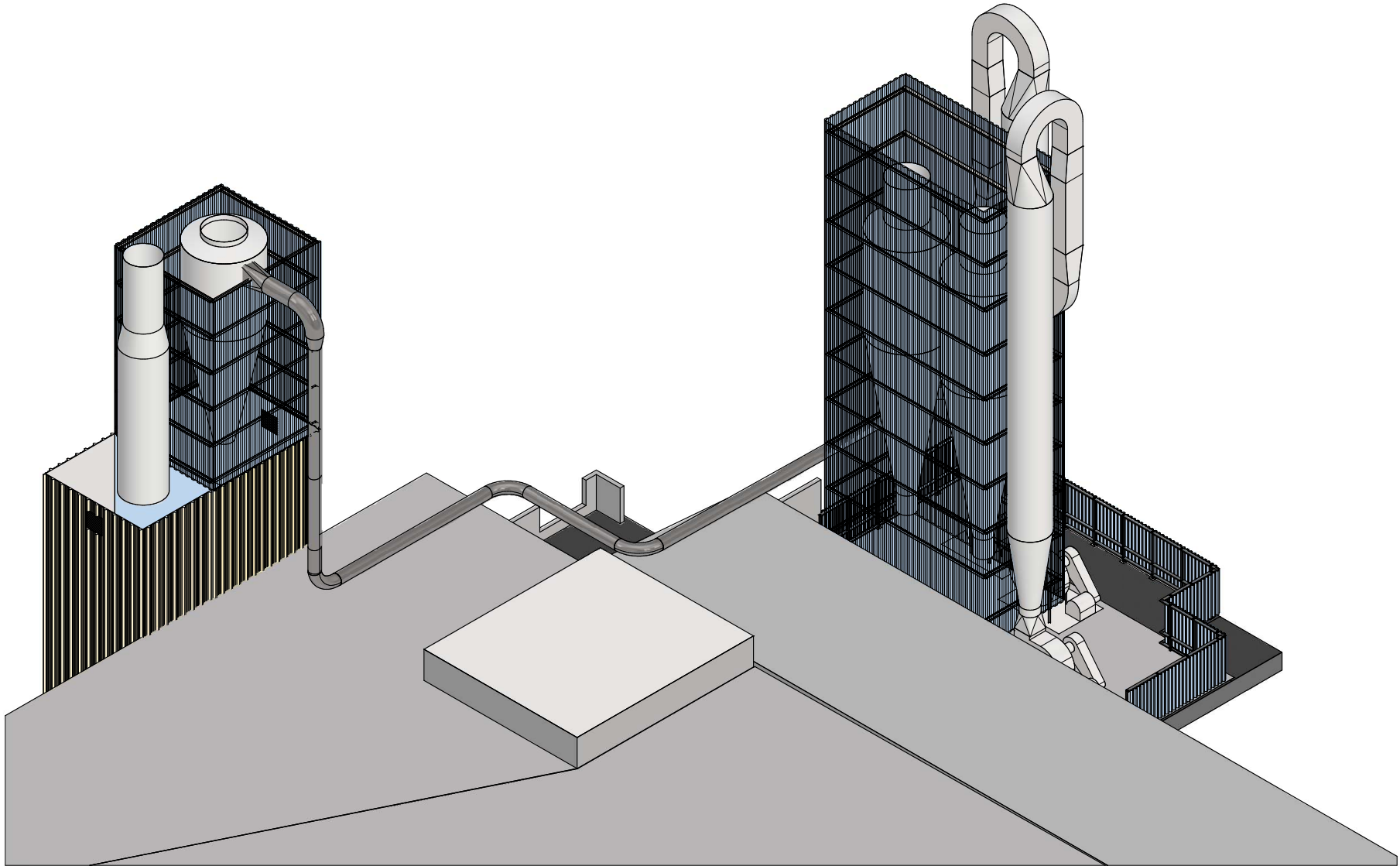


REVISION HISTORY				
REV	DESCRIPTION	DRWN BY	DATE	APPROVED
3	INCREMENTAL RELEASE	KS	2/17/2023	
0	IFA	KS	12/19/2022	

**Precision Industrial Contractors, Inc.**
1555 DOWNRIVER DRIVE
WOODLAND, WASHINGTON 98674
PH: 360-225-7955 FAX: 360-225-7911
www.PICATEAM.com

THIS DRAWING CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION OF PRECISION INDUSTRIAL CONTRACTORS, INC. (PIC). NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN CONSENT OF PIC.

TITLE: ISOMETRIC VIEW		DATE: 12/9/2022	
PROJECT: BUILDING LAYOUT		SCALE: NTS	
CUSTOMER: SUSTANA FIBER		DESIGN BY:	
LOCATION: DE PERE, WI.		EST. LBS.: N/A	
JOB#22-134	DRAWING#	A5.2	REVISION 3

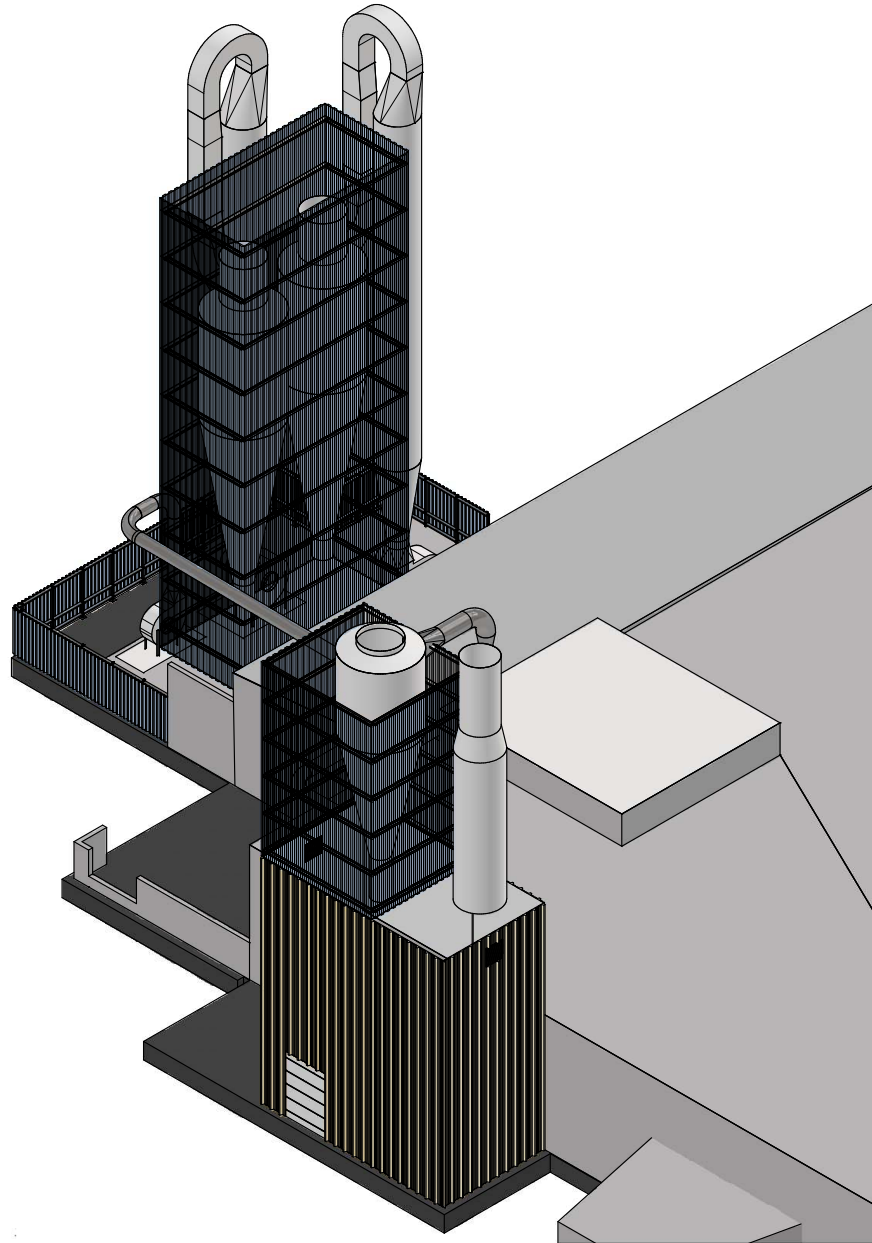


SUSTANA FIBER
NEW CONSTRUCTION
ISOMETRIC VIEW LOOKING NORTHEAST



REVISION HISTORY				
REV	DESCRIPTION	DRWN BY	DATE	APPROVED
3	INCREMENTAL RELEASE	KS	2/17/2023	
0	IFA	KS	12/19/2022	

 Precision Industrial Contractors, Inc. 1555 DOWNRIVER DRIVE WOODLAND, WASHINGTON 98674 PH: 360-225-7955 FAX: 360-225-7911 www.PICATEAM.com	
TITLE: ISOMETRIC VIEW	DATE: 12/9/2022
PROJECT: BUILDING LAYOUT	SCALE: NTS
CUSTOMER: SUSTANA FIBER	DESIGN BY:
LOCATION: DE PERE, WI.	EST. LBS: N/A
JOB#22-134 DRAWING#	A5.3 REVISION 3



SUSTANA FIBER
NEW CONSTRUCTION
ISOMETRIC VIEW LOOKING SOUTHEAST

REVISION HISTORY				
REV	DESCRIPTION	DRWN BY	DATE	APPROVED
3	INCREMENTAL RELEASE	KS	2/17/2023	
0	IFA	KS	12/19/2022	



Precision Industrial Contractors, Inc.
1555 DOWNRIVER DRIVE
WOODLAND, WASHINGTON 98674
PH: 360-225-7955 FAX: 360-225-7911
www.PICATEAM.com

THIS DRAWING CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION OF PRECISION INDUSTRIAL CONTRACTORS, INC. (PIC). NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN CONSENT OF PIC.

TITLE: ISOMETRIC VIEW	DATE: 12/9/2022
PROJECT: BUILDING LAYOUT	SCALE: NTS
CUSTOMER: SUSTANA FIBER	DESIGN BY:
LOCATION: DE PERE, WI.	EST. LBS: N/A
JOB#22-134 DRAWING#	A5.4 REVISION 3



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: March 27, 2023

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Consideration and possible action to repeal and reenact the FINAL DRAFT Floodplain Zoning Ordinance (Municipal Code Chapter 16). *

ATTACHMENTS:

- Floodplain Zoning Ordinance Memo 2 - 27 Mar 2023 (DOCX)
- Floodplain Zoning Ordinance - FINAL DRAFT - 13 Mar 2023 (PDF)

CITY OF DE PERE MEMO



To: James Boyd, Mayor
Plan Commission Members

From: Peter Schleinz, Senior Planner | Zoning Administrator

Date: March 27, 2023

RE: **Consideration and possible action to repeal and reenact the FINAL DRAFT Floodplain Zoning Ordinance (Municipal Code Chapter 16). ***

Summary:

The City of De Pere staff has been working with the Wisconsin Department of Natural Resources (WDNR) on a new FINAL DRAFT Floodplain Zoning Ordinance since December 2022. The proposed changes address requirements from Wisconsin 2019 ACT 175, which requires local governments to regulate nonconforming structures in a floodplain. Notable changes include the following:

- For nonconforming structures with new living quarters built at or above the flood protection elevation, the Wisconsin Department of Natural Resources (WDNR) is prohibited from imposing cost-based regulations or restrictions to the structure.
- All development must be regulated by the city in special flood hazard areas, regardless of conforming or nonconforming status.
- The city had a 1978 exemption from FEMA for basements in the floodfringe, which is not proposed in the DRAFT Floodplain Zoning Ordinance.
- Certain floodplain variance authorities were created for the Board of Appeals.
- The city may impose higher floodplain standards than NFIP. No new standards are proposed.

Timeline:

The project is at step #2 of 9 in the below proposed timeline.

- | | |
|-------------------------|--|
| 1. February 27, 2023 | Plan Commission Discussion |
| 2. March 27, 2023 | Plan Commission Recommendation to Common Council |
| 3. March 31, 2023 | Public Hearing Notice Published (Class II) |
| 4. April 5, 2023 | Common Council Discussion |
| 5. April 7, 2023 | Public Hearing Notice Published (Class II) |
| 6. April 18, 2023 | Common Council Repeal and Reenact Decision |
| 7. April 21, 2023 | Floodplain Zoning Ordinance Effective |
| 8. April 22-May 9, 2023 | WDNR Publication or Posting of Notice of Enacted Ordinance |
| 9. April 22-May 9, 2023 | WDNR Submits Documentation to FEMA |

Staff Request:

Recommend that the Common Council repeal and reenact the existing Floodplain Zoning Ordinance with the new FINAL DRAFT Floodplain Zoning Ordinance (Municipal Code Chapter 16).

- A Class II public hearing will be held prior to the Common Council final decision.

FINAL DRAFT

**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

FINAL DRAFT**CONTENTS**

ARTICLE I. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS	1-1
ARTICLE II. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS	2-1
ARTICLE III. FLOODWAY DISTRICT (FW)	3-1
ARTICLE IV. FLOODFRINGE DISTRICT (FF).....	4-1
ARTICLE V. OTHER FLOODPLAIN DISTRICTS	5-1
ARTICLE VI. NONCONFORMING USES.....	6-1
ARTICLE VII. ADMINISTRATION	7-1
ARTICLE VIII. AMENDMENTS.....	8-1
ARTICLE IX. ENFORCEMENT AND PENALTIES	9-1
ARTICLE X. DEFINITIONS	10-1

FINAL DRAFT

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

16-01	<u>Statutory Authorization</u>	1-1
16-02	<u>Finding of Fact</u>	1-1
16-03	<u>Statement of Purpose</u>	1-1
16-04	<u>Title</u>	1-1
16-05	<u>General Provisions</u>	1-1

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 55009C0067G, 55009C0069G, 55009C0086G, 55009C0088G, 55009C0114G, 55009C0118G, 55009C0119G, 55009C0154G, 55009C0157G, 55009C0158G,

FINAL DRAFT

55009C0159G, 55009C0166G, 55009C0167G, 55009C0168G, 55009C0169G, 55009C0176G, 55009C0178G, 55009C0182G, 55009C0183G, 55009C0184G, 55009C0186G, 55009C0187G, 55009C0188G, 55009C0189G, 55009C0191G, 55009C0193G, 55009C0201G, 55009C0202G, 55009C0254G, 55009C0256G, 55009C0257G, 55009C0258G, and 55009C0276G, dated 11/18/2020;

2. Flood Insurance Rate Map (FIRM), panel numbers 55009C0242F, 55009C0244F, 55009C0253F, 55009C0254F, 55009C0258F, 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 11/18/2020.

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

FINAL DRAFT

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.

FINAL DRAFT

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.

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.

(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,

FINAL DRAFT

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.

FINAL DRAFT

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

FINAL DRAFT

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	Applicability	3-1
16-21	Permitted Uses	3-1
16-22	Standards for Development in the floodway	3-1
16-23	Prohibited Uses	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

FINAL DRAFT

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

FINAL DRAFT

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 deposition 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	Applicability	4-1
16-31	Permitted Uses	4-1
16-32	Standards for Development in the Floodfringe	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

FINAL DRAFT

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

FINAL DRAFT

(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)

(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\(2\)\(a\)](#).

(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 \(FF\)](#).

(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.

(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, elevated:

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.

- (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.

(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:

- (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.

FINAL DRAFT

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

FINAL DRAFT

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.

FINAL DRAFT

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,

FINAL DRAFT

- 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

FINAL DRAFT

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

FINAL DRAFT

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

<u>16-60</u>	<u>Zoning Administrator</u>	7-1
<u>16-61</u>	<u>Zoning Agency</u>	7-5
<u>16-62</u>	<u>Board of Appeals</u>	7-5
<u>16-63</u>	<u>Review of Appeals to Permit Denials</u>	7-7
<u>16-64</u>	<u>Floodproofing Standards</u>	7-8
<u>16-65</u>	<u>Public Information</u>	7-9

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;

FINAL DRAFT

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

FINAL DRAFT

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.

FINAL DRAFT

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.

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.

c. Mapping

FINAL DRAFT

- 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

FINAL DRAFT

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

FINAL DRAFT

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\(2\)](#);

FINAL DRAFT

- (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;

FINAL DRAFT

- (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	When Permitted	8-1
16-71	General	8-1
16-72	Procedures	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

FINAL DRAFT

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.

FINAL DRAFT**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

FINAL DRAFT

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

FINAL DRAFT

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

FINAL DRAFT

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

FINAL DRAFT

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

FINAL DRAFT

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 HARSHIP – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas,

FINAL DRAFT

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 Plan Commission Action

MEETING DATE: March 27, 2023

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: A. Consideration and possible action to approve revisions to Municipal Code Chapter 14 (Zoning Ordinance). *

ATTACHMENTS:

- Zoning Code Memo 9 - 27 Mar 2023 (DOCX)
- Edit Proposals for Zoning Ordinance - Scribner - March 2023 (PDF)
- Edit Proposals for Zoning Ordinance - Revisions - March 2023 (PDF)

CITY OF DE PERE MEMO



To: James Boyd, Mayor
Plan Commission Members

From: Peter Schleinz, Senior Planner | Zoning Administrator

Date: March 27, 2023

RE: **Consideration and Possible Action to recommend revisions and updates to the Common Council for the Zoning Ordinance and the Official Zoning Map. ***

A. Consideration and possible action to approve revisions to Municipal Code Chapter 14 (Zoning Ordinance). *

B. Consideration and possible action 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:

To maintain transparency with Plan Commission, Common Council, and the public, three spreadsheets of potential revisions and edits are included with this memo. The first spreadsheet represents 17 potential Zoning Ordinance Scribner errors (typos and clarifications) that do not change any regulations. The second spreadsheet represents 41-44 potential Zoning Ordinance revisions and updates. The third spreadsheet represents 6 potential Zoning Map revisions and updates.

Note: The spreadsheets may appear longer than expected because each revision and update is called out separately. For example, references to 'table footnotes' appear on the spreadsheets eight times instead of once.

Staff Recommendations:

- Recommend that Common Council approve the revisions and updates to the Zoning Ordinance, Municipal Code Chapter 14.
- Recommend that Common Council approve the revisions to the Official Zoning Map.

Potential Scribner Errors for Consideration

Page	Section	Description of Edit	Staff Comments
Article II Residential Districts			
2-14	14-27 Table 2-8(c)	Change "Maximum Floor Area" to "Maximum Building Coverage".	
2-14	14-27 Table 2-8(c)	Change "650" to "650" calculated separately from allowed accessory building square footage".	
Article III Mixed-Use Districts			
3-10	14-44(4)(a)	Remove remnant sentence, "Does not apply to Riverfront building."	
3-11	14-34	Remove extra period and space at end of sentence "...indicated in <u>Table 3-2</u> . "	
Article IV Commercial and Employment Districts			
4-1	14-40(2)(a)	Change period to comma: "...commercial, business park..."	
4-2	14-41 Table 4-2	Change "Transitional" to Transitional Yard".	
Article VII Uses			
7-6	14-70 Table 7-1 (OTHER)	Move "OTHER" lines to the end of the table to be sequential in numbering.	
7-16	14-76(3)	Replace "Farms may be principal accessory uses and..." with "Crop agriculture..."	
Article VIII Parking and Access			
8-9	14-87 Table 8-3(2)c.	Change word "opening" to "door".	
8-9	14-87 Table 8-4 [1] & [2]	Correct space mark after the numbers.	
Article IX Building and Site Design			
9-1	14-91(1)	Change "...and I districts..." to "...BP, and I Districts..."	
Article X Landscape and Screening			
10-6	14-106(7)(a)	Add word: "Fences must be durable..."	
10-6	14-107(7)(b)	Remove the last sentence to create a new (d) "Chain-link fencing may not be used to satisfy the regulations of this article."	
Article XI Signs			
11-5	14-111 Table 11-1	Retitle table as "Permitted and Prohibited Signs".	
11-6 through 11-10	14-111 Table 11-2 through Table 11-8	Remove the word, "Permanent" from the title of each table.	
11-8	14-111 Table 11-5	For pole sign change "1 (per property)" to "1 total per property"	
Article XVI Language, Measurements, and Definitions			
16-18	14-163(25) Figure 16-10	Move the grey "side yard" rectangle on the right side down to be in line with the principle building.	

Potential Ordinance Revisions for Consideration

Page	Section	Description of Edit	Staff Comments
Article II Residential Districts			
2-2	Insert new 14-21(8) between (7) and (8).	Add new 14-21(8) Voluntary replacement of nonconforming buildings in within setbacks -- The voluntary nonconforming building replacement of an existing nonconforming principal building or accessory building within a setback is allowed provided all of the below requirements are followed: a. The zoning district is R1-45, R1-60, R2-45, or R2-60. b. the proposed building footprint and height does not exceed the existing building footprint and height. c. Firewall protection is provided for building portions that are less than 5-feet from a property line. d. There are no existing easements or encumbrances that prohibit construction.	Discuss with Plan Commission
2-2	14-21(8)	Renumber existing "(8) Design" to read "(9) Design".	
2-2	14-21	The law of averages for setbacks in neighborhoods was abandoned for reduced setbacks. Have a specific request for a site where it may have worked if they pulled a permit in 2022, but they didn't. Now they are denied. Suggest a new (10) Average Residential Setbacks -- The front, side or rear setback for a primary building or accessory building...	Discuss with Plan Commission
2-4	14-22 Table 2-3(b)	For R1-45, R2-45 only: Reduce the 6' interior side yard setback to 4' [2].	
2-4	14-22 Table 2-3(c)	For all zoning districts: Reduce the 6' [2] minimum side and rear setbacks to 4' [2]. Add new footnote [2] between [1] and [2]: "UDC code requirements must be met for development near property lines."	
2-4	14-22 Table 2-3(b)	Update table and footnote numbering to accommodate new [2], to properly read 1 through 4, instead of 1 through 3.	

2-6	14-23 Table 2-4(b)	Change R2-45 front-façade garage entrance from "Not allowed" to read "Not allowed [1]". At bottom of table add new footnote "[1] Unless the lot does not have rear access, in which case front-facing garage is allowed with minimum 20-foot setback."	
2-6	14-23 Table 2-4	Update table and footnote numbering to accommodate new [1], to properly read 1 through 3, instead of 1 through 2.	
2-8	14-24 Table 2-5(b)	Change R2-45 front-façade garage entrance from "Not allowed" to read "Not allowed [1]". At bottom of table add new "[1] Unless the lot does not have rear access, in which case front-facing garage is allowed with minimum 20-foot setback."	
2-8	14-24 Table 2-5(b)	Change RM front-façade garage entrance from "Not allowed" to "25".	
2-8	14-24 Table 2-5(d)	Change accessory building height from "15 [2]" to "20 [3]" to match requirement for other house types.	
2-8	14-24 Table 2-5	Update table and footnote numbering to accommodate new [1], to properly read 1 through 3, instead of 1 through 2.	
2-12	14-26(1)	Change description from "...a residential building that is..." to "...a residential building or residential buildings that are..."	
2-12	14-26 Table 2-7(e)	Change accessory building height from "15 [2]" to "20 [2]" to match other residential building types.	
2-15	14-27(4)	Add new 14-27(4)(k): "Maximum Square Footage -- The culmination of accessory buildings and backyard cottage may exceed 850 square feet only if the additional square footage is on a second floor or basement level."	
Article III Mixed-Use Districts			
3-10	14-33(4)(c)	Clarify step-back regulations to be 10' instead of 12' by replacing first sentence with, "Where step-backs are required, upper stories that face streets must be setback a minimum 10 feet from the street frontage."	
3-16	14-35 Table 3-5(a)	Change permitted driveway access location from "1 per 200 feet of street frontage" to "1 per 100 feet of street frontage" to match 14-87 Table 8-3 on page 8-9.	
Article IV Commercial and Employment Districts			

4-1	14-40(2)(d)1. and 2.	The descriptions for Business Park (BP-1) District and Business Park (BP-1) District are reversed in the Ordinance. Swap the descriptions.	1.8.c
4-2	14-41 Table 4-2	Change Rear setback to be "20" for all without any footnote references.	
4-2	14-41 Table 4-2[2]	Change Transitional width to "50 [1] [2]" to match former zoning ordinance. Revise Footnote [1] to read "Required only when abutting residential zoning district." Revise Footnote [2] to read "Additional landscaping or fence required to provide visual screening when abutting residential zoning district, as defined in 14-106(8)."	
Article VII Uses			
7-3	14-70 Table 7-1	Add "School" to the C District as 'permitted by right'.	
7-5	14-70 Table 7-1	Add "Crop Agriculture" to the C District as 'permitted by right'.	
7-5	14-70 Table 7-1 (ACCESSORY)	Add missing items from descriptive text to the table: Backyard Cottages (already added); Amateur Radio Service Antennas as permitted in all districts; Crop Agriculture as permitted O, C, BP-1, BP-2, I, and AG districts; Drive- and Drive Through Uses (already added); Electric Vehicle Charging Stations as permitted in all districts; Geothermal Energy Systems as permitted in all districts; Home Occupations (already added); Outdoor Display as permitted in MX-2, MX-3, and C; Outdoor Storage (already added); Residential Composting as permitted in R1, R2, RM-1, RM-2; Satellite Dish Antennas as permitted in all districts; Secondary Suites (already added); Solar Energy Systems as permitted in all districts.	
7-10	1473(9)(d)	Correct "6 consecutive days" to "7 consecutive days".	
7-14	14-74(3)(c)	Mini-warehousing is a prohibited use. Consider defining when a site is a mini-warehouse or when it is something like contractor warehouses. There is not a clean line for a mini-warehouse definition when looking at it purely by ownership vs. renter.	Discuss with Plan Commission
7-17	14-78	Add new (2) Backyard Cottage -- (a) General. See regulations in 14-27.	

7-17	14-78	Add new (3) Crop Agriculture -- (a) Crop agriculture may be located on land, on a roof, or within a building.	
7-17 to 7-22	14-78	Properly renumber (2) though (12) to be (2) through (14).	
Article VIII Parking and Access			
8-11	14-89	Rename Section as "Loading Spaces, Trucking and transportation Terminals"	
8-11	14-89	Before (1) add a new "(1) Loading Space Requirements" and re-letter original (1) through (7) as (a) through (g).	
8-11	14-89	Re-word the re-lettered (a) to "All uses engaged in receiving or shipping goods by truck or large delivery vehicles must provide loading and unloading facilities."	
8-11	14-89	Add a new 14-89(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. (c) A 6' tall solid fence, hedge, or berm is required to screen the front, side, and rear of the parking areas. (d) Street right-of-way trees are required along all street frontages. See 14-102 for requirements. (e) A minimum of one tree is required every 35 feet along the non-street fronted property lines.	
Article X Landscape and Screening			
10-2	14-103(3)(a)4.a.	Revise sentence to read "A vegetative screen consisting of shrubs or a planted berm to form a continuous barrier (hedge) at least 3 feet in height.	
10-6	14-107(7)(b)	Remove the last sentence and add back in as the last sentence of (a) "...structurally stable. Chain-link fencing may not be used to satisfy the regulations of this article."	

10-6	Add new 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 zoning 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). (2) A minimum 6 foot tall berm that is parallel to the residential district. (3) Trees planted every 35 feet the full length of the landscaped area, on top of the berm. (4) Storm water management features may be placed within a transitional yard area.	
Article XI Signs			
11-5	14-111 Table 11-1	Add new "Directional (wall)" category as permitted with permit under BP-1, BP-2, and I. (Regulations added to Table 11-5 & Table 11-6 (details below).	
11-5	14-111 Table 11-1	Add Marquee as permitted with permit under ROW.	
11-7	14-111 Table 11-4	For wall signs, split the allowed illumination for MX1, MX2, MX3 to be "external, backlit, halo, internal if lettering only", and MX3, GX2 to be external, backlit, halo, internal".	
11-7, 11-8, 11-9	14-111, Tables 11-5, 11-6, 11-7	The Height for wall signs requires a conditional use if over 20' high. Change to allowed when "Below parapet, or 20' if no parapet exists."	
11-8	14-111 Table 11-5	For Business Center and marquee signs, add "EMS" as an allowed illumination. For pole sign, remove "EMS" from list of allowed illumination.	
11-8	14-111 Table 11-5 and Table 11-6	Add a "[1]" to end of maximum area for wall signs with sliding size scale. Add Footnote "[1] Distance may be measured from the wall sign to the nearest street fronted travel lane or highway fronted travel lane."	
11-9	14-111 Table 11-6	Add new "Directional (Wall)" with regulations: BP-1, BP-2, I; NA - Only allowed on side and rear building facade; 20'; 15 SF; NA; NA; External, backlit, halo, internal.	

Article XII Approval Procedures**1.8.c**

12-9, 12-10	14-125(1), 14-125(5), 14-125(5)(j), 14-125(6)(a)	Add Article II (residential districts) and Article VIII (parking and access) to design exceptions.	
-------------	--	--	--

Article XVI Language, Measurements, and Definitions

16-15	14-163(19)	Add definition for "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.	
-------	------------	---	--



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: March 27, 2023

DEPARTMENT: Plan Commission

FROM: Peter Schleinz

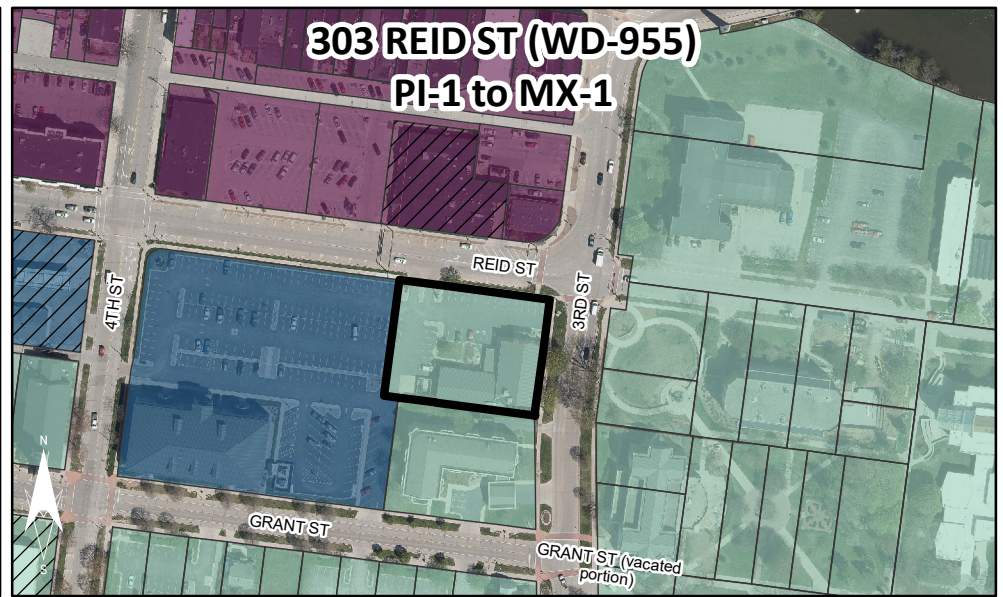
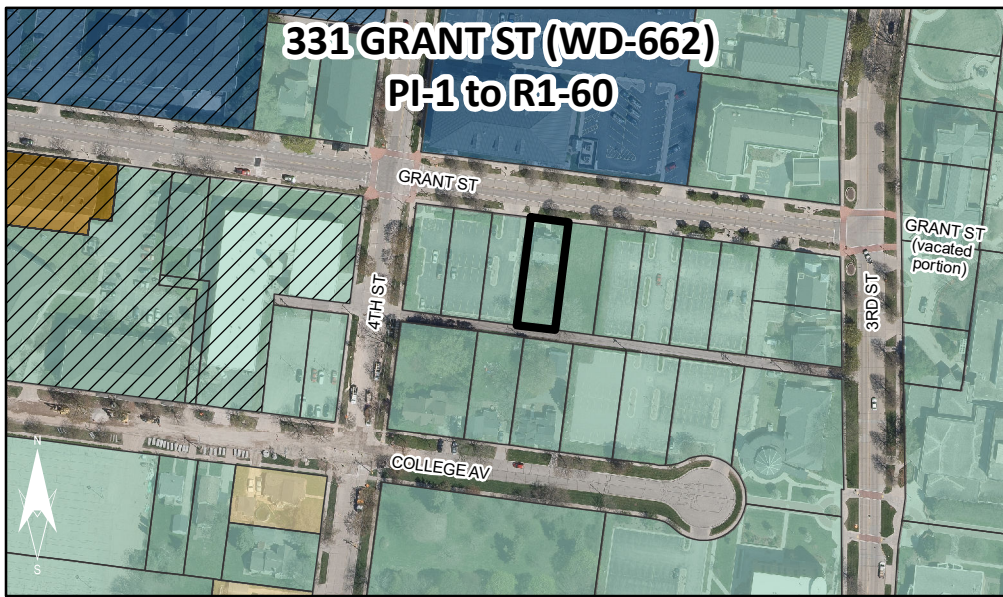
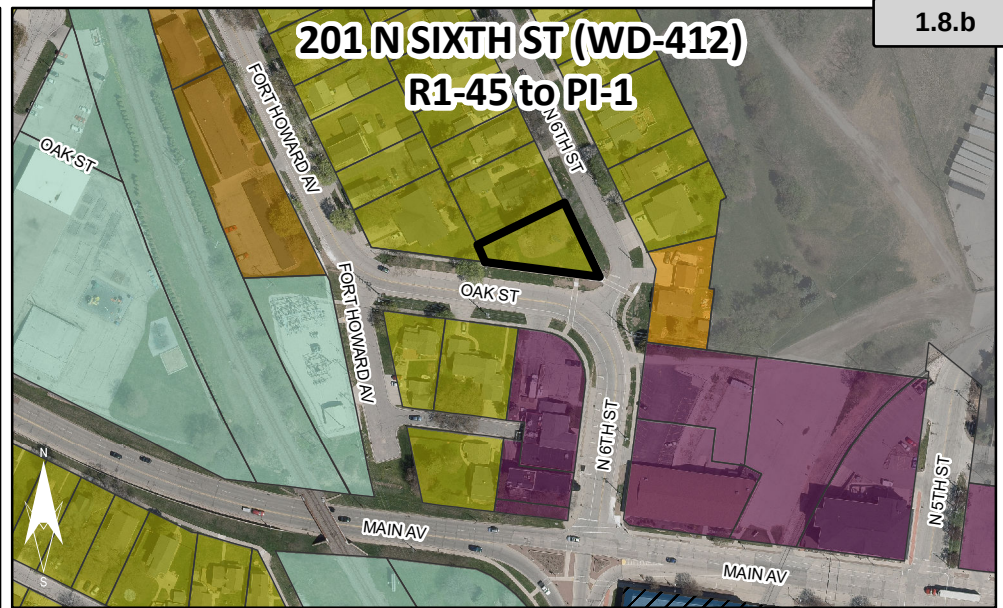
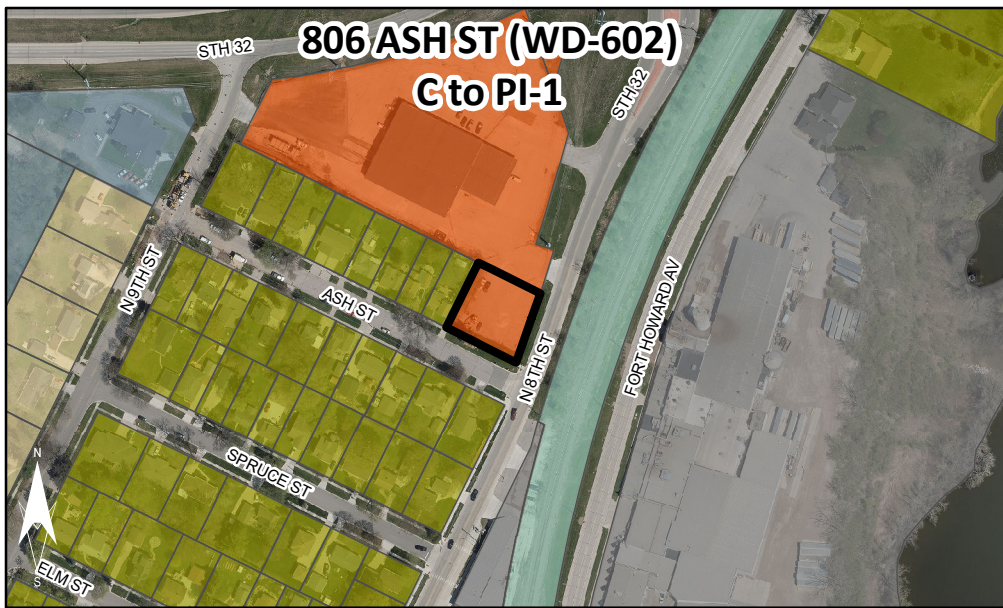
SUBJECT: B. Consideration and possible action to approve revisions to the Official Zoning Map. *

ATTACHMENTS:

- Edit Proposals for Official Zoning Map - Rezoning - March 2023 (PDF)
- DRAFT Zoning Map Amendments for PC Review - Detailed (March 2023) (PDF)
- DRAFT Zoning Map for PC Review (March 2023) (PDF)

Potential Official Zoning Map Revisions

Existing Zoning	Proposed Zoning	Parcel Number	Street Address	Reason For Change/No Change
C	PI-1	WD-602	806 Ash ST	Utilities and Public Service Facilities -- map error -- permitted in PI-1.
PI-1	MX1	WD-995	303 Reid ST	Restaurant/Bar -- map error -- permitted use in MX1.
PI-1	R1-60	WD-662	331 Grant ST	Privately owned one-unit house -- map error -- permitted use in R1-60.
R-45	PI-1	WD-412	201 N SIXTH ST	Parks and Recreation (Lawton Park) -- map error -- Permitted use in P-1.
RM-2	PI-1	WD-2022	0 Lawrence DR	Storm Water Management System -- map error -- Permitted use in P-1.
R1-60 and R1-80	R1-45	Multiple	See Map	One-unit houses in a historic district -- permitted use in R1-45.



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

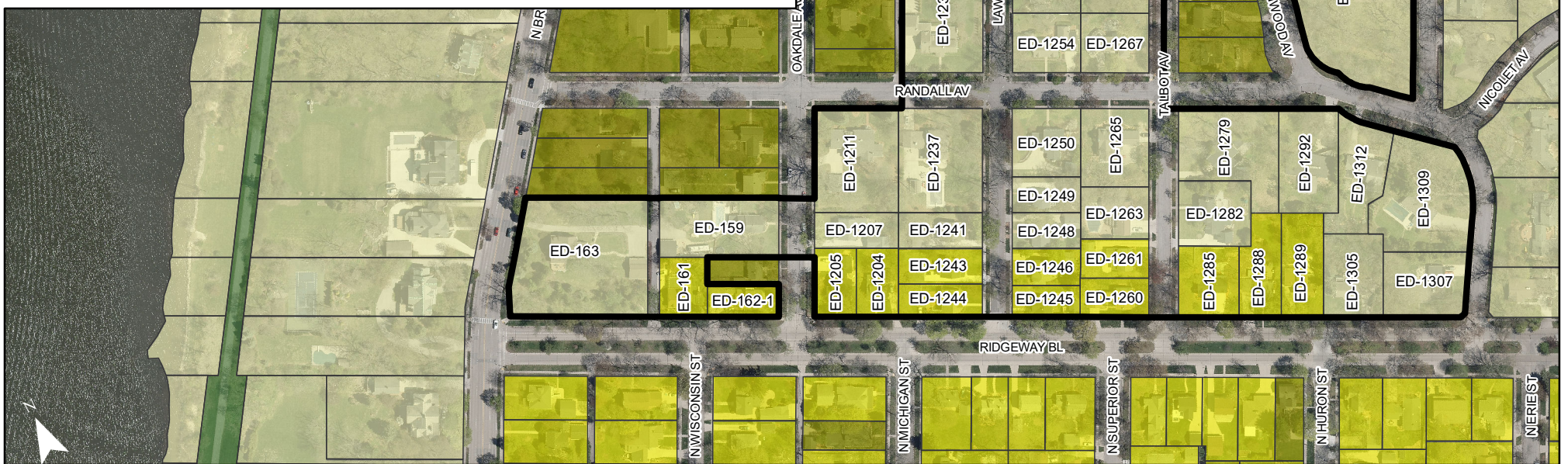
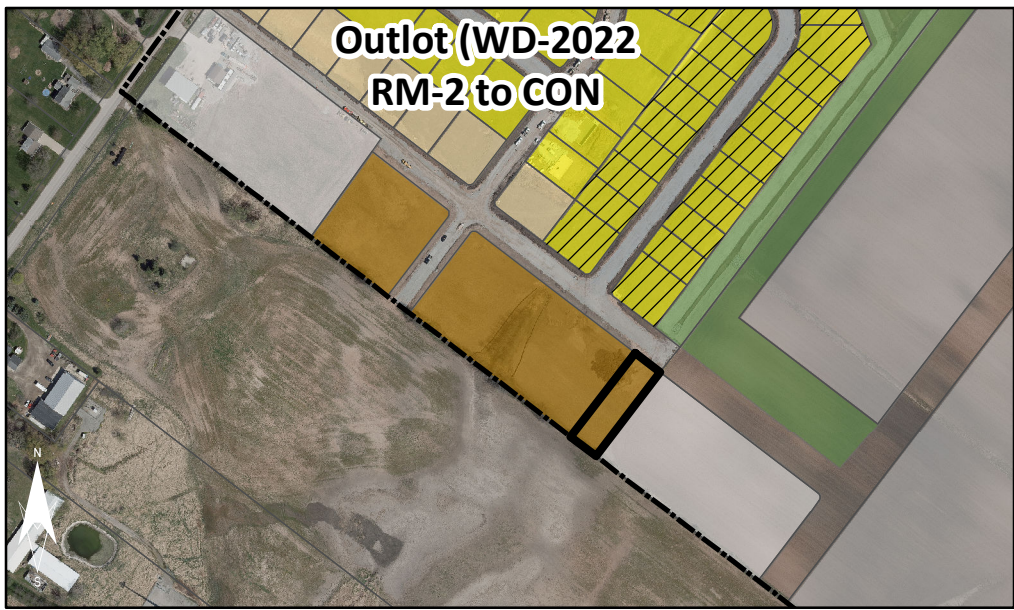
This map was produced utilizing a variety of sources the City of De Pere reasonably believes are reliable, including GIS data, some of which was under development at the time this map was produced. The City of De Pere makes no warranty, either expressed or implied, including no warranty as to fitness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

**Outlot (WD-2022
RM-2 to CON**



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

☐ Parcels

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

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

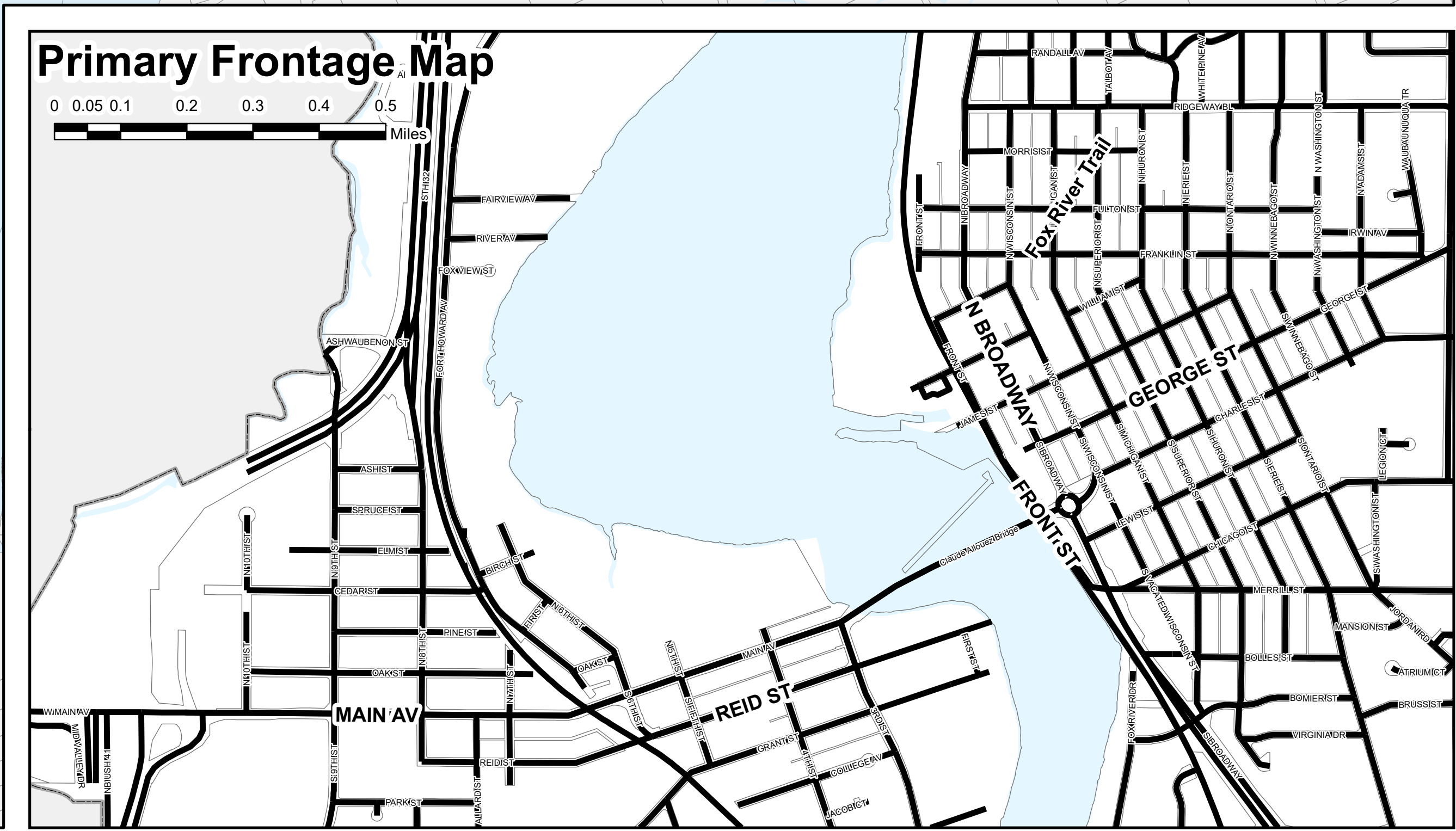
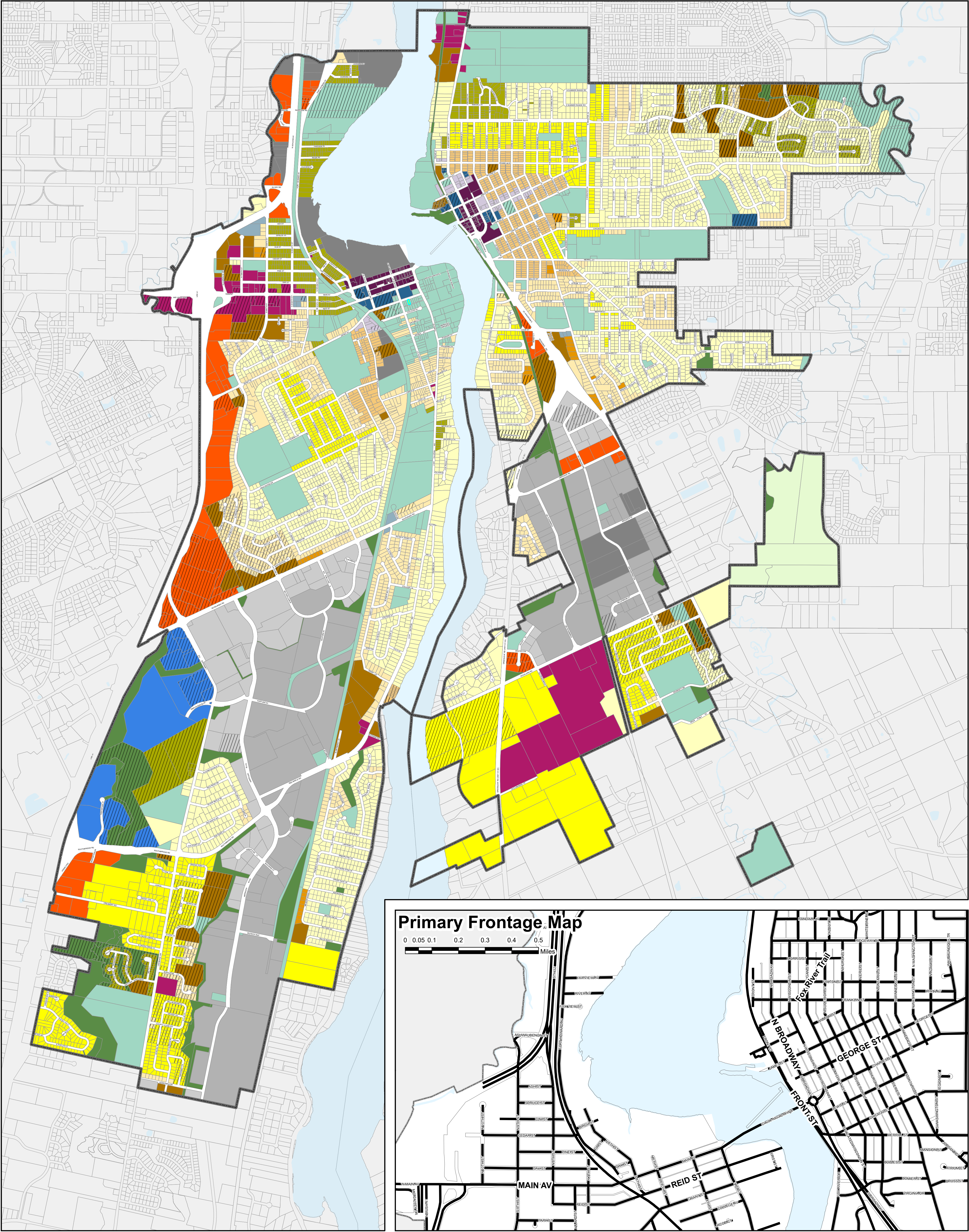
CON: Conservancy

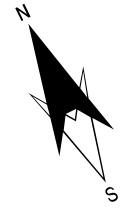
PI-1: Neighborhood Public & Institutional District

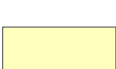
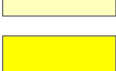
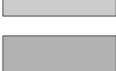
PI-2: Campus Public & Institutional District

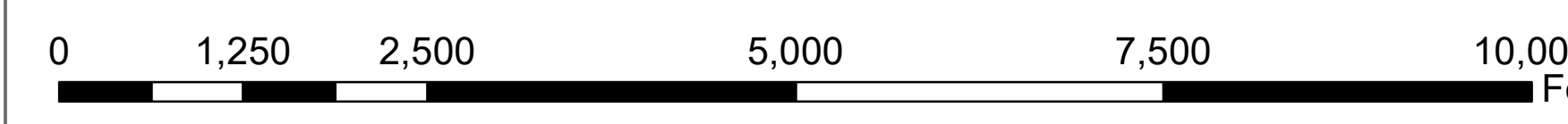
 A:Agricultural

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



City of De Pere, Wisconsin

Request For Plan Commission Action

MEETING DATE: March 27, 2023

DEPARTMENT: Planning

FROM: Peter Schleinz

SUBJECT: Discussion about site plans received since the February 2023 Plan Commission meeting and review of the status of recently approved development projects.

ATTACHMENTS:

- Site Plan Reviews Memo - March 2023 (PDF)
- Site Plan Status - March 2023 (PDF)

CITY OF DE PERE MEMO



To: James Boyd, Mayor
Plan Commission Members

From: Peter Schleinz, Senior Planner | Zoning Administrator

Date: March 27, 2023

RE: **Discussion about site plans received since the February 2023 Plan Commission meeting and review of the status of recently approved development projects.**

Summary:

The City of De Pere approved a new Zoning Ordinance that became effective on January 1, 2023. The new Zoning Ordinance speeds up the site plan review process by allowing staff to approve site plan proposals that comply with the Zoning Ordinance and site plan proposals with a minor exception(s). Plan Commission review is required for site plan proposals that require a major design exception(s) and when a requirement for Plan Commission consideration is identified in the Zoning Ordinance.

Maintaining Transparency:

The attached 'Site Plan Review Status' list has been provided to the Plan Commission for transparency. The list identifies site plan projects that are either under review, denied, approved, permitted/under construction, or obtaining occupancy permits.

Site Plan status changes since the last Plan Commission meeting:

For convenience, the following is a list of site plans proposals that are under staff review, staff approved, or staff denied since the last Plan Commission meeting:

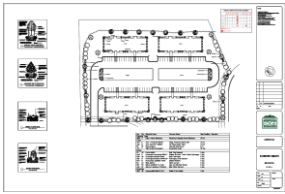
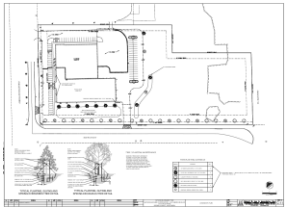
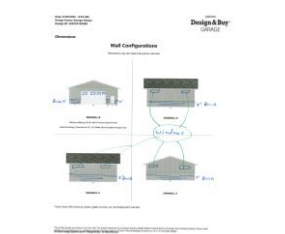
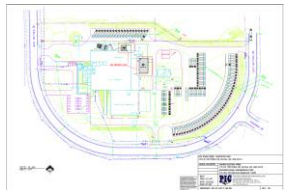
- Under staff review:
 - Sustana Fibers Flash Dryer System Addition – 1751 W Matthew DR
- Staff reviewed but not yet approvable:
 - New Waterview Heights Apartments – 300 BLK Willie Mays CI
 - New Taco Bell (PIP) -- 1610 Lawrence DR
- Staff approved:
 - None.

Staff Request:

Review the attached list. Ask staff questions, if any, about specific site plan projects.

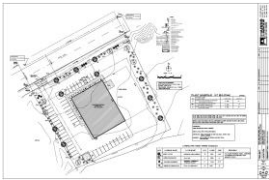
2023 SITE PLAN REVIEW STATUS

Last Updated March 16, 2023

NEW WATERVIEW HEIGHTS APARTMENTS		
	-	Site plan, application and review fee submitted.
	>	Developer revising site plan.
		Staff review in progress.
	-	Plan Commission reviewed on Oct. 24, 2022.
		Site plan denied.
		Site plan approved on ____.
300 BLK Willie Mays Cl (Street under construction.)		Permits issued/under construction.
		Occupancy permit issued.
BAYSIDE MACHINE BUILDING ADDITION		
	-	Site plan, application and review fee submitted.
	>	Developer revising site plan.
		Staff review in progress.
	-	Plan Commission reviewed on Oct. 24, 2022.
		Site plan denied.
		Site plan approved on ____.
2257 American BL		Permits issued/under construction.
		Occupancy permit issued.
MACK LANE SERVICE STORAGE GARAGE		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
		~~Plan Commission review (if needed).~~
		~~Site plan denied.~~
	-	Site plan approved on October 13, 2022.
1509 N Ashland AV	>	Permits issued/under construction.
		Occupancy permit issued.
SUSTANA FIBERS CONCRETE PADS		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
		~~Plan Commission review (if needed).~~
		~~Site plan denied.~~
	-	Site plan approved on October 27, 2022.
1751 W Matthew DR	>	Permits issued/under construction.
		Occupancy permit issued.
NEW WIRELESS CELL TOWER		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
	-	Plan Commission reviewed on Sep. 26, 2022.
		~~Site plan denied.~~
	-	Site plan approved on October 19, 2022.
747 Heritage RD	>	Permits issued/under construction.
		Occupancy permit issued.

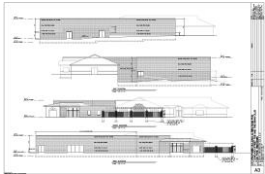
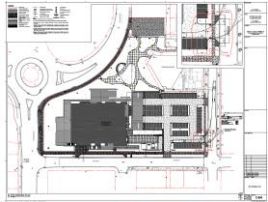
2023 SITE PLAN REVIEW STATUS

Last Updated March 16, 2023

NEW COVANTAGE CREDIT UNION		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
	-	Plan Commission reviewed on Sep. 26, 2022.
		~~Site plan denied.~~
	-	Site plan approved on November 10, 2022.
1225 Lawrence DR	>	Permits issued/under construction.
		Occupancy permit issued.
NOVAK-CHASE RENOVATION		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
		~~Plan Commission review (if needed).~~
		~~Site plan denied.~~
	-	Site plan approved on February 6, 2023.
441 Main AV	>	Permits issued/under construction.
		Occupancy permit issued.
NEW ONE SOURCE TECHNOLOGIES		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
	-	Plan Commission reviewed on Sep. 26, 2022.
		~~Site plan denied.~~
	>	Site plan approved on October 20, 2022.
2051 Profit PL		Permits issued/under construction.
		Occupancy permit issued.
STORAGE SHOP USA PHASE 2 & 3 ADDITION (PIP)		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
	-	Plan Commission reviewed on Sep. 26, 2022.
		~~Site plan denied.~~
	-	Site plan approved on October 4, 2022.
701 Millennium CT	>	Permits issued/under construction.
		Occupancy permit issued.
NEW TACO BELL (PIP)		
	-	Site plan, application and review fee submitted.
	>	Developer revising site plan.
		Staff review in progress.
	-	Plan Commission reviewed on August 22, 2022.
		Site plan denied.
		Site plan approved on _____.
1610 Lawrence DR		Permits issued/under construction.
		Occupancy permit issued.

2023 SITE PLAN REVIEW STATUS

Last Updated March 16, 2023

NEW STARBUCKS (PIP)		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
	-	Plan Commission reviewed on July 25, 2022.
		~~Site plan denied.~~
	-	Site plan approved on August 2, 2022.
1360 Scheuring RD	>	Permits issued/under construction.
		Occupancy permit issued.
CAMPBELL WRAPPER BUILDING ADDITION		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
	-	Plan Commission reviewed on June 27, 2022.
		~~Site plan denied.~~
	-	Site plan approved on July 25, 2022.
1415 Fortune AV	>	Permits issued/under construction.
		Occupancy permit issued.
CHICAGO STREET PUB AND THE SWAN CLUB NEW PATIO ADDITION		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
		~~Plan Commission review (if needed).~~
		~~Site plan denied.~~
	>	Site plan approved on February 8, 2023.
875 Heritage RD		Permits issued/under construction.
		Occupancy permit issued.
MULVA CULTURAL CENTER TRUCK DRIVEWAY MODIFICATION		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	-	Staff review in progress.
		~~Plan Commission review (if needed).~~
		~~Site plan denied.~~
	-	Site plan approved on February 16, 2023.
221 S Broadway ST		Permits issued/under construction.
		Occupancy permit issued.
SUSTANA FIBERS FLASH DRYER SYSTEM ADDITION		
	-	Site plan, application and review fee submitted.
	-	Developer revising site plan.
	>	Staff review in progress.
		~~Plan Commission review (if needed).~~
		Site plan denied.
		Site plan approved on ____.
1751 W Matthew DR		Permits issued/under construction.
		Occupancy permit issued.