Common Council

Regular Meeting

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

Agenda

Tuesday, December 6, 2022 | **7:30 PM** | **Council Chambers and Virtual**

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Common Council** of the City of De Pere will be held on **December 6, 2022** at **7:30 PM** in the **COUNCIL CHAMBERS, 2ND FLOOR CITY HALL, 335 S. BROADWAY STREET. DE PERE.**

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

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

OR

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

This meeting may also be rebroadcast on TV throughout the week and available on demand at http://deperecitywi.iqm2.com/.

I. Call to Order

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Approval of the minutes of the November 15, 2022 Common Council meeting.
4. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Common Council. §6-3(f) DPMC
5. Recommendation from the Board of Park Commissioners to Approve Drop in Player Pass for Adult Basketball
6. Recommendation from Plan Commission to approve an 82 lot and 7 outlot preliminary plat of The Kingston Preserve at the 2000 BLK Lawrence DR (Parcels L-458-7).
7. Resolution #22-91 Approving Facade Improvement Project and Authorizing Disbursement of Grant for 407 Main Avenue (Parcel WD-885).
8. Resolution #22-92 Approving Facade Improvement Project and Authorizing Disbursement of Grant for 409 Main Avenue (Parcel WD-886).
9. Resolution #22-93 Authorizing Inner Dimensions Wellness, LLC Independent Contractor Agreement (Guided Meditation Sessions and Meditative Fusion Classes).
10. Resolution #22-94 Requesting Brown County to Share its Sales and Use Tax Revenue.
11. Discussion about the City's proposed DRAFT Zoning Ordinance and DRAFT Zoning Map.
12. Voucher approval.

13. Future agenda items.

14. Adjournment.

Carey Danen
City Clerk

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

Agenda Sent To:
Alderpersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Roberta Jackson, Inner Dimensions Wellness LLC
Lance & Shanna Koltz
Troy Hewitt, REL
Bill Kingston, Preserve Development LLC

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Approval of the minutes of the November 15, 2022 Common Council meeting.**

ATTACHMENTS:

- 11-15-22 Common Council Minutes_Draft (PDF)

Common Council

Regular Meeting

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

Draft Minutes

Tuesday, November 15, 2022 | 7:30 PM | Council Chambers and Virtual

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

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

2. Pledge of Allegiance to the Flag.

3. Approval of the minutes of the November 1, 2022 Common Council meeting.

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

4. Public Hearing on the request to rezone Parcels WD-D0034 and WD-D0035 at 2000 Blk Lawrence Dr from C-EO (Corporate Executive Office District) to R-1 PDD (Single Family Residential District with a Planned Development District Overlay).

A. Notice of Public Hearing.

The public hearing notice was published in the Green Bay Press-Times on October 28 and November 4, 2022.

B. Recommendation from the Plan Commission.
Development Services Director Dan Lindstrom explained that this request is for a narrow lot subdivision, which places more focus on open space and common elements like a pool and clubhouse. The reason for the Planned Development District overlay is because it doesn't meet lot and setback requirements in the City's current zoning code. Once the new zoning code is in place, this type of subdivision would no longer require a PDD request. Mayor Boyd declared the public hearing open; no one wished to speak so he declared the public hearing closed.

C. Ordinance #22-11 Rezoning Certain Property from C-EO Corporate-Executive Office District to R-1 PDD Single Family Residence District with a Planned Development District Overlay (Parcels WD-D0034 and WD-D0035; 200 Block Lawrence Drive).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Devin Perock, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

5. Public Hearing on the proposed Budget for calendar year 2023.

A. Presentation of 2023 Budget.

Mayor Boyd presented the proposed 2023 Budget for the City of De Pere, noting that all City departments were asked to do the following:

- submit minimal increases in expenditures, excluding capital projects and equipment;
- include a focus on reducing overtime expenditures and identify opportunities to utilize technology to reduce expenditures wherever practical;
- focus on opportunities to promote sustainable practices; and
- promote intergovernmental and private cooperation and to consider options to enhance diversity and inclusiveness in City operations and within the community.

The 2023 budget contains initiatives to meet the needs and expectations of the community, including:

- Funding to maintain city facilities and complete ongoing maintenance and repairs as needed throughout all city facilities;
- Additional funding to support and expand the ongoing efforts of the Beautification Committee and Definitely De Pere to showcase and enhance the appearance of our downtown;
- Funding for ongoing sustainability initiatives to enhance municipal services and facilities;
- Funding for financial incentives to promote additional economic opportunities throughout the community;
- Funding for ongoing improvements to various parks and recreational facilities;
- Funding to support the efforts of the Health Department to manage the ongoing COVID-19 pandemic response and vaccination clinics;
- Funding to replace numerous pieces of equipment and vehicles to support municipal services throughout the community, including aging police and fire department equipment

A full list of initiatives identified in the budget can be found on the City website.

Mayor Boyd's address also included the following data:

- The City qualified for the Expenditure Restraint program in the amount of $197,288 – a decrease of $10,749 due to more communities qualifying for the program
- The 2023 Executive Budget includes an overall 7.1% increase in General Fund operating expenditures when compared to 2022
- The 2023 budget includes a 5.1% increase in the property tax levy and a 6.85% decrease in the property tax mill rate
- The proposed mill rate for 2023 is $5.85 per $1,000 ($0.42 lower than 2022)

City Administrator Larry Delo reviewed the City's 10-year budget forecast (2023 – 2033). He pointed out the equalized value tax rate is projected to stay pretty flat over the next ten years (although this could change dependent on state and federal funding). Finance Director Joe Zegers explained the breakdown of the different taxing jurisdictions (before school tax credits and lottery credits), as well as general fund revenue and expenditure trends. He then answered questions about the mill rate, increase in debt service, and rising interest rates.

B. Notice of Public Hearing.

The public hearing notice was published in the Green Bay Press-Times on October 28, 2022.

C. Approval of proposed 2023 Budget.

Mayor Boyd declared the public hearing open. No one wished to speak, so he declared the hearing closed. Discussion followed regarding levy limits and the impact of spending increases if a potential decrease in property valuation occurs. It was noted that some projects that were cut from the budget could be potentially revisited with ARPA funds in January.

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

D. Resolution #22-87 Adoption of Tax Levy for City Purposes to Support the 2023 City Budget.

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

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

None.

7. Commendation for photo contest winners.

Adam Jackson, contest winner in the Environment and Nature category, was in attendance to receive the commendation.

8. Proclamation celebrating 15 years of Sister City partnership with Åmål, Sweden.

Sister City Committee members Kim Thompson and Randy Soquet attended the meeting and shared an award that the Sister Cities program recently received for innovation in youth and education programs.

9. Recommendation from Plan Commission to approve a 4 lot certified survey map at 2000 BLK Lawrence DR (Parcel WD-D0034).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Pamela Gantz, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

10. Recommendation from the Board of Park Commissioners to Accept a Donation from De Pere Baseball for Diamond Improvements valued at $10,968.

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

11. Recommendation from the Board of Park Commissioners to Approve Changes to the Beer Garden Sponsorship Plan.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Amy Chandik Kundinger, Alderperson
SECONDER:	Dean Raasch, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

12. Recommendation from the Board of Public Works to approve City of De Pere Cluster Mailbox Unit Informational Guide and Policy.

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

13. Recommendation of Finance/Personnel Committee to Approve Various Credit Limit Increases for City Credit Cards.

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

14. Recommendation of Finance/Personnel Committee to Approve Purchase of Digital Juice Subscription.

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

15. Recommendation from the Business Improvement District Board to Approve the De Pere Business Improvement District 2023 Operating Plan.

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

16. Ordinance #22-12 Amending Chapter 150 De Pere Municipal Code Regarding Traffic Regulations (Schedule G Parking).

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Devin Perock, Alderperson
AYES:	Carpenter, Gantz, Hansen, Kundinger, Ledvina, Perock, Quigley, Raasch

17. Resolution #22-88 Approving Amendment #1 to the Solid Waste Management Services Agreement with Brown County.

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

18. Resolution #22-89 Authorizing Extension of Consulting Services Agreement Between the City of De Pere and Robert E. Lee and Associates, Inc. (2023 Consulting Services).

    Staff and Council members confirmed that TDS Telecom will reimburse the City for this cost.

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

19. Resolution #22-90 Authorizing Agreement for Contractor Services Between the City of De Pere and GFL Environmental Services USA, Inc. (2023-2025 Garbage & Recycling Dumpster Collection Services).

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

20. Voucher approval.

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

21. Future agenda items.

Alderperson Raasch requested consideration of an exception for De Pere Christian Outreach for the allowed number of garbage and recycling containers. Alderperson Quigley requested a discussion to consider on-street overnight parking.

22. Adjournment.

Alderperson Carpenter moved, seconded by Alderperson Gantz to adjourn the meeting at 8:37 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Common Council. §6-3(f) DPMC**

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**Parks, Recreation & Forestry**
FROM:	**Marty Kosobucki**
SUBJECT:	**Recommendation from the Board of Park Commissioners to Approve Drop in Player Pass for Adult Basketball**

The Board of Park Commissioners, at the November 17, 2022 meeting, approved the drop-in player pass for adult basketball. The motion passed unanimously with a 6-0 vote.

See attached memo and player pass document.

ATTACHMENTS:

- Park Board Memo - Drop In Pass and Update on League (PDF)
- Drop in Player Pass (PDF)

CITY OF DE PERE
MEMO

To: Board of Park Commissioners
From: Chelsea Moberg
Date: November 7, 2022
RE: Adult Basketball League – Drop-in Player Addition & Update on League

Drop in Player Addition

During the 2022 pre-season managers meeting multiple team managers voiced having difficulty maintaining roster levels through a full season. Many team managers were struggling to fill their rosters this year and were concerned about being able to field a team for each night of play.

With support from the Team Managers present at the pre-season meeting, staff recommends the implementation of a Drop-in Player Pass for Adult Basketball. This would allow for one-time players to join the league, prevent forfeits, and maintain our liability needs through the signup process.

PDF detailing the Drop-in Pass included.

Potential Challenges:

- **Overpowering A Team / Ringers**
  - **Concern:** A team could bring in much better players to sway to league results.
  - **Solution:** We set a maximum of 2 drop in players per team per week to ensure most players on the court are part of the regular team. Drop-in Player Passes are not allowed during championships & the rules applying to roster additions apply to the passes.
  - **Teams Perspective:** The general consensus of managers was that they would rather play and potentially lose a game due to a Drop-in Player than not play at all.
- **Effect On Revenue**
  - **Concern:** Could we potentially lose expected revenue by offering this option?
  - **Solution:** By setting the drop-in rate at $10 we anticipate receiving more revenue overall than we would have with the traditional set up.
  - **Teams Perspective:** They suggested the rate of $10 as a fair fee & indicated they would be bringing in players who normally wouldn't be able or willing to play.
- **Legal & Liability**
  - **Concern:** Maintaining our standard liability processes through this additional signup option.
  - **How We Addressed:** Legal reviewed and approved a general liability waiver for Adult Basketball. It was added to the drop in player form. We made a note that the drop-in pass could be purchased and signed for by the team managers, but that waiver must be signed by that player and could be signed on site prior to game play.
  - **Teams Perspective:** None vocalized at this time.

Update On Adult Basketball League

This season we implemented the blended league option with 4 officiated and 4 self-officiated leagues offered for adult basketball. Pay rates for all staff were adjusted and a significantly larger pool of applicants were available for this season. As of the start of the season, we are currently 90% staffed. We are hiring an additional scorekeeper for the season along with subs for all positions. With existing staff levels, we can comfortably fill shifts each night.

One of the officiated leagues was transitioned to self-officiated following a request from all 6 team managers. After finalizing registration, we had 38 teams registered with 89 residents and 221 non-resident participants (2021 - 41 teams with 107 residents and 267 non-residents). International and National leagues were combined into one 8 team league. Continental was dropped and all teams migrated to Universal. This left us with two (2) officiated leagues and four (4) self-officiated leagues.

Revenue	(Projected) Expense
Team Fees - Self-Officiated $1,200 - Officiated $7,000 **Player Fees** - Residents $3,471 - Non-Residents $13,039	- Site Supervisors $2,520 - Officials $10,241 - Court Supervisors $3,372 - Scorekeeper $5,187
Total: $24,710	**Total: $21,320**

Option	Team Fee	Resident Player Fee	Non - Res Player Fee	Officials Wage	Other Wages
Officiated	$500	$39	$59	$40 / $45	Site Supervisor - $18/hr Scorekeeper - $14/ga
Self-Officiated	$50	$39	$59	-	Site Supervisor - $18/hr Court Supervisor - $16/ga Scorekeeper - $14/ga

CITY OF DE PERE

Community Center

600 Grant Street, De Pere, WI 54115 | 920-339-4097 | www.de-pere.org

Drop In Player Pass – Basketball

Purchased a minimum of 24 hours prior to play times at the De Pere Community Center during business hours & valid for one time use only. Non-refundable. Max of 2 drop in players per team per night. Allowed through the first half of the season (through December).

No game site purchases available. Day & time must be filled in prior to processing.

Fee: $10 / player / pass

Player or Team Manager Completes

Player Name:_____ **Date & Time of Game:**_____

Player Address:_____

Player Phone: _____ **Player Age:** _____

Team Name: _____ **League:** _____ **Location:** DPHS / WDPHS

I confirm that player information is correct, and all appropriate fees will be paid. Falsification of a player's address or information will result in that participant being banned from all Parks, Recreation and Forestry Department activities for one year. Teams will be dropped if they continue to use ineligible players or make a mockery of their games. Players will pay all expenses of repairing or replacing any publicly owned property they are responsible for damaging.

By signing this form, I agree to abide to the athletic league policies and league rules including the ones listed on this form.

_____

Player or Team Manager Signature Date

Office Completes

Payment Type: ___ Cash ___ Check ___ Card **Receipt:** _____

Date Processed: _____ **Person Approving:** _____

Pass is invalid until processed by the office & waiver signed. Waiver (second page) may be signed on site if Team Manager is the purchaser of the Drop in Pass. Office keeps original (place in basketball binder) & issues a copy to the purchaser

Player Completes

This waiver may be signed on site but must be done prior to taking the court to play or practice. Waivers must be signed by the individual participating in the league or program (or their legal representative)

AGREEMENT ASSUMING RISK OF INJURY OR DAMAGE, WAIVER, AND RELEASE OF CLAIMS AND INDEMNITY AGREEMENT FOR "City of De Pere Adult Basketball League"

I, the undersigned do hereby agree; to participate in the **City of De Pere Adult Basketball League** and am aware of and understand that there may be risks and hazards inherent with participation in this activity, including but not limited to the risk of death, personal injury or damage to myself and/or my property by participating in the **City of De Pere Adult Basketball League**. I affirm that I am doing so as a voluntary participant. In consideration of my participation in the **City of De Pere Adult Basketball League**, I, on behalf of myself, my family, my heirs, executors, administrators and assigns, do hereby agree to release, waive, absolve, defend, indemnify and hold harmless, the City of De Pere, its employees, officers, agents, representatives, officials and sponsors from and against any and all manner of actions, causes of actions, suits, debts, claims, demands, or damages, losses, liability or expense (including but not limited to all fees and charges of attorneys and other professionals and all other costs and expenses of court, arbitration or other dispute resolution costs) of every kind and nature incurred whatsoever and/or arising by reason of any actual or claimed negligent or wrongful act or omission whether caused or allegedly caused by, in whole or in part, either myself, any third party or any party indemnified herein, regarding or any loss suffered by me or the minor as a result of my participation in the **City of De Pere Adult Basketball League**, using the facilities, or engaging in any activities incidental therein during the duration of the this scheduled program. The City of De Pere DOES NOT provide accident insurance to participants in recreational activities and I assume full responsibility for any and all injuries or damages which may occur to me while participating in the **City of De Pere Adult Basketball League**.

I understand one purpose of this agreement is to bar me and my successors and assigns from suing or making a claim for any injury sustained while participating in the **City of De Pere Adult Basketball League**. Further, another purpose of this agreement is to indemnify the City of De Pere for my own actions.

I do hereby grant and give these groups the right to use my photograph or image with or without my name, both singly and in conjunction with other persons or objects and presentations, advertising, publicity, and promotion relating thereto.

_____

Player Signature Player Name (Printed) Date

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**Plan Commission**
FROM:	**Peter Schleinz**
SUBJECT:	**Recommendation from Plan Commission to approve an 82 lot and 7 outlot preliminary plat of The Kingston Preserve at the 2000 BLK Lawrence DR (Parcels L-458-7).**

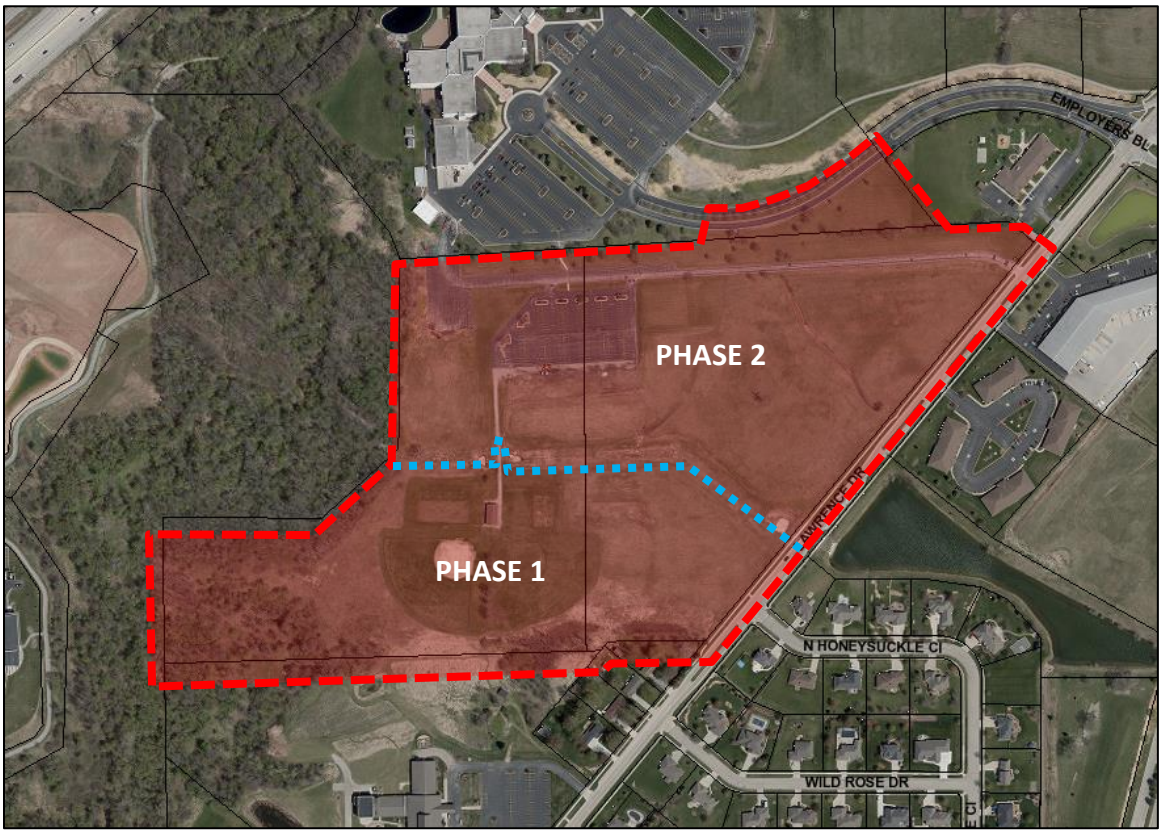
On November 28, 2022, Plan Commission unanimously recommended approval of the preliminary plat, with conditions, by a vote of 4-0.

ATTACHMENTS:

- PC Report - Pre Plat (DOCX)
- Application Form - Paid (PDF)
- CI-Plat-Kingston Preserve Review General Comments - Engineering (DOCX)
- Preliminary Plat - 01 Nov 2022 (PDF)

ITEM 4: **Consideration and possible action on an 82 lot and 7 outlot preliminary plat of The Kingston Preserve at the 2000 BLK Lawrence DR (Parcels WD-D0034, WD-D0035, part of WD-D0031). ***

SITE MAP



REQUESTED ACTION: Preliminary Extraterritorial Plat Approval.

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

ZONING: R-1 PDD (Single Family Residence District with a Planned Development District Overlay). Part of Lot 49 and Outlot 7 are zoned C-EO (Corporate-Executive Office District).

SURROUNDING LAND USES: Business Park to the north (C-EO), and east (I-B-1).
Residential and church to the south (R-1).
Conservancy to the east (C-EO PDD).

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

APPLICANT/OWNER:

Authorized Representative
Troy Hewitt, PLS
Robert E Lee & Associates INC
1250 Centennial Centre BL
Hobart, WI 54155

Property Owner
Preserve Development LLC
ATTN: Bill Kingston, Member
3346 Pine Tree RD
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 were developed in the 1980's.

STAFF REVIEW: When reviewing a preliminary 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 plat has 81 lots for single family residential use, one lot for a privately owned neighborhood clubhouse, and 7 outlots.

- The preliminary is being submitted in its entirety, and the final plat will likely be submitted in two phases as shown on the Site Map. A detail of the Phase 1 boundary is attached to this report.

    - Phase 1 construction is expected by spring 2023.
    - Phase 2 construction is expected by spring 2025.

- The authorized representative requested that the timing for submittal of a Phase 2 final plat be extended past 36 months to match the construction timeline. Plan Commission may extend the time for the submission of final plats, per Municipal Code 46-3(c)(1).

- The City's minimum acreage and frontage are met at 0.2 acres and 75', per a PDD overlay that was created for the site. The PDD was approved by Common Council on November 15, 2022.

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

The preliminary 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 preliminary 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.
2. Add missing WD-D0031 to the Parcel ID list.
3. Correct the City Treasurer to be Joe Zegers.
4. Provide a topographic map.
5. Provide a wetland delineation.
6. Identify that there is no driveway access to Lawrence DR for Lots 1 and 82 with a symbol on the plat and in the legend.
7. Identify 'buildings and pavement to be removed' by the developer on the plat.

8. Change the Everett ST suffix to “RD” or “DR” because the street curves. Add the name ‘Preserve __’ with a suffix “TE”, “RO”, or “LN” north of Everett ST.
9. Modify restrictive Covenant #1 to reference being r=graded by the subdivider.
10. Lot 49 and Outlot 7 must be properly zoned, not C-EO District.
11. Allow the final plat(s) to be submitted for City of De Pere review until December 31, 2026, rather than 36 months from the date of preliminary approval, as an expiration date.
12. Include owners of adjoining parcels or unsubdivided land (do not need to include parcels across Lawrence Drive) (46-7(b)(1)(g))
13. Certificate of the professional land surveyor shall be updated with recorded CSM information
14. Subject to additional comments and conditions provided by Engineering on the attached memo prior to submitting any final plat.

CITY OF DE PERE RECEIVED NOV 7 2022 PLANNING DEPT

DE PERE
RUNS DEEPER

CITY OF DE PERE

APPLICATION FOR PLAT REVIEW

Fee: $6330
Receipt #: 177084
Date: 11-07-22

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)	Authorized Representative	Title	
REL	TROY HEWITT	SURVEYOR	
Mailing Address	City	State	ZIP Code
1250 CENTENNIAL CENTRE BLVD	HOBART	WI	54155
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	
thewitt@releeinc.com		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)	Contact Person	Title	
PRESERVE DEVELOPMENT LLC	BILL KINGSTON	MEMBER	
Mailing Address	City	State	ZIP Code
3346 S PINE TREE RD	HOBART	WI	54155
Email Address	Phone Number (incl. area code)	Fax Number (incl. area code)	
bkingston@draco-pm.com		414-651-5077 (office number)	

SECTION 3: Project or Site Location

Project Address/Description	2000 Block of Lawrence Drive	Parcel No.	WD-D0034

SECTION 4: Plat Review

Review Type:	☑ Preliminary Plat ☐ Final Plat ☐ Condominium Plat	
Fee:	Preliminary Plat Fee: $278 + (89 # of lots and outlots x $68) Final Plat Fee: $195 Condominium Plat Fee: $278 + (____# of units x $68) + (____# of common elements x $68)	6330 $
Present Use of Parcel:	COMMERCIAL DEVELOPMENT AND PARK	
Proposed Use of Lots:	SINGLY 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)	Title	Phone Number
Troy Hewitt	Surveyor	920-662-9641
Signature of Applicant		Date Signed 11/1/2022

TO BE COMPLETED BY CITY STAFF

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

CITY OF DE PERE
MEMO

To: Peter Schleinz, Planning
From: Eric Rakers, Engineering
Date: 11/17/2022

RE: **Kingston Preserve**

General Comments

1. Staff would recommend a meeting with the designer and developer to discuss several of the items listed below prior to another submittal due to the complexities of existing infrastructure, dedicating right of way, and potential permitting. Engineering recommends only platting Phase I at this time while we work out items on Phase 2.
2. Provide the wetland delineation report and proposed wetland impacts for the project. Staff needs to know which wetlands can be impacted as part of the development. As part of the drainage plan, there will be wetland impacts including ditching on Outlots 1, 4, 6, and 7. Also, there are wetland impacts in the right of way on Preserve Court. Depending on the outcome of this discussion, a significant number of drainage and storm sewer easements may change.
3. There are existing improvements on the site. The proposed plans for these facilities will need to be addressed prior to plat approval on if staying, who will own and maintain, who will abandon/remove. While the City is most concerned about the areas in proposed right of ways or easements, an overall summary of the site should be considered. A general summary includes:
    a. Existing storm sewer including the outfall into the Ashwaubenon Creek Parkway.
    b. Electric, telephone, water, and sewer to the bathrooms.
    c. Humana fiber line.
    d. Bathroom removal.
    e. Parking lot and drive removal and restoration.
    f. Parking lot lighting removal
    g. Ball diamond facility removal.
    h. Abandon well, associated valves and water main and provide documentation to the City.
4. Several outstanding items will need to be addressed for the dedication of Employers Boulevard. The acceptance of the Employers Boulevard right of way is contingent on items/tested listed below with identified deficiencies repaired. In addition, City staff will perform a site visit and evaluate structures for deficiencies.
    a. Complete a modified pressure test on the water main as required by the City.
    b. Televise the sanitary sewer and perform a mandrel test.

c. Televise the storm sewer.
d. Construct sidewalk on both sides of the right of way.
e. Determine street light ownership in section of Employers Boulevard to be dedicated. There is a light pole conflict with the new intersection.
f. The entrance to Humana is to be reconfigured as a driveway with a concrete apron and sidewalk section by the City.
g. Need to review boulevard maintenance (mowing, etc.).
h. The northerly half of Employers Boulevard will require milling and resurfacing.

5. Provide a 12 foot utility easement along the north and west side of Employers Boulevard.
6. 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.
7. 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.

8. 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 thru 82.
    b. CBU Detail #2 – 16 CBU serves Lots 13 thru 28.
    c. CBU Detail #3 – 26 CBU serves Lots 29 thru 44 and 66 thru 75.
    d. CBU Detail #4 – 26 CBU serves Lots 45 thru 65.

Utility Easement Provisions:

1. 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.

Restrictive Covenants

1. Sidewalks are required on all streets.
2. Property owners are responsible for the removal and replacement of any amenities/improvements on easements beyond standard terrace restoration.
3. The land on all side and rear lot lines of all lots not included in the drainage easement shall be graded by lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water.
4. Exposed basement windows shall be approved the by Inspection Department prior to construction.
5. Parking will be restricted to one side of the street for North Honeysuckle Circle, North Honeysuckle Court, Everett Street, and Preserve Court
6. Access for Lots 1 and 82 shall be off North Honeysuckle Circle.
7. Add the following note; “The United States Postal Service (USPS) requires the installation of Cluster Mailbox Units (CBU) in this subdivision. The lot owners associated with the designated CBU are joint owners of the specified CBU structure, foundation, and associated sidewalk and responsible for the long-term maintenance and replacement. If the property owners do not keep the CBU in good-looking functional state, the municipality may assess/charge the lot owners for the shared cost of repairs of the replacement.”

PRELIMINARY PLAT
THE KINGSTON PRESERVE
A PLANNED DEVELOPMENT DISTRICT

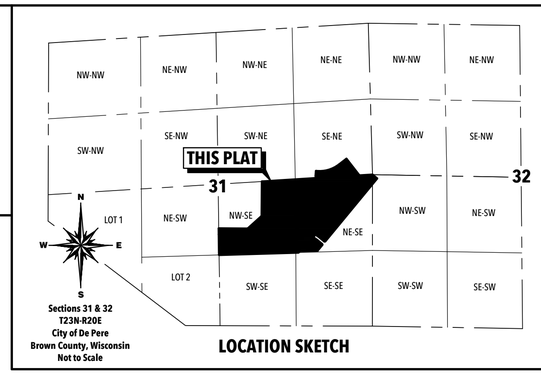
ALL OF LOT 1, CERTIFIED SURVEY MAP NUMBER XXXX, LOCATED IN PART OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ AND PARTS OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ AND SOUTHEAST ¼ OF THE NORTHEAST ¼, ALL IN SECTION 31, AND PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 32, ALL LOCATED IN TOWNSHIP 23 NORTH, RANGE 20 EAST, CITY OF DE PERE, BROWN COUNTY, WISCONSIN

PARCEL AREA TABLE

PARCEL #	AREA	PARCEL #	AREA	PARCEL #	AREA
1	15,528 SQ. FT.	29	29,364 SQ. FT.	57	12,334 SQ. FT.
2	8,630 SQ. FT.	30	12,816 SQ. FT.	58	17,375 SQ. FT.
3	9,062 SQ. FT.	31	11,543 SQ. FT.	59	15,853 SQ. FT.
4	8,921 SQ. FT.	32	10,010 SQ. FT.	60	12,769 SQ. FT.
5	8,927 SQ. FT.	33	13,291 SQ. FT.	61	8,260 SQ. FT.
6	8,930 SQ. FT.	34	11,751 SQ. FT.	62	8,122 SQ. FT.
7	9,528 SQ. FT.	35	11,586 SQ. FT.	63	11,137 SQ. FT.
8	9,517 SQ. FT.	36	10,392 SQ. FT.	64	7,975 SQ. FT.
9	8,173 SQ. FT.	37	10,532 SQ. FT.	65	7,975 SQ. FT.
10	8,173 SQ. FT.	38	7,975 SQ. FT.	66	7,975 SQ. FT.
11	9,652 SQ. FT.	39	7,975 SQ. FT.	67	8,700 SQ. FT.
12	9,503 SQ. FT.	40	7,975 SQ. FT.	68	8,700 SQ. FT.
13	8,847 SQ. FT.	41	7,975 SQ. FT.	69	7,975 SQ. FT.
14	7,975 SQ. FT.	42	7,975 SQ. FT.	70	7,975 SQ. FT.
15	7,975 SQ. FT.	43	7,975 SQ. FT.	71	7,975 SQ. FT.
16	7,975 SQ. FT.	44	7,975 SQ. FT.	72	15,267 SQ. FT.
17	9,030 SQ. FT.	45	7,975 SQ. FT.	73	8,561 SQ. FT.
18	11,586 SQ. FT.	46	7,975 SQ. FT.	74	8,660 SQ. FT.
19	14,100 SQ. FT.	47	7,975 SQ. FT.	75	7,721 SQ. FT.
20	14,681 SQ. FT.	48	11,131 SQ. FT.	76	8,775 SQ. FT.
21	16,187 SQ. FT.	49	13,514 SQ. FT.	77	9,474 SQ. FT.
22	14,427 SQ. FT.	50	8,700 SQ. FT.	78	12,994 SQ. FT.
23	10,308 SQ. FT.	51	8,700 SQ. FT.	79	9,344 SQ. FT.
24	7,975 SQ. FT.	52	7,975 SQ. FT.	80	8,788 SQ. FT.
25	7,975 SQ. FT.	53	7,975 SQ. FT.	81	8,632 SQ. FT.
26	9,425 SQ. FT.	54	7,975 SQ. FT.	82	30,818 SQ. FT.
27	7,975 SQ. FT.	55	8,102 SQ. FT.		
28	13,070 SQ. FT.	56	10,868 SQ. FT.		

TROY E HEWITT S-2831 GREEN BAY WISCONSIN LAND SURVEYOR

9/15/22



Sections 31 & 32
T23N-R20E
City of De Pere
Brown County, Wisconsin
Not to Scale

LOCATION SKETCH

ZONING
R-1, Single Family Resident District
Planned Development District Overlay

MINIMUM LOT AREA AS PLATTED
7,721 Sq.Ft.
0.177 Acres

NUMBER OF LOTS
82 Lots
7 Outlots

OWNER
Preserve Development, LLC
3346 S. Pine Tree Road
Hobart, WI 54155

PLATTED AREA DEDICATED TO THE PUBLIC
263,690 Square Feet
6.053 Acres

PLATTED AREA
2,407,892 Square Feet
55.278 Acres

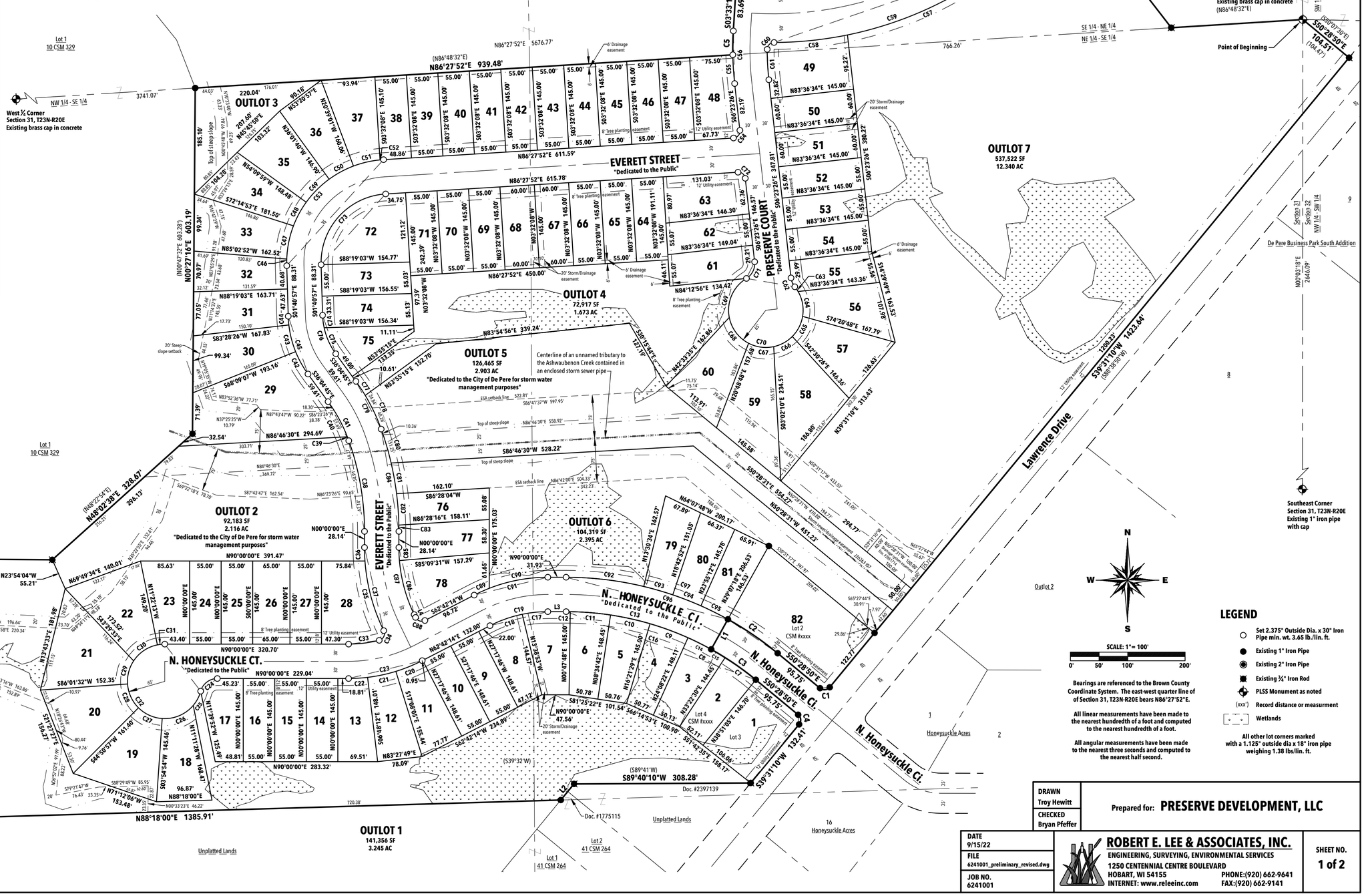
APPROVING & OBJECTING AUTHORITIES
City of De Pere
Department of Administration
Brown County

PARCEL ID
WD-D0035
WD-D0034

SURVEYOR
Troy E. Hewitt
Professional Land Surveyor #2831
Robert E. Lee & Associates, Inc.
1250 Centennial Centre Boulevard
Hobart, WI 54155

Line Table

Line #	Length	Direction
L1	60.00'	N29°07'18"E
L2	36.29'	S39°31'10"W
L3	31.93'	N90°00'00"E
L4	5.42'	S25°42'09"E



SCALE: 1"= 100'
0' 50' 100' 200'

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.

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
- (xxx') Record distance or measurement
- Wetlands

All other lot corners marked with a 1.125" outside dia x 18" iron pipe weighing 1.38 lbs/lin. ft.

DRAWN	Troy Hewitt
CHECKED	Bryan Pfeffer
DATE	9/15/22
FILE	6241001_preliminary_revised.dwg
JOB NO.	6241001

Prepared for: **PRESERVE DEVELOPMENT, LLC**

ROBERT E. LEE & ASSOCIATES, INC.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BOULEVARD
HOBART, WI 54155 PHONE:(920) 662-9641
INTERNET: www.releeinc.com FAX:(920) 662-9141

SHEET NO. 1 of 2

PRELIMINARY PLAT
THE KINGSTON PRESERVE
A PLANNED DEVELOPMENT DISTRICT

ALL OF LOT 1, CERTIFIED SURVEY MAP NUMBER XXXX, LOCATED IN PART OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ AND PARTS OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ AND SOUTHEAST ¼ OF THE NORTHEAST ¼, ALL IN 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	Second Tangent Bearing
C1	90°00'00"	12.00'	18.85'	N84°31'10"E	16.97'	S50°28'50"E	N39° 31' 10"E
C2	10°23'52"	580.00'	105.26'	N55°40'46"W	105.11'	N50°28'50"W	N60° 52' 42"W
C3	7°16'32"	520.00'	66.03'	N54°07'06"W	65.99'	N50°28'50"W	N57° 45' 21"W
C4	90°00'00"	12.00'	18.85'	N05°28'50"W	16.97'	N39°31'10"E	N50° 28' 50"W
C5	4°30'14"	530.00'	41.66'	S01°18'10"W	41.65'	S03°33'17"W	S00° 56' 57"E
C6	44°21'40"	550.00'	425.84'	N74°28'44"E	415.28'	S83°20'26"E	N52° 17' 54"E
C7	7°16'32"	520.00'	66.03'	N54°07'06"W	65.99'	N50°28'50"W	N57° 45' 21"W
C8	8°06'17"	520.00'	73.56'	N61°48'30"W	73.49'	N57°45'21"W	N65° 51' 38"W
C9	7°46'53"	520.00'	70.62'	S69°45'05"E	70.57'	S73°38'31"E	S65° 51' 38"E
C10	7°46'46"	520.00'	70.61'	S77°31'55"E	70.55'	S81°25'18"E	S73° 38' 31"E
C11	7°46'55"	520.00'	70.63'	S85°18'45"E	70.57'	S89°12'12"E	S81° 25' 18"E
C12	39°31'10"	520.00'	358.67'	N70°14'25"W	351.60'	N50°28'50"W	N90° 00' 00"W
C13	29°07'18"	520.00'	264.30'	N75°26'21"W	261.46'	N60°52'42"W	N90° 00' 00"W
C14	4°58'56"	520.00'	45.22'	N63°22'10"W	45.20'	N60°52'42"W	N65° 51' 38"W
C15	3°07'21"	520.00'	28.34'	N59°19'02"W	28.34'	N57°45'21"W	N60° 52' 42"W
C16	39°31'10"	520.00'	358.67'	N70°14'25"W	351.60'	N50°28'50"W	N90° 00' 00"W
C17	11°40'37"	220.00'	44.84'	S84°09'42"W	44.76'	N90°00'00"W	S78° 19' 23"W
C18	15°37'10"	220.00'	59.97'	S70°30'48"W	59.79'	S78°19'23"W	S62° 42' 14"W
C19	27°17'46"	220.00'	104.81'	S76°21'07"W	103.82'	N90°00'00"W	S62° 42' 14"W
C20	10°09'41"	280.00'	49.66'	N67°47'04"E	49.59'	N72°51'55"E	N62° 42' 14"E
C21	10°19'54"	280.00'	50.49'	N78°01'51"E	50.42'	N83°11'48"E	N72° 51' 55"E
C22	6°48'12"	280.00'	33.25'	N86°35'54"E	33.23'	N90°00'00"E	N83° 11' 48"E
C23	27°17'46"	280.00'	133.39'	N76°21'07"E	132.14'	N90°00'00"E	N62° 42' 14"E
C24	74°44'33"	30.00'	39.14'	S52°37'44"W	36.42'	N90°00'00"W	S15° 15' 27"W
C25	24°47'31"	65.00'	28.13'	N27°39'13"E	27.91'	N40°02'58"E	N15° 15' 27"E
C26	53°51'56"	65.00'	61.11'	N66°58'56"E	58.88'	S86°05'06"E	N40° 02' 58"E
C27	40°56'03"	65.00'	46.44'	S65°37'05"E	45.46'	S45°09'03"E	S86° 05' 06"E
C28	41°10'36"	65.00'	46.71'	S24°33'45"E	45.71'	S03°58'28"E	S45° 09' 03"E
C29	37°25'52"	65.00'	42.46'	S14°44'28"W	41.71'	S33°27'24"W	S03° 58' 28"E
C30	45°10'23"	65.00'	51.25'	S56°02'35"W	49.93'	S78°37'47"W	S33° 27' 24"W
C31	11°22'13"	65.00'	12.90'	S84°18'53"W	12.88'	N90°00'00"W	S78° 37' 47"W
C32	254°44'33"	65.00'	289.00'	S37°22'16"E	103.31'	N90°00'00"W	N15° 15' 27"E
C33	14°03'19"	220.00'	53.97'	N82°58'21"E	53.83'	N90°00'00"E	N75° 56' 41"E
C34	102°01'11"	12.00'	21.37'	S24°56'06"W	18.65'	S75°56'41"W	S26° 04' 29"E
C35	21°58'56"	330.00'	126.61'	S15°05'01"E	125.83'	S04°05'33"E	S26° 04' 29"E
C36	4°05'33"	330.00'	23.57'	S02°02'47"E	23.57'	S00°00'00"E	S04° 05' 33"E
C37	26°04'29"	330.00'	150.18'	S13°02'15"E	148.89'	S00°00'00"E	S26° 04' 29"E
C38	19°39'58"	470.00'	161.32'	N09°49'59"W	160.53'	N00°00'00"E	N19° 39' 58"W
C39	1°33'34"	270.00'	7.35'	N20°26'45"W	7.35'	N19°39'58"W	N21° 13' 32"W
C40	14°51'13"	270.00'	70.00'	N28°39'08"W	69.80'	N21°13'32"W	N36° 04' 45"W
C41	16°24'47"	270.00'	77.34'	N27°52'21"W	77.08'	N19°39'58"W	N36° 04' 45"W
C42	14°13'52"	180.00'	44.71'	S28°57'49"E	44.59'	S21°50'53"E	S36° 04' 45"E
C43	15°19'19"	180.00'	48.14'	S14°11'13"E	47.99'	S06°31'34"E	S21° 50' 53"E
C44	4°50'37"	180.00'	15.22'	S04°06'15"E	15.21'	S01°40'57"E	S06° 31' 34"E
C45	34°23'48"	180.00'	108.06'	S18°52'51"E	106.44'	S01°40'57"E	S36° 04' 45"E
C46	3°39'02"	180.00'	11.47'	S00°08'34"W	11.47'	S01°58'05"W	S01° 40' 57"E
C47	18°55'55"	180.00'	59.48'	S11°26'02"W	59.21'	S20°53'59"W	S01° 58' 05"W
C48	14°56'01"	180.00'	46.92'	S28°22'00"W	46.78'	S35°50'01"W	S20° 53' 59"W
C49	18°08'19"	180.00'	56.98'	S44°54'10"W	56.75'	S53°58'20"W	S35° 50' 01"W

Curve Table

Curve #	Delta	Radius	Length	Chord Direction	Chord Length	Tangent Bearing	Second Tangent Bearing
C50	15°22'40"	180.00'	48.31'	S61°39'40"W	48.17'	S69°20'59"W	S53° 58' 20"W
C51	15°09'35"	180.00'	47.63'	S76°55'47"W	47.49'	S84°30'35"W	S69° 20' 59"W
C52	1°57'18"	180.00'	6.14'	S85°29'14"W	6.14'	S86°27'52"W	S84° 30' 35"W
C53	88°08'49"	180.00'	276.92'	S42°23'28"W	250.41'	S86°27'52"W	S01° 40' 57"E
C54	92°51'18"	12.00'	19.45'	N40°02'13"E	17.39'	N86°27'52"E	N06° 23' 26"W
C55	5°26'29"	530.00'	50.33'	S03°40'12"E	50.31'	S00°56'57"E	S06° 23' 26"E
C56	9°56'43"	530.00'	92.00'	S01°25'05"E	91.88'	S03°33'17"W	S06° 23' 26"E
C57	26°09'26"	650.00'	296.74'	N65°22'37"E	294.17'	N78°27'20"E	N52° 17' 54"E
C58	11°22'14"	650.00'	129.00'	N84°08'27"E	128.78'	N89°49'34"E	N78° 27' 20"E
C59	37°31'40"	650.00'	425.74'	N71°03'44"E	418.17'	N89°49'34"E	N52° 17' 54"E
C60	89°44'25"	12.00'	18.80'	S44°57'21"W	16.93'	S89°49'34"W	S00° 05' 08"W
C61	6°28'35"	470.00'	53.13'	S03°09'09"E	53.10'	S00°05'08"W	S06° 23' 26"E
C62	32°37'54"	30.00'	17.09'	S22°42'23"E	16.86'	S06°23'26"E	S39° 01' 20"E
C63	8°50'55"	65.00'	10.04'	N34°35'52"W	10.03'	N30°10'25"W	N39° 01' 20"W
C64	39°35'41"	65.00'	44.92'	N10°22'34"W	44.03'	N09°25'16"E	N30° 10' 25"W
C65	35°15'12"	65.00'	39.99'	N27°02'52"E	39.37'	N44°40'29"E	N09° 25' 16"E
C66	33°02'45"	65.00'	37.49'	N61°11'51"E	36.97'	N77°43'14"E	N44° 40' 29"E
C67	39°47'15"	65.00'	45.14'	S82°23'09"E	44.24'	S62°29'32"E	N77° 43' 14"E
C68	51°19'24"	65.00'	58.22'	S36°49'50"E	56.30'	S11°10'08"E	S62° 29' 32"E
C69	69°52'49"	65.00'	79.28'	S23°46'17"W	74.45'	S58°42'41"W	S11° 10' 08"E
C70	277°44'01"	65.00'	315.08'	S80°09'19"E	85.52'	S58°42'41"W	N39° 01' 20"W
C71	65°06'08"	30.00'	34.09'	N26°09'38"E	32.28'	N58°42'41"E	N06° 23' 26"W
C72	87°08'42"	12.00'	18.25'	N49°57'47"W	16.54'	N06°23'26"W	S86° 27' 52"W
C73	88°08'49"	120.00'	184.61'	S42°23'28"W	166.94'	S86°27'52"W	S01° 40' 57"E
C74	10°27'32"	120.00'	21.91'	S06°54'43"E	21.87'	S01°40'57"E	S12° 08' 29"E
C75	23°56'16"	120.00'	50.13'	S24°06'37"E	49.77'	S12°08'29"E	S36° 04' 45"E
C76	34°23'48"	120.00'	72.04'	S18°52'51"E	70.96'	S01°40'57"E	S36° 04' 45"E
C77	5°06'34"	330.00'	29.43'	S33°31'28"E	29.42'	S36°04'45"E	S30° 58' 10"E
C78	11°18'13"	330.00'	65.10'	S25°19'04"E	65.00'	S30°58'10"E	S19° 39' 58"E
C79	16°24'47"	330.00'	94.53'	N27°52'21"W	94.21'	N19°39'58"W	N36° 04' 45"W
C80	6°39'35"	530.00'	61.60'	S16°20'10"E	61.57'	S19°39'58"E	S13° 00' 22"E
C81	5°52'50"	530.00'	54.40'	S10°03'57"E	54.37'	S13°00'22"E	S07° 07' 33"E
C82	5°56'42"	530.00'	54.99'	S04°09'12"E	54.97'	S07°07'33"E	S01° 10' 51"E
C83	1°10'51"	530.00'	10.92'	S00°35'25"E	10.92'	S01°10'51"E	S00° 00' 00"E
C84	19°39'58"	530.00'	181.92'	N09°49'59"W	181.02'	N00°00'00"E	N19° 39' 58"W
C85	4°50'29"	270.00'	22.81'	S02°25'14"E	22.81'	S00°00'00"E	S04° 50' 29"E
C86	20°51'41"	270.00'	98.31'	S15°16'19"E	97.76'	S04°50'29"E	S25° 42' 09"E
C87	25°42'09"	270.00'	121.12'	S12°51'05"E	120.11'	S00°00'00"E	S25° 42' 09"E
C88	91°35'37"	12.00'	19.18'	S71°29'58"E	17.20'	S25°42'09"E	N62° 42' 14"E
C89	5°55'26"	280.00'	28.95'	S65°39'56"W	28.94'	S68°37'39"W	S62° 42' 14"W
C90	21°22'21"	280.00'	104.45'	S79°18'50"W	103.84'	N90°00'00"W	S68° 37' 39"W
C91	27°17'46"	280.00'	133.39'	S76°21'07"W	132.14'	N90°00'00"W	S62° 42' 14"W
C92	13°30'34"	580.00'	136.75'	N83°14'43"W	136.44'	N76°29'26"W	N90° 00' 00"W
C93	5°12'18"	580.00'	52.69'	N73°53'17"W	52.67'	N71°17'08"W	N76° 29' 26"W
C94	5°12'21"	580.00'	52.70'	N68°40'58"W	52.68'	N66°04'48"W	N71° 17' 08"W
C95	5°12'05"	580.00'	52.65'	N63°28'45"W	52.64'	N60°52'42"W	N66° 04' 48"W
C96	29°07'18"	580.00'	294.80'	N75°26'21"W	291.63'	N60°52'42"W	N90° 00' 00"W
C97	39°31'10"	580.00'	400.05'	N70°14'25"W	392.17'	N50°28'50"W	N90° 00' 00"W

UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, sanitary sewer, storm sewer, watermain and communications service is hereby granted by Best Built Inc., to Wisconsin Public Service Corporation, a Wisconsin Corporation, grantee, Time Warner Cable, AT&T and the City of De Pere, their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, sanitary sewer, storm sewer, watermain, telephone and cable tv facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "utility easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incidental to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, sanitary and storm sewer facilities, watermain facilities or telephone and cable tv facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over grantees' facilities or in, upon or over the property within the lines marked "utility easement" without the prior written consent of grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees. This utility easement provision does not prevent or prohibit others from utilizing or crossing the utility easement as the utility easement(s) are non-exclusive.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

RESTRICTIVE COVENANTS BETWEEN CITY OF DE PERE AND PROPERTY OWNER

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. **A drainage easement in favor of the city on rear and side lot lines as shown on the plat shall be provided. Such easements shall contain the following restrictions:**
   - **A. Any obstruction to the flow of water, by any means, shall be prohibited.**
   - **B. No structure, earthen berm, dam, erection of other improvement, tree, or landscaping shall be permitted.**
   - **C. The erection of a fence or annual plantings may be allowed provided that same do not obstruct the flow of water.**
   - **D. Grantor is prohibited from changing the grade elevation of the drainage easement from that established by grantee.**
   - **E. Grantee shall have full rights of ingress and egress to carry on and all work in connection with the maintenance and operation in, over, under, and across lands of grantor.**
   - **F. The property covered by said easement shall not be used in any way or manner that will impair the rights of grantee.**
   - **G. The easement shall run with the land, and shall be binding upon the grantees, lessees, successors, heirs and assigns of grantor and grantee.**
   - **H. The easement shall be assignable.**

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 _____, 2022.

In the presence of Preserve Development, LLC

By _____

Name: _____

Title: _____

STATE OF WISCONSIN)
_____ _____ COUNTY) SS

Personally came before me this _____ day of _____, 2022, 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 _____, 2022.

_____ _____
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 unpaid taxes, or special assessments on and of the land included in this plat.

_____ _____
Carey E. Danen 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 unpaid taxes, or 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 all of Lot 1, Certified Survey Map Number xxxx, located in part of the Northeast 1/4 of the Southeast 1/4 and parts of the Northwest 1/4 of the Southeast 1/4 and Southeast 1/4 of the Northeast 1/4, all in 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, 1300.04 feet on said west right of way to the northeast corner of Lot 2 of said Certified Survey Map Number XXXX (CSM #XXXX); thence N50°31'17"W, 243.24 feet on the north line of said Lot 2 to the northwest corner thereof; thence S29°01'13"W, 207.61 feet on the west line of said Lot 2 and its southerly extension to the south right of way of Street A; thence 27.34 feet on the arc of a 520.00 foot radius curve to the right, having a long chord which bears S59°28'25"E, 27.33 feet on said south right of way to the northwest corner of Lot 4 of said CSM #XXXX; thence S31°24'26"W, 145.00 feet on the west line of said Lot 4 to the southwest corner therof; thence S51°46'30"E, 157.99 feet on the south line of said Lot 4 and continuing on the south line of Lot 3 of said CSM #XXXX to said west right of way of Lawrence Drive; 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, 939.48 feet on said east-west quarter line to a west line of lands described in Document Number XXXXXXX; thence 41.66 feet on the arc of a 530.00 foot radius curve to the right, having a long chord which bears N01°18'10"E, 41.65 feet on the said west line; thence N03°33'17"E, 83.69 feet on said west line to the north line of said lands; thence 425.84 feet on the arc of a 550.00 foot radius curve to the left, having a long chord which bears N74°28'44"E, 415.28 feet on said north line; thence N52°17'54"E, 168.06 feet on said north line to the east line of said lands; thence S37°42'06"E, 368.83 feet on said east line to said east-west quarter line; thence N86°27'52"E, 229.96 feet on said east-west quarter line to the Point of Beginning.

Said parcel contains 2,513,813 Square Feet (57.709 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.

_____ 8/5/22
Troy E. Hewitt S-2831 Date
ROBERT E. LEE & ASSOCIATES, INC.

WISCONSIN
TROY E. HEWITT S-2831 GREEN BAY WI
LAND SURVEYOR

DRAWN	Troy Hewitt
CHECKED	Bryan Pfeffer
DATE	8/04/2022
FILE	6241001_preliminary_revised.dwg
JOB NO.	6241001

Prepared for: PRESERVE DEVELOPMENT, LLC

ROBERT E. LEE & ASSOCIATES, INC.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BOULEVARD
HOBART, WI 54155 PHONE:(920) 662-9641
INTERNET: www.releeinc.com FAX:(920) 662-9141

SHEET NO. 2 of 2

R:\6200\6241\6241001\DWG\6241001_preliminary_revised.dwg

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**Economic Development**
FROM:	**Daniel Lindstrom**
SUBJECT:	**Resolution #22-91 Approving Facade Improvement Project and Authorizing Disbursement of Grant for 407 Main Avenue (Parcel WD-885).**

At their meeting on October 24, 2022, by a vote of 5-0, the Redevelopment Authority recommended approval of the facade grant request for 409 Main Ave (Parcel WD-886) in an amount not to exceed $10,000.

ATTACHMENTS:

- Reso22-91 (PDF)
- 1. 407 Main RDA Memo (PDF)
- 2. 407 Facade Grant Application - Exhibit A (PDF)
- 3. 407 Main Ave Cost Estimate Summary (PDF)
- 4. Green Bay Glass Cost Estimate (PDF)
- 5. Green Bay Stucco Repair Estimate (PDF)
- 6. Door Detail Estimate (PDF)
- 7. Combined Elevations (PDF)
- Site Map (PDF)

RESOLUTION #22-91

APPROVING FAÇADE IMPROVEMENT PROJECT AND
AUTHORIZING DISBURSEMENT OF GRANT
(407 Main Avenue - Parcel WD-885)

WHEREAS, the Tax Increment District #9 (TID #9 or the District) Project Plan includes city expenditure of funds to property owners within the District in the form of a grant match for eligible façade improvement costs, not to exceed $10,000.00 per parcel (for building width of 1' to 60'), thereby increasing property values and tax increment during the life of the District; and

WHEREAS, Lance A. and Shanna L. Koltz, the owners of Parcel WD-885, have submitted an application for a façade improvement grant for proposed improvements to both the Main Avenue storefront façade and the rear façade of the building; and

WHEREAS, such application, attached and incorporated as Exhibit A, provides cost estimates for said improvements in the amount of $51,032.00, with eligible expenses totaling $37,818.00; and

WHEREAS, this façade improvement project has been reviewed by the Redevelopment Authority which recommends approval of a façade improvement grant in the total amount not to exceed $10,000.00, subject to the provisions set forth below.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Common Council approves the façade improvement contemplated in Exhibit A, as approved by the Redevelopment Authority, and thanks Lance and Shanna Koltz for their investment in the De Pere downtown.

BE IT FURTHER RESOLVED THAT:

The Director of Development Services or designee (Director) is authorized to approve disbursement of the façade grant in an amount not to exceed $10,000.00 to Lance A. and Shanna L. Koltz, provided the following conditions are met:

1. Property owner obtains all necessary permits;
2. Property owner submits quotes for all eligible work to be completed;
3. After completion of the improvements, the Director receives copies of paid invoices from property owner showing the project is complete;
4. The City Building Inspection Department verifies to the Director that the work is complete and in compliance with all building codes; and
5. Final grant payment to be calculated based upon receipt review pursuant to program requirements.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, and employees are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 6th day of December, 2022.

APPROVED:

_____
James G. Boyd, Mayor

ATTEST:

_____
Carey E. Danen, City Clerk

Ayes: _____
Nays: _____
RDA Approval: 10/24/2022

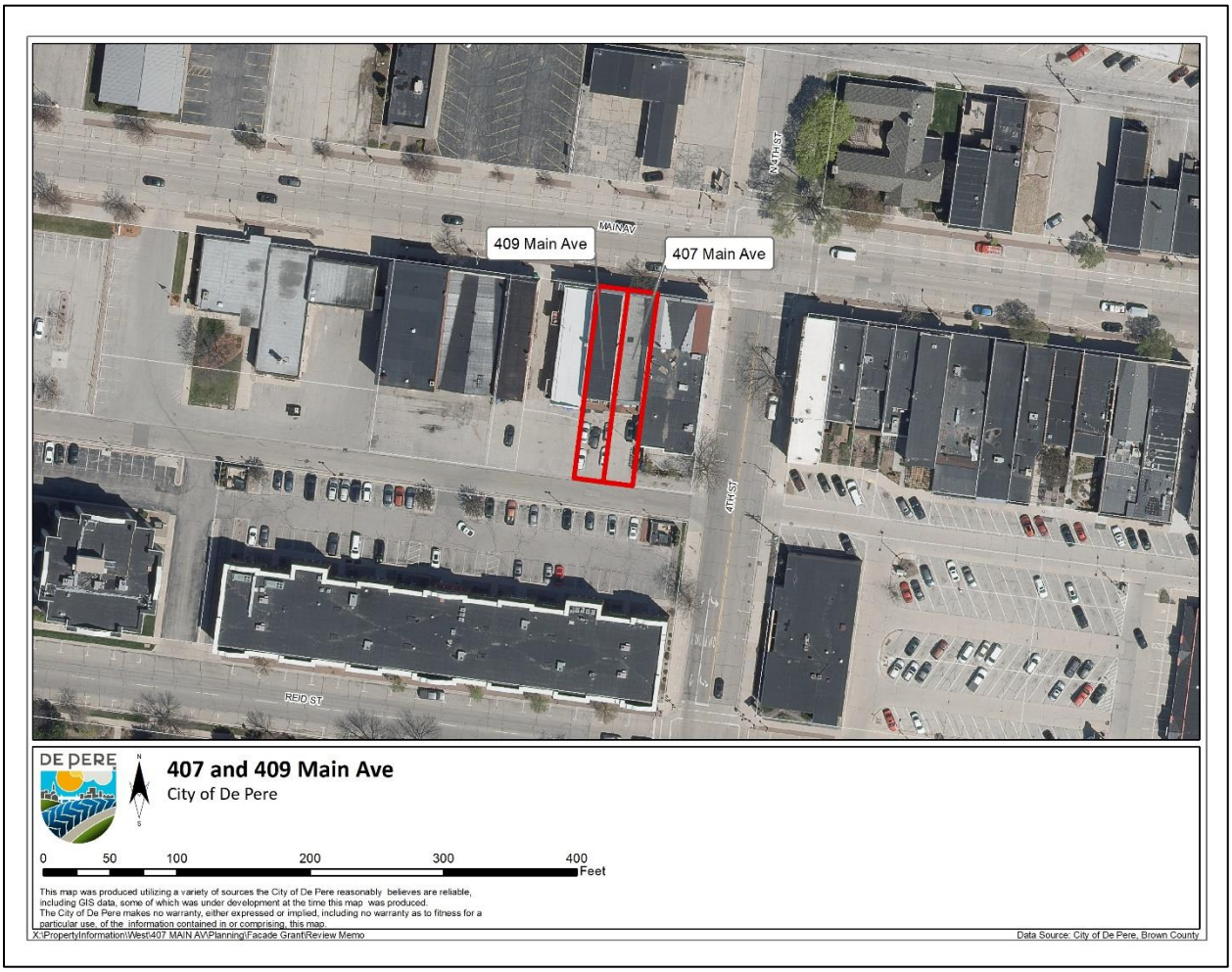
CITY OF DE PERE MEMO

To: Redevelopment Authority
From: Daniel Lindstrom, Development Services Director
Date: October 24, 2022

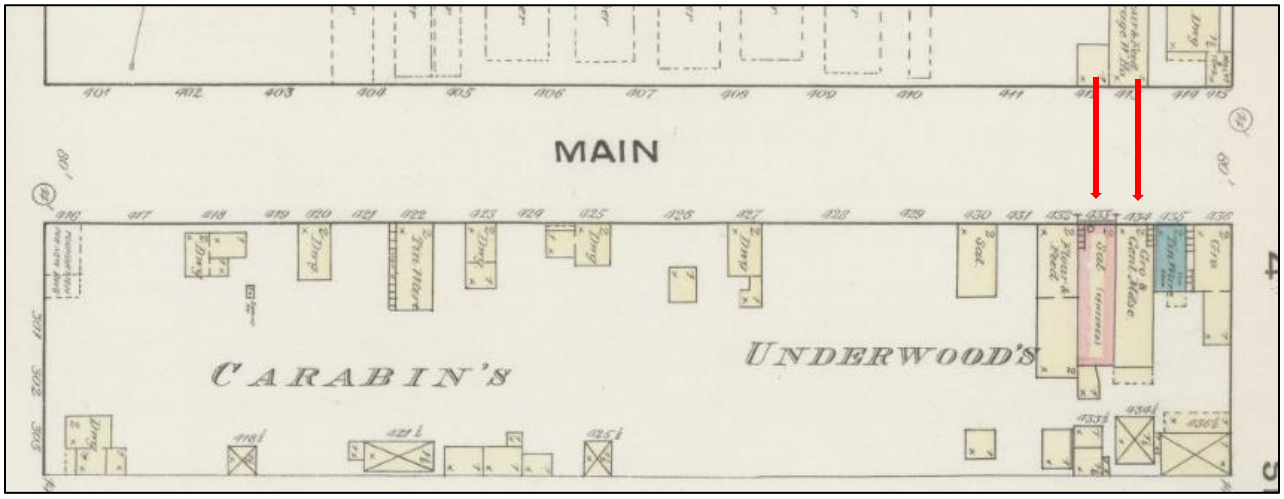
RE: **Façade Grant Request for 407 Main Avenue (WD-885), Shanna & Lance A Koltz.***

Background and History

Shanna & Lance A Koltz, land and building owners, submitted the attached façade grant application for 407 and 409 Main Avenue. This building is home to several existing retail and residential spaces.



History of 407 and 409 Main Ave (Formerly 433 and 434 Main Avenue)
Records dating back to 1890 illustrate former buildings were home to general retail and throughout the next few decades alternated between general retail, flour and feed stores, and workshops.



Credit: Library of Congress

407 Main Ave Building Style (RADEMACHER)
The building is a 2-story commercial vernacular building similar to other structures built around this time in De Pere. The building was constructed in 1890 and was a rectangular plan structure and was brick and pebble dash veneer on the second level.

409 Main Ave Building Style
The building is a 2-story commercial vernacular building similar to other structures built around this time in De Pere. The building was constructed in 1890 and was a rectangular plan structure with a brick and stucco-type material with a flat roof. In the more recent past, the entire Upper level of the building was entirely re-sheathed with vinyl obscuring original fenestration and arched lintels, and some of the pebble dash veneer.


Credit: Intensive Survey

407 Main Ave Façade Grant Eligibility and Proposed Scope of Work

The following section details the façade grant eligibility for each parcel.

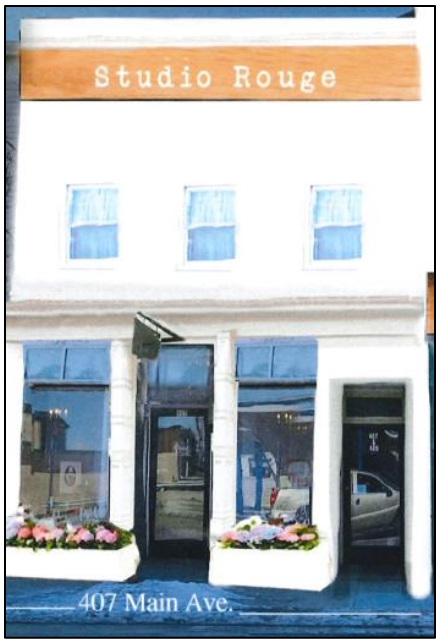
- TID District No.9
- Building Lengths (measured along the right of way)
- 407 Main Avenue: 22.5’ Main Ave and 22.5’ Alley Rear
- The property is eligible for a maximum grant award of $10,000.
- Previous Façade Grant Awards - None
- Historic Designation – The building is not historically designated at the federal, state, or local level. The 2017 Intensive Survey reviewed this property.

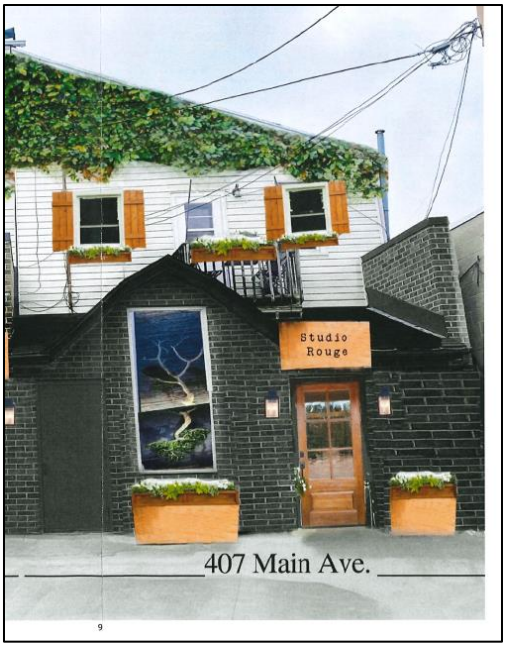
Proposed Scope of Work

The City received the façade grant application on October 8, 2022. The applicant did apply for a permit to remove the existing façade materials and replace the storefront windows. The applicant planned to conduct all the work at one time and after the RDA had a chance to review the materials; however, due to supply chain issues and contractor availability they were not able to secure a time for the work and were unsure if they would be able to do work this year. When the contractor opportunity presented itself and the materials were available, they began the work and requests the RDA grant the portion of the façade grant retroactively as allowed by the policy. Staff notes that the total amount of estimated improvements proposed would still be eligible for the $10,000. The applicant provided the attached cost estimates for the proposed work. The property owner proposes the following exterior improvements to update the façade.

- Store Front windows
- Remove non-period correct façade materials
- Repair stucco/pebble dash veneer
- Repair trim
- New Signage
- Paint
- Replace roof section (not eligible)
- Replace deck
- Improve exterior window treatments, landscaping, and rear signage

The proposed sign placement does not meet current City of De Pere signage requirements and therefore staff will work with the applicant to determine if the location is necessary to preserve architectural elements.





The façade grant program guide states that architectural designs and renderings that implement a historic renovation and/or follow the Main Street Design Guidelines are highly encouraged. Recommended Traditional Facade Components include:

- Commercial first floor and mixed-use/ residential second floor
- Large and transparent facade elements
- Exposed transom windows
- Maintain ornamental elements around windows, doors, and cornice
- Use colors and signage that are well-integrated with the building style

The project proposal appears to follow the Main Street Design Guidelines and is sensitive to the original building design and architecture. The property owner is working to expedite the proposed building improvements to complete the work in 2022/2023.

407 Main Avenue Façade Grant - Façade Grant Project Estimate (Applicant Submission)

Vendor	Detail	Amount	Eligible	Notes
Green Bay Glass Center, Inc	Glass replacement	$14,075.00	☑	Proposal
Self	Painting (rear)	$400.00	☑	Proposal
Self	Shutters/Window Boxes, Landscaping	$860.00	☑	Proposal
Self	Door Replacements	$3,153.00	☑	Proposal
Self/Awaiting Contractor	Demolition/Façade Removal	$1,500.00	☑	Estimate
Unamed	Stucco Repair	$9,150.00	☑	Estimate
Unamed	Trim Repair/Replacement	$5,000.00	☑	Estimate
Unamed	Sign Replacement (Front)	$2,000.00	☑	Estimate
Unamed	Sign Replacement (Rear)	$1,000.00	☑	Estimate
Unamed	Electrical for exterior improvements	$680.00	☑	Estimate
Unamed	Roof and Deck Replacement	$13,214.00	☐	Estimate
			☐	
	Total	**$51,032.00**		
	Total Eligible	**$37,818.00**		
	$1 Investment	$18,909.00		**Grant Maximum**
	$1 Grant Match (Maximum)	$10,000.00		**$10,000**

Funding

The applicant is eligible and is requesting a $10,000 grant based on their proposed scope of work and street frontage. To date, the applicant has submitted quotes for $27,638 of the proposed $37,818 of eligible work. While the remaining $10,180 is not required to meet the $10,000 maximum allowable grant, staff will still request quotes for the remaining items listed above to understand the full leverage impact prior to any payments. All quotes must include detailed costs or shall be reviewed upon receipt/invoice submittal. This is the first request in 2022 for TID No. 9 Façade Grant Program ($60,000).

Recommendation

Recommend approval of the façade grant request for 407 Main Avenue (WD-885), in an amount not to exceed $10,000.00, to be funded by TID No. 9, and that the recommendation be forwarded to Council, subject to the following conditions:

1) Submittal of all quotes for work to be completed prior to payments
2) That final grant payment is calculated per program requirements based on receipt review.

DE PERE RUNS DEEPER	**CITY OF DE PERE** **APPLICATION FOR FAÇADE GRANT**	**Date:**

The City of De Pere, in conjunction with Downtown De Pere Inc., will assist with façade improvements for commercial properties located within the boundaries of designated Tax Increment Districts (TID). Applications will be acted upon on a first come first serve basis. See the back of this form for funding requirements and review process.

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)	Authorized Representative	Title	
Lance and Shanna Koltz		Building Owners	
Mailing Address 920 Helena St.	City De Pere	State WI	ZIP Code 54115
Email Address lkoltz@new.rr.com	Phone Number (incl. area code) 920-619-3847	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)	Contact Person	Title	
Mailing Address 407 Main Ave	City De Pere	State Wi	ZIP Code 54115
Email Address lkoltz@new.rr.com	Phone Number (incl. area code) 920-619-3847	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description	Parcel No.
407 Main Ave. De Pere, WI 54115	

SECTION 4: Project Information

Project Description:	New look for the outside, restoring windows back to original.		
Estimated Start Date:	10-15-22	Estimated Completion Date:	11-15-22
Existing Façade Photo (attach):	yes	Design Drawing (attach):	yes

Fill in below form with cost estimates based on category. Attach quotes to this application.

Category	Cost Estimate	Category	Cost Estimate
New Storefront windows	14,075	signage	2K front/ 1K back
Stucco	9,150	Deck/ extras (see attache	13,214
Trim	5K	See attached	
Total Eligible Expenses:	$51,032	**Requested Grant Amount:**	10,000

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)	Title	Phone Number
	owners	(920)619-3847

Signature of Applicant	Date Signed

Program Funding Requirements & Guidelines

1. Grant provides $1 of City funds for $1 of private funds for eligible expenses (100% match).
2. Grant maximum is determined by the length of building, measured along the total linear frontage of adjacent public right of way, up to $30,000 per property.

Building Width	Maximum Grant Amount
1' to 60'	$10,000
61'-120'	$20,000
121'+	$30,000

3. Property owners are limited to the grant maximum amount every ten years.
4. For projects restoring or renovating historic buildings (must be listed as contributing on the City of De Pere Intensive Survey), interior improvements and roof repair/replacement may be included in the project budget for the required matching dollars, but cannot be funded with façade grant dollars.
5. Funds reviewed and distributed on a 'first come, first serve' basis.
6. Applications should be reviewed by the RDA prior to work commencing on the project.
7. In rare cases (due to weather, contractor availability, etc), the RDA may consider approving funding for work completed up to 90 days after an application submittal.
8. Retroactive funding requests for work completed before an application submittal will not be considered.

City of De Pere Façade Grant Program Process

1. Application Submittal
   a) Property owner shall complete (1) hard copy and (1) PDF version of the grant application.
   b) Property owner shall attach (1) hard copy and (1) PDF version of the following:
      - A photo of the existing façade.
      - The proposed project design. Color rendering required.
      - The project cost estimates by major category (design, material, labor, etc).
      - Any other relevant information
   c) Application and attachments are submitted to the Development Services Director.

3. Review Process
   a) Internal Review
   b) Redevelopment Authority Review (may be preliminary or final)
   c) City Council Review
   d) In instances where a site plan is required, the Plan Commission may also review

4. Applicant Obtains Necessary Permits and Completes Project

5. Payment Process
   a) Applicant submits proof of payment for eligible activities to the Development Services Department, who will determine if appropriate match dollars have been spent.
   b) The Development Services Department will conduct a building inspection to ensure that the work has been completed according to plan.
   c) Payment request is completed and issued to applicant.

Please refer to the Façade Grant Guidelines for more information on the program objectives and a list of eligible and ineligible expenses.

City of De Pere
MEMORANDUM

City of De Pere Façade Grant Program Guidelines

Approved by Common Council Resolution #18-67 (July 17, 2018)

The below Façade Grant Program Guidelines have been prepared to provide clearer direction for potential applicants and to make the review process more efficient.

Program Objectives

1. Support the rehabilitation and renovation of exterior building facades in Downtown De Pere.
2. Support the job creation and business development in Downtown De Pere.
3. Support the renovation of historic buildings in Downtown De Pere.

Program Funding Requirements

1. Grant provides $1 of City funds for $1 of private funds for eligible expenses (100% match).
2. Grant maximum is determined by the length of building, measured along the total linear frontage of adjacent public right of way, up to $30,000 per property.

Building Width	Maximum Grant Amount
1’ to 60’	$10,000
61’-120’	$20,000
121’+	$30,000

3. Property owners are limited to the grant maximum amount every ten years.
4. For projects restoring or renovating historic buildings (must be listed as contributing on the City of De Pere Intensive Survey), interior improvements and roof repair/replacement may be included in the project budget for the required matching dollars, but cannot be funded with façade grant dollars.

Program Guidelines

1. Program administered in conjunction with Definitely De Pere (Definitely De Pere provides feedback on design and serves as the Main Street Program contact for architectural services).
2. Architectural designs and renderings that implement a historic renovation and/or follow the Main Street Design Guidelines are highly encouraged.
3. Property must be located in a Downtown Tax Increment Financing District (TID 7, or 9).
4. Funds reviewed and distributed on a ‘first come, first serve’ basis.

5. Applications should be reviewed by the RDA prior to work commencing on the project.
6. In rare cases (due to weather, contractor availability, etc), the RDA may consider approving funding for work completed up to 90 days after an application submittal.
7. Retroactive funding requests for work completed before an application submittal will not be considered.
8. Façade grant funds may be used for any side of the building.
9. Funds are distributed only after receipts are submitted and a City building inspector reviews the work.

Eligible & Ineligible Expenses

Eligible Expenses

1. New Windows and Doors
2. Window and Door Repair
3. Exterior Demolition
4. Exterior Construction including, electric, materials, labor.
5. Exterior Lighting
6. Pressure Washing
7. Painting
8. Roof upgrade/replacement that improves the overall building appearance.
9. Gutters/Downspouts
10. Waste Disposal
11. Decorative Awnings (no business specific graphics)
12. Contractor's Fees – Profit – Overhead directly related to exterior work
13. Permanent Exterior Site Work – Landscape, hardscape, pedestrian amenities, pergolas, etc.
14. Signage (if included as part of a more extensive façade renovation project)
15. Restoration or renovation of historical identifying features that may not be relevant to the current building use (reviewed on a case-by-case basis)
16. Other expenses as approved by the Redevelopment Authority

Ineligible Expenses

1. Signage as a standalone request
2. Any improvement that could be removed from the building as personal property.
3. Security Cameras
4. Interior Improvements
5. Design/Engineering/Professional Fees
6. Roof repair/replacement that does not alter the appearance of the building.

Requested expenses not specifically included in the above list will be reviewed on a case-by-case basis by the Redevelopment Authority and Common Council.

407 Main Ave De Pere, WI 54115

Front

Prep work (front and back)
(1.5K)
Windows (Green Bay Glass)
(14,075)
Stucco
(9,150)
Trim
(5k)
Sign
(2k)

Front 31,725

Back

Paint
($400)
New Roof (small area) and **New Deck.** Includes old deck and roof removal
$13,214
Wood Shutters
$100 x 2 ($200)
Window Boxes
2 boxes x $80 ($160)
Landscaping
(green vines on building/ flowers in boxes) $500
Signs
(1k)
Electrical
Lights (by door) 90 each x2 $180 Lights (over sign) $100 x2 $200

Electrical work $500
($680)
Business Door
(1,198)
Display glass Door
(1,955)

Back $19,307

Total: $51,032

Front ($31,725) and Back ($19,307)

Green Bay Glass Center, Inc.
2001 Commercial Way
Green Bay, WI 54311
(920)465-8842
(920)465-9626 fax
(800)472-7750

Proposal

Shanna Koltz **Rev. July 6, 2022**
(920)619-3850
skoltz@new.rr.com
407 Main Avenue
De Pere, WI 54115

Re: 407 & 409 Main Avenue – Storefront Replacements
De Pere, WI 54115

We propose to furnish and replace existing storefront including removal and board up of existing storefront, Installation of "Tubelite Architectural" storefront system. Framing to be T14000 2 x 4 ½", standard white (thermally broken, total of ten frames per side see attached drawings). Glass to be 1" overall clear over low-e (tempered where required). Entrance door to be 3'0' x 7'0" Narrow style, outswing with 10" bottom rail. Push/pull to be 1" diameter, lock mechanism to be mortised latch lock with lever handle on interior and random keyed cylinder on exterior, closer to be Global heavy duty 4300 series with regular arm. Threshold to be 5 ¼ x ½" standard ADA compliant. All hardware to be aluminum finished. Price includes white break metal at two outside posts

Total 407 Quote Installed: $14,075.00
Total 409 Quote Installed: $14,503.00

Current lead time of six (6) weeks for this product is required. Actual lead time will be determined at time of placement. Please see attached elevational drawings for further details.

Grand Total for Glass and Glazing: $28,578.00

Quotation valid for 30 days. Terms: Upon Completion. Applicable tax included

As required by the Wisconsin Construction Lien Law, builder hereby notifies owner that persons or companies furnishing labor or materials on owners' land may have lien rights on owners' land and buildings if not paid. Those entitled to lien rights, in addition to the above signed contractor, are those who contract directly with the owner or those who give the owner notice within 60 days after they first furnish labor or materials for the construction. Accordingly, owner probably will receive notices from those who furnish labor or materials for the construction, and should give a copy of each notice received to his/her mortgage lender, if any. Builder agrees to cooperate with the owner and his/her lender, if any, to see that all potential claimants are duly paid.

All material guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance.

THE FOLLOWING ARE NOT INCLUDED AND ARE TO BE THE OWNERS/CONTRACTORS RESPONSIBILITY:

- Building Permits (unless specified)
- Any work to be done on owners glass will be done at owners risk
- Delivery charges includes transportation to jobsite only, not unloaded or spotted
- Final Keying of Locks and Cylinders
- Temporary barricades (traffic, weather, or theft)
- Finish painting/staining (unless specified)
- Final cleaning of glass and aluminum

To accept this quotation, sign here and return: _____Date:_____

Quotation prepared by: *Patrick Pozza, President*

Green Bay Stucco Repair and Son
N6285 Vine Road
Seymour WI 54165
(920)619-2962

Estimate

Invoice for
Shanna Koltz
407 and 409 Main Ave
Depere WI 54115

Description	407	Total price
apply stucco bace to front of building upper and lowers		$4,030.00
Apply stucco finish to front of building upper and lower		$3,020.00
remove old siding from front of building		$2,100.00

materials and lifts are included

Notes: water and power must be availible on site. all siding and things attatched must be removed before i get there or i will just go up to it and not behide. windows must be in and anything else that is being added to the building

Let me know what you want to go with and please sign and get it back to me

Signature:

$9,150.00



reatview Doors

Wood 3/4 Lite Left-Hand Inswing Knotty Alder Unfinished Prehung Single Front Door Solid Core

odel #UK554SGL36L

1,198.00

★★★★☆ 1

Free Store Pickup
Unavailable

Delivery
Unavailable

Notify Me



Greatview Doors

Wood 3/4 Lite Left-Hand Inswing Knotty Alder Unfinished Prehung Single Front Door Solid Core

Model #UK554SGL32L

$1,198.00

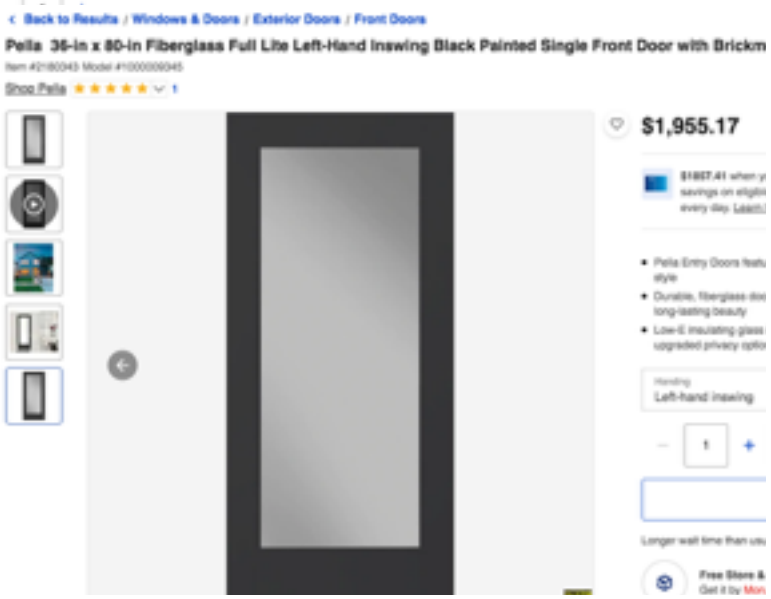
Free Store Pickup
Unavailable

Delivery
Unavailable

Notify Me

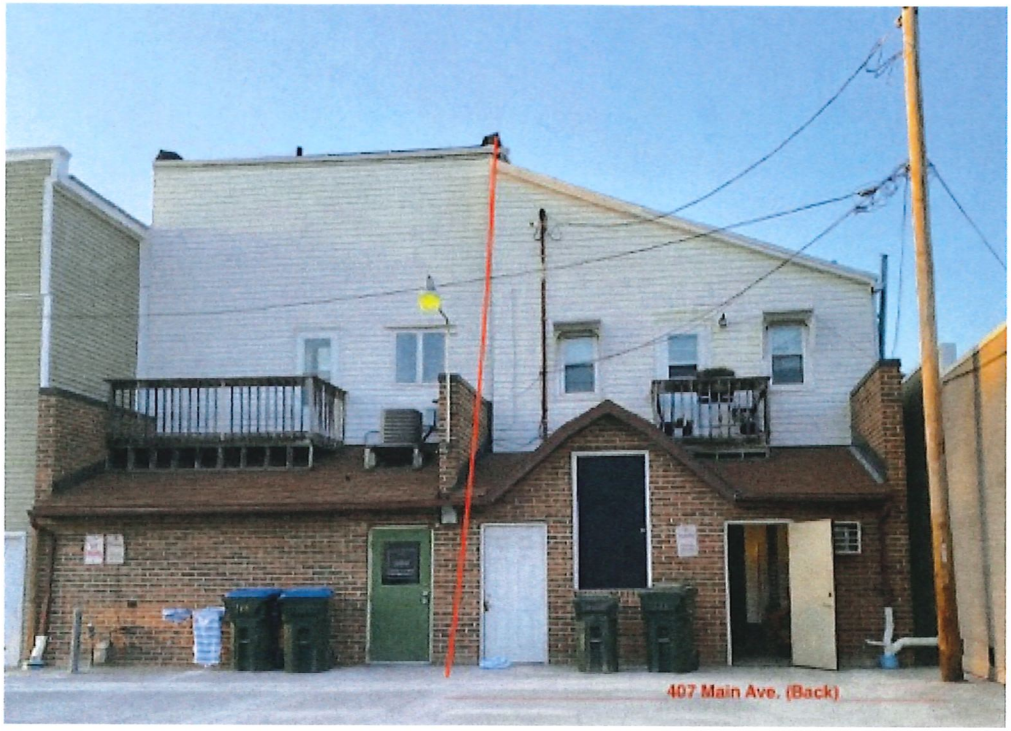


https://
https://=




407 Main Ave.


Studio Rouge
Bonifide
407 Main Ave.
409 Main Ave.


407 Main Ave. (Back)


Bonified
juicery
Studio
Rouge
409 Main Ave
407 Main Ave.



DE PERE

N

S

407 and 409 Main Ave

City of De Pere

0 50 100 200 300 400 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.

X:\PropertyInformation\West\407 MAIN AV\Planning\Facade Grant\Review Memo

Data Source

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**Economic Development**
FROM:	**Daniel Lindstrom**
SUBJECT:	**Resolution #22-92 Approving Facade Improvement Project and Authorizing Disbursement of Grant for 409 Main Avenue (Parcel WD-886).**

At their meeting on October 24, 2022, by a vote of 5-0, the Redevelopment Authority recommended approval of the facade grant request for 409 Main Ave (Parcel WD-886) in an amount not to exceed $10,000.

ATTACHMENTS:

- Reso22-92 (PDF)
- 1. 409 Main RDA Memo (PDF)
- 2. 409 Facade Grant Application (PDF)
- 3. 409 Main Ave Cost Estimate Summary (PDF)
- 5. Green Bay Stucco Repair Estimate (PDF)
- 4. Green Bay Glass Cost Estimate (PDF)
- 6. Combined Elevations (PDF)

RESOLUTION #22-XX

APPROVING FAÇADE IMPROVEMENT PROJECT AND
AUTHORIZING DISBURSEMENT OF GRANT
(409 Main Avenue - Parcel WD-886)

WHEREAS, the Tax Increment District #9 (TID #9 or the District) Project Plan includes city expenditure of funds to property owners within the District in the form of a grant match for eligible façade improvement costs, not to exceed $10,000.00 per parcel (for building width of 1' to 60'), thereby increasing property values and tax increment during the life of the District; and

WHEREAS, Lance A. and Shanna L. Koltz, the owners of Parcel WD-886, have submitted an application for a façade improvement grant for proposed improvements to both the Main Avenue storefront façade and the rear façade of the building; and

WHEREAS, such application, attached and incorporated as Exhibit A, provides cost estimates for said improvements in the amount of $52,827.00, with eligible expenses totaling $37,894.00; and

WHEREAS, this façade improvement project has been reviewed by the Redevelopment Authority which recommends approval of a façade improvement grant in the total amount not to exceed $10,000.00, subject to the provisions set forth below.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

> The Common Council approves the façade improvement contemplated in Exhibit A, as approved by the Redevelopment Authority, and thanks Lance and Shanna Koltz for their investment in the De Pere downtown.

BE IT FURTHER RESOLVED THAT:

> The Director of Development Services or designee (Director) is authorized to approve disbursement of the façade grant in an amount not to exceed $10,000.00 to Lance A. and Shanna L. Koltz, provided the following conditions are met:

1. Property owner obtains all necessary permits;
2. Property owner submits quotes for all eligible work to be completed;
3. After completion of the improvements, the Director receives copies of paid invoices from property owner showing the project is complete;
4. The City Building Inspection Department verifies to the Director that the work is complete and in compliance with all building codes; and
5. Final grant payment to be calculated based upon receipt review pursuant to program requirements.

BE IT FURTHER RESOLVED THAT:

All City officials, officers, and employees are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 6th day of December, 2022.

APPROVED:

_____
James G. Boyd, Mayor

ATTEST:

_____
Carey E. Danen, City Clerk

Ayes: _____
Nays: _____
RDA Approval: 10/24/2022

CITY OF DE PERE
MEMO

To: Redevelopment Authority
From: Daniel Lindstrom, Development Services Director
Date: October 24, 2022

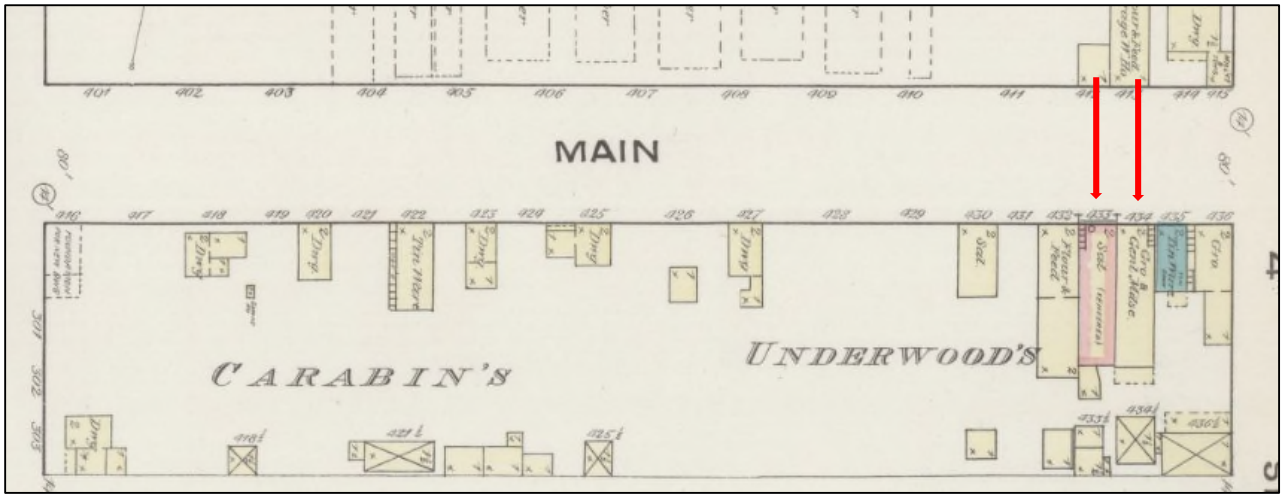
RE: **Façade Grant Request for 409 Main Avenue (WD-886), Shanna & Lance A Koltz.***

Background and History

Shanna & Lance A Koltz, land and building owners, submitted the attached façade grant application for 407 and 409 Main Avenue. This building is home to several existing retail and residential spaces.



History of 407 and 409 Main Ave (Formerly 433 and 434 Main Avenue)
Records dating back to 1890 illustrate former buildings were home to general retail and throughout the next few decades alternated between general retail, flour and feed stores, and workshops.



Credit: Library of Congress

407 Main Ave Building Style (identified building name: Rademacher)
The building is a 2-story commercial vernacular building similar to other structures built around this time in De Pere. The building was constructed in 1890 and was a rectangular plan structure and was brick and pebble dash veneer on the second level.

409 Main Ave Building Style
The building is a 2-story commercial vernacular building similar to other structures built around this time in De Pere. The building was constructed in 1890 and was a rectangular plan structure with a brick and stucco-type material with a flat roof. In the more recent past, the entire Upper level of the building was entirely re-sheathed with vinyl obscuring original fenestration and arched lintels, and some of the pebble dash veneer.


Credit: Intensive Survey

409 Main Ave Façade Grant Eligibility and Proposed Scope of Work

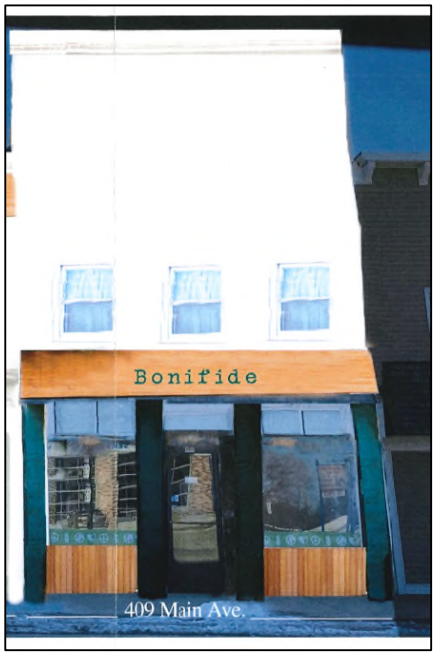
The following section details the façade grant eligibility for each parcel.

- TID District No.9
- Building Lengths (measured along the right of way)
- 409 Main Avenue: 22.5’ Main Ave and 22.5’ Alley Rear
- The property is eligible for a maximum grant award of $10,000.
- Previous Façade Grant Awards - None
- Historic Designation – The building is not historically designated at the federal, state, or local level. The 2017 Intensive Survey reviewed this property.

Proposed Scope of Work

The City received the façade grant application on October 8, 2022. The applicant did apply for a permit to remove the existing façade materials and replace the storefront windows. The applicant planned to conduct all the work at one time and after the RDA had a chance to review the materials; however, due to supply chain issues and contractor availability they were not able to secure a time for the work and were unsure if they would be able to do work this year. When the contractor opportunity presented itself and the materials were available, they began the work and requests the RDA grant the portion of the façade grant retroactively as allowed by the policy. Staff notes that the total amount of estimated improvements proposed would still be eligible for the $10,000. The applicant provided the attached cost estimates for the proposed work. The property owner proposes the following exterior improvements to update the façade.

- Store Front windows
- Remove non-period correct façade materials
- Repair stucco/pebble dash veneer
- Repair trim
- New Signage
- Paint
- Replace roof section (not eligible)
- Replace deck
- Improve exterior window treatments, landscaping, and rear signage





The façade grant program guide states that architectural designs and renderings that implement a historic renovation and/or follow the Main Street Design Guidelines are highly encouraged. Recommended Traditional Facade Components include:

- Commercial first floor and mixed-use/ residential second floor
- Large and transparent facade elements
- Exposed transom windows
- Maintain ornamental elements around windows, doors, and cornice
- Use colors and signage that are well-integrated with the building style

The project proposal appears to follow the Main Street Design Guidelines and is sensitive to the original building design and architecture. The property owner is working to expedite the proposed building improvements to complete the work in 2022/2023.

409 Main Avenue Façade Grant - Façade Grant Project Estimate (Applicant Submission)

Vendor	Detail	Amount	Eligible	Notes
Green Bay Glass Center, Inc	Glass replacement	$14,503.00	☑	Proposal
Self	Painting (rear)	$400.00	☑	Proposal
Self	Shutters/Window Boxes, Landscaping	$860.00	☑	Proposal
Self	Door Replacements	$1,528.00	☑	Proposal
Green Bay Stucco Repair and Son	Stucco Repair	$10,423.00	☑	Proposal
Self/Awaiting Contractor	Demolition/Façade Removal	$1,500.00	☑	Estimate
Unamed	Trim Repair/Replacement	$5,000.00	☑	Estimate
Unamed	Sign Replacement (Front)	$2,000.00	☑	Estimate
Unamed	Sign Replacement (Rear)	$1,000.00	☑	Estimate
Unamed	Electrical for exterior improvements	$680.00	☑	Estimate
Unamed	Roof and Deck Replacement	$14,933.00	☐	Estimate
			☐	
	Total	**$52,827.00**		
	Total Eligible	**$37,894.00**		
	$1 Investment	$18,947.00		**Grant Maximum**
	$1 Grant Match (Maximum)	$10,000.00		**$10,000**

Funding

The applicant is eligible and is requesting a $10,000 grant based on their proposed scope of work and street frontage. To date, the applicant has submitted quotes for $27,714 of the proposed $37,894 of eligible work. While the remaining $10,180 is not required to meet the $10,000 maximum allowable grant, staff will still request quotes for the remaining items listed above to understand the full leverage impact prior to any payments. All quotes must include detailed costs or shall be reviewed upon receipt/invoice submittal. This is the second request in 2022 for TID No. 9 Façade Grant Program ($60,000).

Recommendation

Recommend approval of the façade grant request for 409 Main Avenue (WD-886), in an amount not to exceed $10,000.00, to be funded by TID No. 9, and that the recommendation be forwarded to Council, subject to the following conditions:

1) Submittal of all quotes for work to be completed prior to payments.
2) That final grant payment is calculated per program requirements based on receipt review.

DE PERE RUNS DEEPER	**CITY OF DE PERE** **APPLICATION FOR FAÇADE GRANT**	**Date:**

The City of De Pere, in conjunction with Downtown De Pere Inc., will assist with façade improvements for commercial properties located within the boundaries of designated Tax Increment Districts (TID). Applications will be acted upon on a first come first serve basis. See the back of this form for funding requirements and review process.

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)	Authorized Representative	Title	
Lance and Shanna Koltz		Building Owners	
Mailing Address 920 Helena St.	City De Pere	State WI	ZIP Code 54115
Email Address lkoltz@new.rr.com	Phone Number (incl. area code) 920-619-3847	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)	Contact Person	Title	
Mailing Address 409 Main Ave	City De Pere	State Wi	ZIP Code 54115
Email Address lkoltz@new.rr.com	Phone Number (incl. area code) 920-619-3847	Fax Number (incl. area code)	

SECTION 3: Project or Site Location

Project Address/Description	Parcel No.
409 Main Ave. De Pere, WI 54115	

SECTION 4: Project Information

Project Description:	New look for the outside, restoring windows back to original.		
Estimated Start Date:	10-15-22	Estimated Completion Date:	11-15-22
Existing Façade Photo (attach):	yes	Design Drawing (attach):	yes

Fill in below form with cost estimates based on category. Attach quotes to this application.

Category	Cost Estimate	Category	Cost Estimate
New Storefront windows	14,503	signage	2K front/ 1K back
Stucco	10,413	Deck/ extras (see attache	14,933
Trim	5K	See attached	
Total Eligible Expenses:	$52,817	**Requested Grant Amount:**	10,000

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)	Title	Phone Number
	owners	(920)619-3847

Signature of Applicant	Date Signed

Program Funding Requirements & Guidelines

1. Grant provides $1 of City funds for $1 of private funds for eligible expenses (100% match).
2. Grant maximum is determined by the length of building, measured along the total linear frontage of adjacent public right of way, up to $30,000 per property.

Building Width	Maximum Grant Amount
1' to 60'	$10,000
61'-120'	$20,000
121'+	$30,000

3. Property owners are limited to the grant maximum amount every ten years.
4. For projects restoring or renovating historic buildings (must be listed as contributing on the City of De Pere Intensive Survey), interior improvements and roof repair/replacement may be included in the project budget for the required matching dollars, but cannot be funded with façade grant dollars.
5. Funds reviewed and distributed on a 'first come, first serve' basis.
6. Applications should be reviewed by the RDA prior to work commencing on the project.
7. In rare cases (due to weather, contractor availability, etc), the RDA may consider approving funding for work completed up to 90 days after an application submittal.
8. Retroactive funding requests for work completed before an application submittal will not be considered.

City of De Pere Façade Grant Program Process

1. Application Submittal
   a) Property owner shall complete (1) hard copy and (1) PDF version of the grant application.
   b) Property owner shall attach (1) hard copy and (1) PDF version of the following:
      - A photo of the existing façade.
      - The proposed project design. Color rendering required.
      - The project cost estimates by major category (design, material, labor, etc).
      - Any other relevant information
   c) Application and attachments are submitted to the Development Services Director.

3. Review Process
   a) Internal Review
   b) Redevelopment Authority Review (may be preliminary or final)
   c) City Council Review
   d) In instances where a site plan is required, the Plan Commission may also review

4. Applicant Obtains Necessary Permits and Completes Project

5. Payment Process
   a) Applicant submits proof of payment for eligible activities to the Development Services Department, who will determine if appropriate match dollars have been spent.
   b) The Development Services Department will conduct a building inspection to ensure that the work has been completed according to plan.
   c) Payment request is completed and issued to applicant.

Please refer to the Façade Grant Guidelines for more information on the program objectives and a list of eligible and ineligible expenses.

City of De Pere
MEMORANDUM

City of De Pere Façade Grant Program Guidelines

Approved by Common Council Resolution #18-67 (July 17, 2018)

The below Façade Grant Program Guidelines have been prepared to provide clearer direction for potential applicants and to make the review process more efficient.

Program Objectives

1. Support the rehabilitation and renovation of exterior building facades in Downtown De Pere.
2. Support the job creation and business development in Downtown De Pere.
3. Support the renovation of historic buildings in Downtown De Pere.

Program Funding Requirements

1. Grant provides $1 of City funds for $1 of private funds for eligible expenses (100% match).
2. Grant maximum is determined by the length of building, measured along the total linear frontage of adjacent public right of way, up to $30,000 per property.

Building Width	Maximum Grant Amount
1’ to 60’	$10,000
61’-120’	$20,000
121’+	$30,000

3. Property owners are limited to the grant maximum amount every ten years.
4. For projects restoring or renovating historic buildings (must be listed as contributing on the City of De Pere Intensive Survey), interior improvements and roof repair/replacement may be included in the project budget for the required matching dollars, but cannot be funded with façade grant dollars.

Program Guidelines

1. Program administered in conjunction with Definitely De Pere (Definitely De Pere provides feedback on design and serves as the Main Street Program contact for architectural services).
2. Architectural designs and renderings that implement a historic renovation and/or follow the Main Street Design Guidelines are highly encouraged.
3. Property must be located in a Downtown Tax Increment Financing District (TID 7, or 9).
4. Funds reviewed and distributed on a ‘first come, first serve’ basis.

5. Applications should be reviewed by the RDA prior to work commencing on the project.
6. In rare cases (due to weather, contractor availability, etc), the RDA may consider approving funding for work completed up to 90 days after an application submittal.
7. Retroactive funding requests for work completed before an application submittal will not be considered.
8. Façade grant funds may be used for any side of the building.
9. Funds are distributed only after receipts are submitted and a City building inspector reviews the work.

Eligible & Ineligible Expenses

Eligible Expenses

1. New Windows and Doors
2. Window and Door Repair
3. Exterior Demolition
4. Exterior Construction including, electric, materials, labor.
5. Exterior Lighting
6. Pressure Washing
7. Painting
8. Roof upgrade/replacement that improves the overall building appearance.
9. Gutters/Downspouts
10. Waste Disposal
11. Decorative Awnings (no business specific graphics)
12. Contractor's Fees – Profit – Overhead directly related to exterior work
13. Permanent Exterior Site Work – Landscape, hardscape, pedestrian amenities, pergolas, etc.
14. Signage (if included as part of a more extensive façade renovation project)
15. Restoration or renovation of historical identifying features that may not be relevant to the current building use (reviewed on a case-by-case basis)
16. Other expenses as approved by the Redevelopment Authority

Ineligible Expenses

1. Signage as a standalone request
2. Any improvement that could be removed from the building as personal property.
3. Security Cameras
4. Interior Improvements
5. Design/Engineering/Professional Fees
6. Roof repair/replacement that does not alter the appearance of the building.

Requested expenses not specifically included in the above list will be reviewed on a case-by-case basis by the Redevelopment Authority and Common Council.

409 Main Ave De Pere, WI 54115

Front

Prep work (front and back)
(1.5K)
Windows (Green Bay Glass)
(14,503)
Stucco
(10,413)
Trim
(5k)
Sign
(2k)

Front 33,416

Back

Paint
($400)
New Roof (small area) and **New Deck.** Includes old deck and roof removal
$14,933

Wood Shutters
$100 x 2 ($200)
Window Boxes
2 boxes x $80 ($160)
Landscaping
(green vines on building/ flowers in boxes) $500
Signs
(1k)
Electrical

Lights (by door) 90 each x2 $180 Lights (over sign) $100 x2 $200
Electrical work $500
($680)
Business Door
(1,198)
Apartment Entry Door
(330)

Back $19,401

Total: $52,817

Front ($33,416) and Back ($19,401)

Green Bay Stucco Repair and Son
N6285 Vine Road
Seymour WI 54165
(920)619-2962

Estimate

Invoice for
Shanna Koltz
407 and 409 Main Ave
Depere WI 54115

Description	409 Main Ave	Total price
apply stucco bace to front of building upper and lowers		$4,300.00
Apply stucco finish to front of building upper and lower		$3,900.00
remove old siding from front of building		$2,223.00

materials and lifts are included

Notes: water and power must be availible on site. all siding and things attatched must be removed before i get there or i will just go up to it and not behide. windows must be in and anything else that is being added to the building

Let me know what you want to go with and please sign and get it back to me

Subtotal **$10,423.00**

here are the seperate prices and to do all of it

Signature:

$10,423.00

Green Bay Glass Center, Inc.
2001 Commercial Way
Green Bay, WI 54311
(920)465-8842
(920)465-9626 fax
(800)472-7750

Proposal

Shanna Koltz **Rev. July 6, 2022**
(920)619-3850
skoltz@new.rr.com
407 Main Avenue
De Pere, WI 54115

Re: 407 & 409 Main Avenue – Storefront Replacements
De Pere, WI 54115

We propose to furnish and replace existing storefront including removal and board up of existing storefront, Installation of "Tubelite Architectural" storefront system. Framing to be T14000 2 x 4 ½", standard white (thermally broken, total of ten frames per side see attached drawings). Glass to be 1" overall clear over low-e (tempered where required). Entrance door to be 3'0' x 7'0" Narrow style, outswing with 10" bottom rail. Push/pull to be 1" diameter, lock mechanism to be mortised latch lock with lever handle on interior and random keyed cylinder on exterior, closer to be Global heavy duty 4300 series with regular arm. Threshold to be 5 ¼ x ½" standard ADA compliant. All hardware to be aluminum finished. Price includes white break metal at two outside posts

Total 407 Quote Installed: $14,075.00
Total 409 Quote Installed: $14,503.00

Current lead time of six (6) weeks for this product is required. Actual lead time will be determined at time of placement. Please see attached elevational drawings for further details.

Grand Total for Glass and Glazing: $28,578.00

Quotation valid for 30 days. Terms: Upon Completion. Applicable tax included

As required by the Wisconsin Construction Lien Law, builder hereby notifies owner that persons or companies furnishing labor or materials on owners' land may have lien rights on owners' land and buildings if not paid. Those entitled to lien rights, in addition to the above signed contractor, are those who contract directly with the owner or those who give the owner notice within 60 days after they first furnish labor or materials for the construction. Accordingly, owner probably will receive notices from those who furnish labor or materials for the construction, and should give a copy of each notice received to his/her mortgage lender, if any. Builder agrees to cooperate with the owner and his/her lender, if any, to see that all potential claimants are duly paid.

All material guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance.

THE FOLLOWING ARE NOT INCLUDED AND ARE TO BE THE OWNERS/CONTRACTORS RESPONSIBILITY:

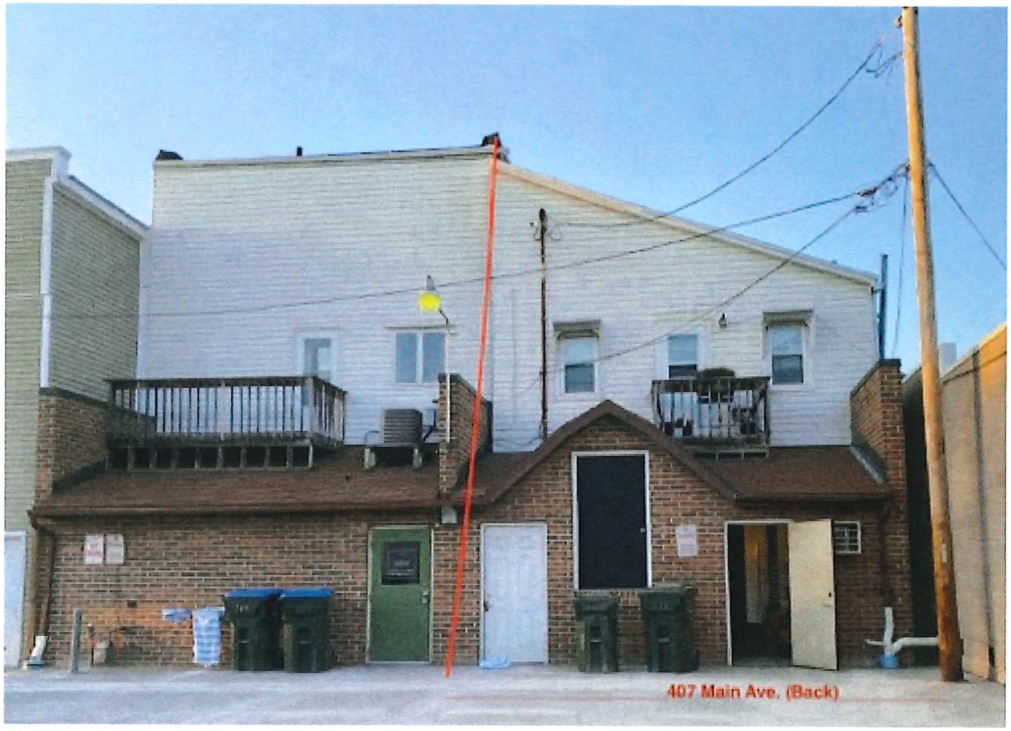
- Building Permits (unless specified)
- Any work to be done on owners glass will be done at owners risk
- Delivery charges includes transportation to jobsite only, not unloaded or spotted
- Final Keying of Locks and Cylinders
- Temporary barricades (traffic, weather, or theft)
- Finish painting/staining (unless specified)
- Final cleaning of glass and aluminum

To accept this quotation, sign here and return: _____Date:_____

Quotation prepared by: *Patrick Pozza, President*


407 Main Ave.


Studio Rouge
Bonifide
407 Main Ave.
409 Main Ave.


407 Main Ave. (Back)


Bonified
juicery
Studio
Rouge
409 Main Ave
407 Main Ave.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**Parks, Recreation & Forestry**
FROM:	**Marty Kosobucki**
SUBJECT:	**Resolution #22-93 Authorizing Inner Dimensions Wellness, LLC Independent Contractor Agreement (Guided Meditation Sessions and Meditative Fusion Classes).**

The Board of Park Commissioners, at the November 17, 2022 meeting, approved the contractual agreement with Inner Dimensions Wellness LLC. The motion was approved with a 6-0 vote.

Please see the attached memo and independent contractor agreement with Inner Dimensions Wellness, LLC drafted by our legal department for your review and consideration.

ATTACHMENTS:

- Reso22-93 (PDF)
- Inner Dimensions Wellness LLC - Independent Contractor Agreement (11-8-22) (DOCX)
- Inner Dimensions Wellness Agreement 10.22 (DOCX)

RESOLUTION #22-93

AUTHORIZING INNER DIMENSIONS WELLNESS, LLC
INDEPENDENT CONTRACTOR AGREEMENT
(Guided Meditation Sessions and Meditative Fusion Classes)

WHEREAS, the City wishes to purchase guided meditation sessions and meditative fusion programming to enrich personal wellness and quality of life for its participants; and

WHEREAS, Inner Dimensions Wellness, LLC is willing to provide qualified and capable staff to provide such services; and

WHEREAS, this matter has been reviewed by the Board of Park Commissioners, which recommends approval thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The Mayor and City Clerk are authorized and directed to execute the attached Inner Dimensions Wellness, LLC Independent Contractor Agreement (Guided Meditation Sessions and Meditative Fusion Classes), together with subsequent renewals thereof, provided the terms and conditions are substantively similar and sufficient funds have been budgeted therefor.

BE IT FURTHER RESOLVED THAT:

All City officials, officers and employees are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 6th day of December, 2022.

APPROVED:

_____
James G. Boyd, Mayor

ATTEST:

_____
Carey E. Danen, City Clerk

Ayes: _____
Nays: _____
Board/Committee Approval: 11/17/2022

Inner Dimensions Wellness, LLC
Independent Contractor Agreement
(Guided Meditation Sessions and Meditative Fusion Classes)

THIS AGREEMENT is made and entered into this_____day of _____, 2022, by and between the City of De Pere, a Wisconsin municipal corporation ("City") and Inner Dimensions Wellness, LLC, a Wisconsin limited liability company ("Contractor").

WHEREAS, the City wishes to purchase guided meditation sessions and meditative fusion classes (collectively the "Programming") as set forth in Exhibit A;

WHEREAS, the Contractor is qualified and able to provide the Programming; and

WHEREAS, the Contractor wishes to provide the Programming at City-owned property.

NOW, THEREFORE, in consideration of the above recitations and the mutual covenants, promises and obligations of the parties set forth herein, the receipt and sufficiency of which is acknowledged by each party for itself, the City and the Contractor agree as follows:

1. **Term**
   The term of this Agreement shall be from December 6, 2022 to May 31, 2023, or until service is completed, whichever occurs first. By mutual consent of the City and the Contractor, and upon the same terms and conditions, the parties may agree to extend this Agreement for subsequent terms.

2. **Competency, Timing and Cooperation**
   The Contractor shall commence, carry on and complete its obligation under this Agreement with all deliberate speed and in an economical and efficient manner in accordance with this Agreement.

   Consultant shall provide City with the following information on any instructors to be used in carrying out this Agreement:
   - Full Name
   - Date of Birth
   - SSN
   - Address

   City shall have the right to reject any instructor it deems unqualified for an instructional position.

3. **Compensation**
   City shall pay the Contractor an amount equal to 70% of all base registration fees collected for the Programming offered and a $15 miscellaneous fee payable at the beginning of each calendar year to cover supplies or consumables during the term of

this Agreement. All fees in excess of the base registration fee shall be retained by the City. City shall pay the Contractor in monthly installments.

4. Compliance with Laws and Indemnification

In conducting its activities under this Agreement, Contractor shall:

a. provide only fully qualified individuals to conduct all Programming activities in compliance with all applicable federal, state, and local laws, regulations, and ordinances (including nondiscrimination laws);
b. secure all appropriate necessary public or private permits and consents;
c. obtain and maintain all appropriate liability insurance for injury to any person or property arising from its activities relating to this Agreement. Contractor shall provide the City with a Certificate of Liability Insurance in an amount of not less than $2,000,000 per occurrence, naming the City as an additional insured on the General Liability policy thereunder, and shall provide City with the additional insured endorsement. Such liability insurance shall provide City with not less than 30 days' notice of cancellation; and
d. to the fullest extent permitted by law, indemnify and hold harmless the City, its officers, officials, employees and agents from any and all claims, expenses or demands for loss of or damage to property, injury or death to any person from any cause whatsoever, and/or the violation of any law, ordinance or regulation (including, but not limited to all fees and charges of attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) arising out of or resulting from the performance of the Programming services specified in this Agreement, provided that any such claim, damage, loss or expense is caused in whole or in part by any negligent or intentional act or omission of Contractor or Contractor's officers, directors, partners, employees, agents or contractors in the performance and furnishing of Contractor's services under this Agreement, regardless of whether or not it is caused in part by a party indemnified hereunder.

5. Confidentiality

The Contractor acknowledges that the City maintains participation records that may be protected as confidential under local, state, or federal law or ordinance and agrees to protect and maintain the confidentiality thereof.

Contractor further acknowledges that, as the Contractor to City, a Wisconsin municipality, Wis. Stats. §19.36(3) applies to it and records produced by it pursuant to this contract are subject to the public records law to the extent they would otherwise be if maintained by the City. Contractor agrees that, within 10 business days of a written request of City, it shall forward to City any such contract or records maintained by Contractor as are requested by City. Such records shall be in the format requested by City provided that such records are kept and maintained in that format. City shall reimburse Contractor for its reasonable costs incurred in

complying with this paragraph. Contractor also agrees to indemnify the City from all costs City incurs should Contractor fail to comply with these requirements.

6. Termination and Notice

Either party may terminate the Agreement with or without cause upon 20 days written notice mailed by first class mail, postage paid to the other party as follows:

If to City:

City of De Pere
Attention: City Clerk
335 South Broadway Street
De Pere, WI 54115

With a copy to:

City of De Pere
Attention: Recreation Superintendent
600 Grant Street
De Pere, WI 54115

If to Contractor:

Inner Dimensions Wellness, LLC
Attention: Roberta Jackson
2500 Haven Road
Green Bay, WI 54313

7. Independent Contractor

Contractor agrees that it is an independent contractor and not an employee of the City for purposes of the services rendered herein. Contractor shall secure at its own expense all personnel necessary to carry out its obligations under this Agreement. Such personnel shall not be deemed to be employees of the City, nor shall they have or be deemed to have any direct contractual relationships with the City.

8. No Assignment/Entirety of Agreement/Severability

Contractor may not assign this Agreement, in whole or in part, to any other individual or organization without the written consent of City. This Agreement contains the entire Agreement between the parties and supersedes any and all oral agreements and negotiations between the parties relating to the subject matter hereof. If any provision of this Agreement is held invalid, illegal or unenforceable by any court of final jurisdiction, all other provisions of this Agreement be interpreted to remain valid, enforceable, and binding on the parties.

9. Authority

By signing below, the person hereby represents they have the authority to sign this Agreement and bind the respective party to the terms and conditions contained herein.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

INNER DIMENSIONS WELLNESS, LLC
By:

Print Name: Roberta S. Jackson
Title: Registered Agent/Owner

CITY OF DE PERE
By:

James G. Boyd, Mayor

Carey E. Danen, City Clerk

CITY OF DE PERE

Community Center | Recreation Department

600 Grant St., De Pere, WI | 920-339-4097 | www.deperewi.gov/communitycenter

To: Board of Park Commissioners

From: Paula Rahn, Recreation Superintendent

Date: October 13, 2022

Re: Consideration of Contractual Agreement with Inner Dimensions Wellness, LLC

Staff is requesting the Board of Park Commissioner's review and possible action to approve the independent contractual agreement with Inner Dimensions Wellness, LLC. Bobbie Jackson is owner of Inner Dimensions Wellness, LLC and is a certified Meditation Teacher, Fitness Trainer, and Reiki Master. She currently works with the Villages of Howard and Suamico teaching meditative sessions, along with Bellin Health and many other businesses in the Green Bay area.

Wellness is a state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity. As part of the department's mission, we strive to improve the quality of life for individuals. One way to improve personal wellness and help balance these important areas of our lives is through meditation, which has been growing in popularity.

Staff has met with and is excited to offer the following programs with Bobbie Jackson of Inner Dimensions Wellness:

- Two Holiday De-Stress Meditation Sessions in early December
- Monthly Guided Monthly Meditation Sessions focusing on different areas of wellness
- Meditative Fusion classes, which incorporates yoga with meditation
- Cardio Gold classes, which focuses on active fitness

The City will pay contractor 70% of base registration fees for the programming offered on a monthly basis. All fees in excess of the base registration fees will be retained by the City.

Thank you for your time and consideration.

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**City Attorney**
FROM:	**Angela Zills**
SUBJECT:	**Resolution #22-94 Requesting Brown County to Share its Sales and Use Tax Revenue.**

ATTACHMENTS:

- Reso22-94 (PDF)

RESOLUTION #22-94

REQUESTING BROWN COUNTY TO SHARE ITS SALES AND USE TAX REVENUE

WHEREAS, on August 17, 2022, the Brown County Board of Supervisors, pursuant to Wis. Stats. §77.70, passed an ordinance extending the 0.5 percent Sales and Use Tax (which took effect on January 1, 2018, and was set to expire on December 31, 2023) until such time as the County's debt is eliminated, or as otherwise provided in the ordinance; and

WHEREAS, the ordinance states that revenue from said Sales and Use Tax is to be used specifically for county capital improvements, broadband expansion and county debt elimination; and

WHEREAS, only counties, and not individual municipalities, have the authority to collect sales and use taxes, but, pursuant to Wis. Stat. §77.76(3), counties are also authorized to share all or a portion of sales tax revenues with municipalities and school districts within their boundaries; and

WHEREAS, there is a growing trend among counties in Wisconsin toward sharing all or a portion of such sales tax revenue, and counties such as Outagamie, Sheboygan, and Fond du Lac all currently share all or a portion of their state sales tax revenues with municipalities and school districts located within their respective boundaries.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

> The Common Council of the City of De Pere formally requests that Brown County equitably distribute a portion of the revenue it receives from its sales and use tax to the City of De Pere.

BE IT FURTHER RESOLVED THAT:

The City Clerk is authorized and directed to provide a copy of this Resolution to the Brown County Board of Supervisors.

BE IT FURTHER RESOLVED THAT:

All City officials, employees, and agents are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 6th day of December, 2022.

APPROVED:

_____
James G. Boyd, Mayor

ATTEST:

_____
Carey E. Danen, City Clerk

Ayes: _____

Nays: _____

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**Plan Commission**
FROM:	**Peter Schleinz**
SUBJECT:	**Discussion about the City's proposed DRAFT Zoning Ordinance and DRAFT Zoning Map.**

ATTACHMENTS:

- Zoning Code Memo 7 - 06 Dec 2022 (DOCX)
- De Pere Zoning Council Discussion Draft 2022.11.28r (PDF)
- DRAFT Zoning Map - NOV 2022.2 (PDF)

CITY OF DE PERE
MEMO

To: James Boyd, Mayor
Common Council Members
From: Peter Schleinz, Senior Planner | Zoning Administrator
Date: December 6, 2022

RE: **Discussion about the City's proposed DRAFT Zoning Ordinance and DRAFT Zoning Map.**

Summary:
The City of De Pere staff and Plan Commission have been working on a new DRAFT Zoning Ordinance and DRAFT Zoning Map since 2018 and are preparing to present a FINAL DRAFT of both documents to the Common Council on December 20, 2022, for approval after a public hearing is held.

To gather information and allow for public input, Staff and Plan Commission held four discussions from December 2021 through June 2022. A fifth discussion was held during a special meeting on November 9, 2022. Document copies are available on the city website and social media was used to notify the public.

Plan Commission recommended approval of both DRAFT documents on November 28, 2022.

Tonight's Discussion:
The intent is to familiarize the Common Council with the format of the FINAL DRAFT Zoning Ordinance and FINAL DRAFT Zoning Map. Staff will identify many of the significant changes that make the documents easy to read and understand by the public, staff, committees, and elected officials. The discussion will focus on the following topics:

- 22 Zoning districts in four categories.
- 16 Zoning Ordinance sections (articles).
- Significant changes in zoning districts.
- Permitted uses.
- Sections that help development (e.g. – parking, building design, landscaping).
- Signage.
- Zoning Map.

For convenience a copy of the FINAL DRAFT Zoning Ordinance and Final DRAFT Zoning Map are included with this memo. Common Council suggested edits will be gathered during the discussion.

Staff Request:
1. Discuss the proposed DRAFT Zoning Ordinance and DRAFT Zoning Map and provide suggested edits that are desired.

2. By December 20, 2022, review the entire proposed DRAFT Zoning Ordinance and DRAFT Zoning Map for potential action, after a public hearing is held on December 20, 2022.

De Pere
WISCONSIN



ZONING ORDINANCE
City Council Discussion Draft



DECEMBER 2022

this page intentionally blank

Contents

Article I Introductory Provisions 1-1
Article II Residential Districts 2-1
Article III Mixed-Use Districts 3-1
Article IV Commercial and Employment Districts 4-1
Article V Special Districts 5-1
Article VI Reserved 6-1
Article VII Uses 7-1
Article VIII Parking and Access 8-1
Article IX Building and Site Design 9-1
Article X Landscape and Screening 10-1
Article XI Signs 11-1
Article XII Approval Procedures 12-1
Article XIV Nonconformities 14-1
Article XIII Administration 13-1
Article XV Violations, Penalties and Enforcement 15-1
Article XVI Language, Measurements and Definitions 16-1

this page intentionally blank

DRAFT

ARTICLE I. INTRODUCTORY PROVISIONS

14-01 Title 1-1
14-02 Authority 1-1
14-03 Effective Date 1-1
14-04 Applicability and Jurisdiction 1-1
14-05 Purposes 1-1
14-06 Minimum Requirements 1-1
14-07 Compliance Required 1-1
14-08 Conflicting Provisions 1-1
14-09 Language and Interpretation 1-2
14-10 Zoning Map 1-2
14-11 Transitional Provisions 1-3
14-12 Severability 1-3
14-13 Through 14-19 Reserved 1-4

14-01 Title

This chapter of the municipal code is known and may be cited and referred to as the "zoning ordinance."

14-02 Authority

This zoning ordinance is adopted under the authority of the city charter and powers granted by Chapters 62 and 236, Wisconsin Statutes.

14-03 Effective Date

The provisions of this zoning ordinance become effective on [INSERT DATE], except as otherwise expressly stated.

14-04 Applicability and Jurisdiction

The provisions of this zoning ordinance apply to all public and private use and development of properties within the corporate limits of the city, except as provided by state or federal law or as otherwise expressly stated in this zoning ordinance, and excluding public right-of-way unless otherwise expressly stated.

14-05 Purposes

This zoning ordinance is adopted for the purposes of:

(1) Protecting and promoting the public health, safety, morals and general welfare; and

(2) Implementing the policies and goals of the comprehensive plan and other relevant, officially adopted plans of the city.

14-06 Minimum Requirements

(1) The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out its stated purposes.

(2) In addition to the requirements of this zoning ordinance, all uses, buildings and structures must comply with all other applicable ordinances, laws and regulations.

(3) References in this zoning ordinance to other governmental regulations do not constitute a complete list of such regulations. Any such references do not imply that the city is responsible for enforcing regulations imposed by other government authorities.

14-07 Compliance Required

All of the following are subject to compliance with applicable provisions of this zoning ordinance:

(1) The creation or modification of any lot;

(2) The use of land, buildings and structures;

(3) The construction, reconstruction, movement, or alteration of parking lots and access drives;

(4) The construction, reconstruction, placement, movement, or alteration of buildings and structures; and

(5) The construction, reconstruction, placement, movement, or alteration of signs.

14-08 Conflicting Provisions

(1) State or Federal Regulations

Except when enacted under the authority of Article XI of the Wisconsin Constitution or Sec. 62.04 or 66.1001 of Wis. Statutes, if the provisions of this zoning ordinance are inconsistent with or conflict with state or federal law or regulation, the applicable state and federal law or regulation governs.

(2) Other City Regulations

If the provisions of this zoning ordinance are inconsistent with one another or if they conflict

with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

(3) Private Agreements and Covenants

If the provisions of this zoning ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning ordinance govern. The city does not have the authority to or responsibility for monitoring or enforcing agreements or covenants among private parties.

14-09 Language and Interpretation

(1) Conjunctions

Conjunctions have the following meanings unless the context otherwise expressly indicates:

(a) "And" indicates that all connected items or provisions apply; and

(b) "Or" indicates that the connected items or provisions may apply singularly or in combination.

(2) Illustrations

Illustrations are provided for convenience and reference only and do not define or limit the text of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any figure or illustration, the text governs.

(3) Versions and Citations

All references in this zoning ordinance to other city, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations or successor regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other successor regulations, zoning ordinance requirements for compliance are no longer in effect.

(4) Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

(5) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision is to be construed as authorizing the department head or officer to delegate that responsibility in writing to others over whom they have authority. Delegation of authority is not allowed if a specific provision expressly prohibits such delegation.

(6) Public Officials and Agencies

All employees, public officials, and boards and commissions to which references are made are those of the city unless otherwise expressly stated.

14-10 Zoning Map

(1) Establishment

The location and boundaries of the districts defined in this zoning ordinance are as established by ordinance and shown on a geographic coverage layer that is maintained as part of a geographic information system (GIS) under the direction of the zoning administrator. This "zoning" geographic coverage layer constitutes the city's official zoning map.

(2) Maintenance and Updates

The zoning administrator is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of any ordinance establishing or amending zoning district boundaries.

(3) Boundaries

Zoning boundary lines must be described by legal description or by a map that accompanies the ordinance establishing the district or amending the district boundaries. When a legal description is used, the boundary is deemed to extend to the centerline of abutting streets. When a map is used, boundary lines must be established by dimensions, property lines, recorded lot lines, or the centerline of abutting streets, alleys, or railroad rights-of-way, as those features were of record at the time of adoption.

(4) Map Interpretations

Where any uncertainty exists about a zoning boundary that was established by legal description, the legal description accompanying the amending ordinance governs. In other cases, the zoning administrator is authorized to make an interpretation of the boundaries. The following rules apply to all zoning map interpretations:

(a) Boundaries shown as approximately following the centerlines of streets, highways, alleys or other public rights-of-way must be construed as following such centerlines.

(b) Boundaries shown as approximately following platted lot lines must be construed as following such lot lines.

(c) Boundaries shown as approximately following city limit lines must be construed as following those lines.

(d) Boundaries shown as approximately following railroad lines must be construed to be midway between the main tracks.

(e) Boundaries shown as approximately following the shoreline or centerline of a river, stream, lake or other watercourse must be construed as following the actual shoreline or centerline of the watercourse. If, after establishment of the boundary, the shoreline or centerline of the water-course moves as a result of natural processes, the boundary must be construed as moving with the shoreline or centerline of the watercourse.

(5) Annexed Land

When any territory is annexed or otherwise brought into the zoning jurisdiction of the city, such territory shall automatically be classified in the AG district until otherwise reclassified in accordance with the zoning map amendment procedures of 13.20.

14-11 Transitional Provisions

The provisions of this section address the transition to this zoning ordinance from the zoning ordinance in effect immediately before the effective date specified in 14-03.

(1) Applications, Permits and Approvals

(a) Any building, development, structure, or sign for which a building permit was issued or a complete building permit application had been accepted for processing before the effective date specified in 14-03 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this zoning ordinance. If the building, development or structure is commenced but not completed within the time allowed under the original building permit and any authorized permit extension, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

(b) Complete applications submitted for variances, exceptions, special permits, conditional uses, site plans, and other zoning-related approvals that are pending approval on the effective date specified in 14-03 must be reviewed wholly under the terms of the zoning ordinance in effect immediately preceding the effective date specified in 14-03.

(c) The zoning administrator is authorized to issue permits for construction or development approved before the effective date specified in 14-03 and for developments pending approval before that effective date even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and completed within the time allowed under the permit and any authorized permit extension, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

(2) Existing Conditional Uses

(a) When a use is classified as a conditional use under this ordinance exists as a conditional or permitted use on the effective date specified in 14-03, it will be considered to be a lawfully established conditional use under the terms of this ordinance.

(b) When a use is not allowed as a conditional or permitted use under this ordinance and exists as a lawfully established conditional use on the effective date specified in 14-03, The use will be considered a nonconforming use and be subject to the applicable nonconforming use provisions of 14-143.

(3) Violations

The adoption of this zoning ordinance does not affect any pending or future suit, proceeding or prosecution of, or action to abate, violations of the previous zoning ordinance that occurred before the effective date specified in 14-03.

14-12 Severability

If one or more provisions of this ordinance, or the application of this ordinance is held to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, such provisions are deemed to be severed from this zoning ordinance. The remaining ordinance provisions remain in full force and effect.

14-13 Through 14-19 Reserved

DRAFT

ARTICLE II. RESIDENTIAL DISTRICTS

14-20 Districts 2-1
14-21 Generally Applicable Regulations 2-1
14-22 Detached Houses 2-4
14-23 Semi-detached Houses 2-6
14-24 Two-unit Houses 2-8
14-25 Townhouse Buildings 2-10
14-26 Multi-Unit Buildings 2-12
14-27 Backyard Cottages 2-14
14-28 Civic Buildings 2-16
Reserved 2-18

14-20 Districts

(1) Districts Established

The city's residential zoning districts are listed in Table 2-1. When this zoning ordinance refers to "residential" zoning districts or "R" zoning districts, it is referring to these districts.

TABLE 2-1 — RESIDENTIAL (R) DISTRICTS

Symbol	District Name
R1-80[1]	Single-Dwelling Detached
R1-60[2]	Single-Dwelling Detached
R1-45[3]	Single-Dwelling Detached
R2-60[4]	Two-Unit
R2-45[5]	Two-Unit
RM-1[6]	Multi-Unit (3-6 units)
RM-2[7]	Multi-Unit (7+ units)

(2) District Descriptions

(a) General. Residential zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for individuals and households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential uses, some nonresidential (public and civic) uses are also allowed.

(b) R1, Single-Dwelling Detached Districts. The R1 (single-dwelling detached) districts are primarily intended to accommodate detached houses. The number suffix attached to R1 district names is a shorthand reference to the minimum lot width (in feet) required for detached houses. When this ordinance refers to "R1" districts it is referring to all R1 districts.

(c) R2, Two-Unit District. The R2 (two-unit) district is primarily intended to accommodate detached houses, semi-detached houses and two-unit houses.

(d) RM, Multi-Unit Districts. The RM (multi-unit) districts are primarily intended to accommodate detached houses, semi-detached houses, townhouse buildings, two-unit houses multi-unit residential buildings.

1 Existing R-1, larger lots
2 Existing R-1, 60' wide lots
3 Existing R-1, smaller lots but single family - very little mapped but may be used for new neighborhoods
4 Existing R-2 with side-by-side semi-detached
5 Existing R-2 in neighborhoods adjacent to downtown
6 Existing R-3
7 Existing R-4

14-21 Generally Applicable Regulations

Buildings and uses and uses in R districts are subject to all applicable regulations of this zoning ordinance, including the following:

(1) Allowed Uses

Uses are allowed in R districts in accordance with the use regulations of Article VII.

(2) Allowed Building Types

(a) Allowed residential uses must occupy residential buildings, which are allowed in R districts in accordance with Table 2-2.

(b) Allowed public and civic uses must occupy civic buildings, which are allowed in R districts, as indicated in Table 2-2.

TABLE 2-2 — R DISTRICT BUILDING TYPES

Building Type	Districts				Regulations
	R1	R2	RM-1	RM-2	
● = permitted | – = prohibited					
RESIDENTIAL BUILDINGS					
Detached house	●	●	●	●	14-22
Semi-detached house	–	●	●	●	14-23
Two-unit house	–	●	●	●	14-24

TABLE 2-2 — R DISTRICT BUILDING TYPES					
Building Type	Districts				Regulations
	R1	R2	RM-1	RM-2	
Townhouse building	–	–	●	●	14-25
Multi-unit building	–	–	●	●	14-26
Backyard cottage	●	●	●	●	14-27
Mobile home	–	–	–	●	14-22
NONRESIDENTIAL BUILDINGS					
Civic Building	●	●	●	●	14-28

(3) Accessory Uses and Structures

See 14-78.

(4) Parking

See Article VIII.

(5) Private Residential Garages

Private residential garages that are attached to the primary building may not exceed 40% of the living area of the principal dwelling unit. Detached garages are subject to any size limitations that apply to accessory buildings.

(6) Design

See Article IX.

(7) Landscaping and Screening

See Article X.

(8) Signs

See Article XI.

remainder of page intentionally blank

this page intentionally blank

14-22 Detached Houses

(1) Description

A detached house is a residential building that contains only one dwelling unit and is located on a single lot not occupied by other principal buildings. Mobile homes, where allowed by Table 2-2, are subject to detached house lot and building regulations.

(2) Where Allowed

Detached houses are allowed in all R districts.

(3) Lot and Building Regulations

Detached houses are subject to compliance with the lot and building regulations of Table 2-3 (see also Figure 2-1).

TABLE 2-3 — DETACHED HOUSES IN R DISTRICTS

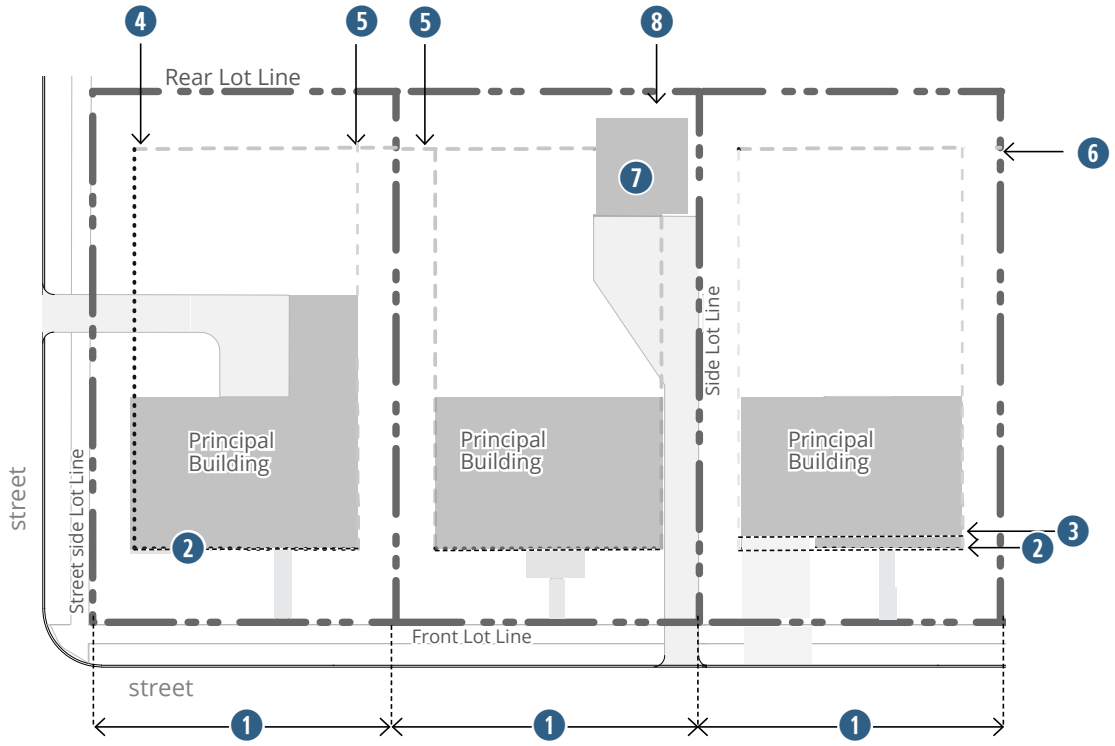
Regulation	R1-80	R1-60 and R2-60	R1-45 and R2-45	RM
(a) Lot				
Minimum Lot Area (square feet)	9,000	7,000	5,000	7,500
1 Minimum Lot Width				
Interior Lot (feet, front yard)	80	60	45	75
Corner Lot (feet, front yard)	90	70	50	75
(b) Principal Building Siting				
Minimum Principal Building Setbacks (feet)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

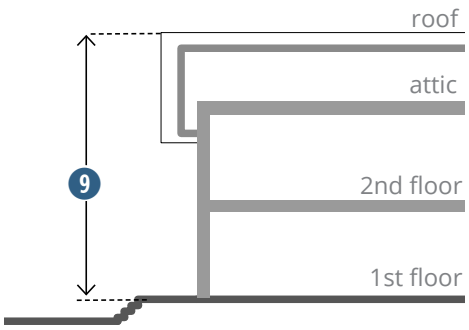
[1] Unless the lot does not have rear access, in which case front-facing garage is allowed with minimum 20-foot setback.

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

[3] Not to exceed height of principal building.

Figure 2-1. Detached House Building Regulations





14-23 Semi-detached Houses

(1) Description

A semi-detached house building is a residential building occupied by 2 dwelling units, each of which is located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit is located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit has its own external entrance.

(2) Where Allowed

Semi-detached houses are allowed in all R2 and RM districts.

(3) Lot and Building Regulations

Semi-detached houses are subject to compliance with the lot and building regulations of Table 2-4 (see also Figure 2-2).

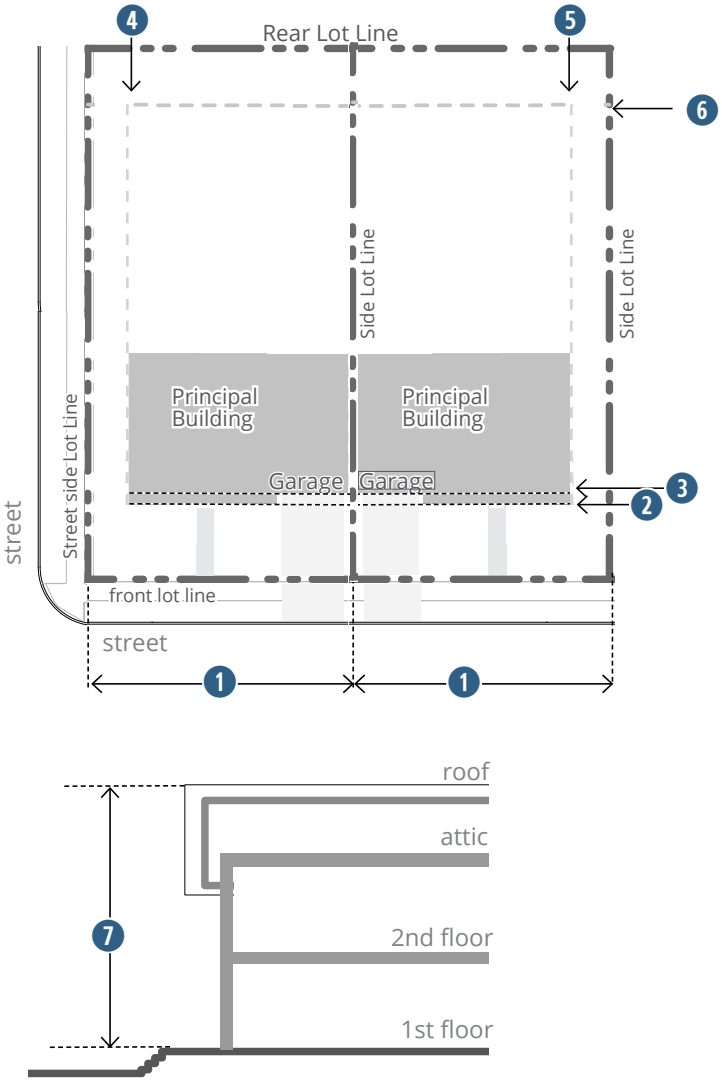
TABLE 2-4 — SEMI-DETACHED HOUSES IN R DISTRICTS

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

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

[2] Not to exceed height of principal building.

Figure 2-2. Semi-Detached House Building Regulations



14-24 Two-unit Houses

(1) Description

A two-unit house is a residential building located on a single lot and occupied by 2 dwelling units.

(2) Where Allowed

Two-unit houses are allowed in all R2 and RM districts.

(3) Lot and Building Regulations

Two-unit houses are subject to compliance with the lot and building regulations of Table 2-5 (see also Figure 2-3).

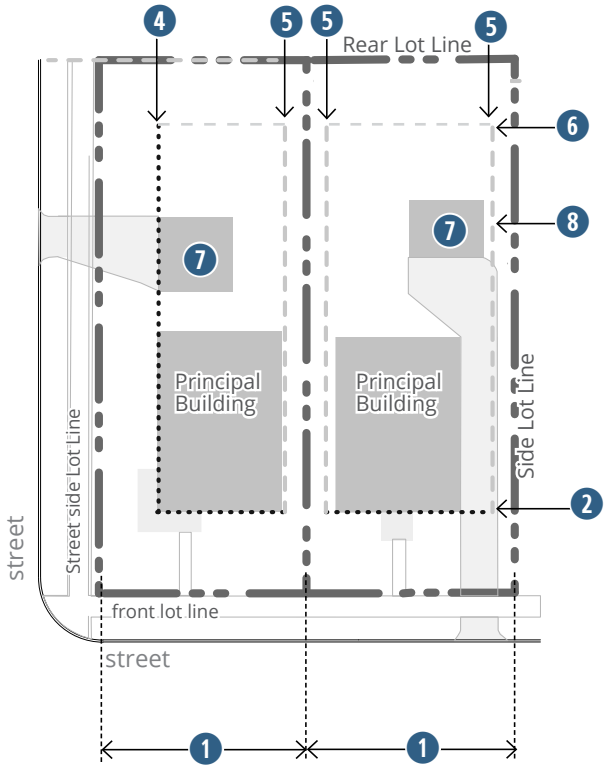
TABLE 2-5 — TWO-UNIT HOUSES IN R DISTRICTS

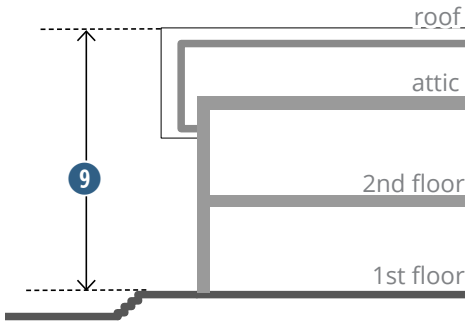
Regulation	R2-60	R2-45	RM
(a) Lot			
Minimum Lot Area (square feet)	11,000	5,000	7,500
1 Minimum Lot Width			
Interior Lot (feet, front yard)	90	45	75
Corner Lot (feet, front yard)	110	50	75
(b) Principal Siting			
Minimum Principal Building Setbacks (feet)			
2 Front	15	15	20
3 Front-Facade Garage Entrance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

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

[2] Not to exceed height of principal building.

Figure 2-3. Two-Unit House Building Regulations





14-25 Townhouse Buildings

(1) Description

A townhouse building is a residential building occupied by 3 or more dwelling units. Each dwelling unit within a townhouse building is located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit has its own external entrance.

(2) Where Allowed

Townhouse buildings are allowed in all RM districts.

(3) Lot and Building Regulations

Townhouse buildings are subject to compliance with the lot and building regulations of Table 2-6 (see also Figure 2-4).

TABLE 2-6 — TOWNHOUSE BUILDINGS IN R DISTRICTS

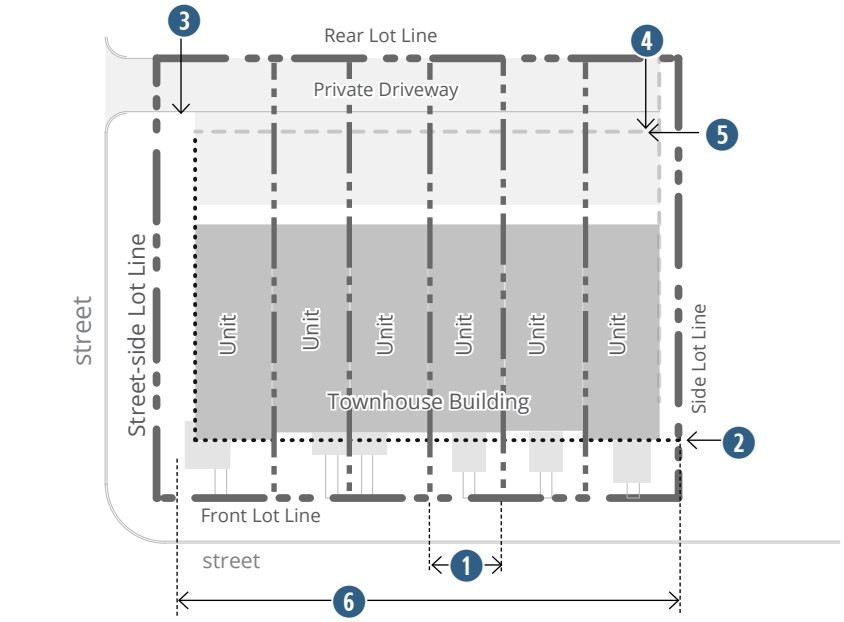
	Regulation	RM-1	RM-2
	(a) Lot		
	Minimum Lot Area Per Dwelling Unit (square feet)	2,000	2,000
1	Minimum Lot Width Per Dwelling Unit		
	Interior Lot (feet, front yard)	18	18
	Corner Lot (feet, front yard)	38	38
	(b) Principal Building Siting		
	Minimum Principal Building Setbacks (feet)		
2	Front	25	20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

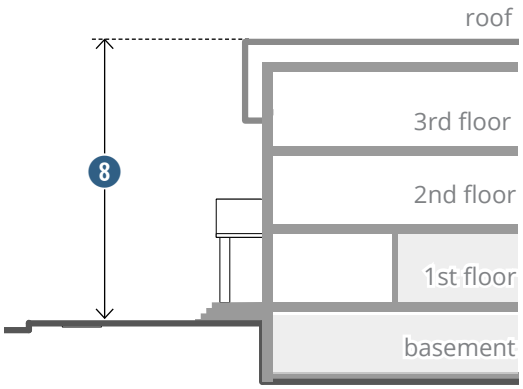
[1] Interior side setback applies only to end units (i.e., on non-attached side)

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

[3] Not to exceed height of principal building.

Figure 2-4. Townhouse Building Regulations





14-26 Multi-Unit Buildings

(1) Description

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

(2) Where Allowed

Multi-unit buildings are allowed in all RM districts.

(3) Lot and Building Regulations

Multi-unit buildings in RM districts are subject to compliance with the lot and building regulations of Table 2-7 (see also Figure 2-5).

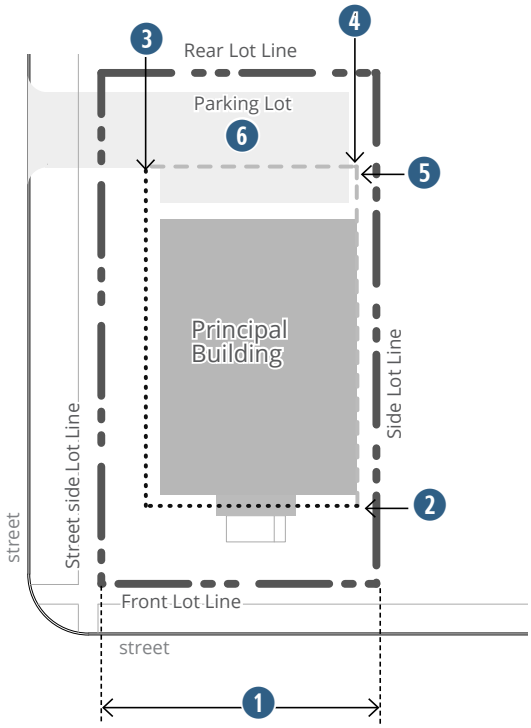
TABLE 2-7 — MULTI-UNIT BUILDINGS IN R DISTRICTS

	Regulation	RM-1	RM-2
	(a) Lot		
	Minimum Lot Area (square feet)	7,500	7,500
	Minimum Lot Area per Dwelling Unit (square feet)	2,000	1,000
1	Minimum Lot Width		
	Interior Lot (feet, front yard)	75	75
	Corner Lot (feet, front yard)	75	75
	(b) Principal Building Siting		
	Minimum Principal Building Setbacks (feet)		
2	Front	25	20
	Front-Facade Garage Entrance	Not allowed	Not allowed
3	Street Side	25	20
4	Interior Side	8	6
5	Rear	30	25
	(c) Principal Building Size		
6	Maximum Number of Principal Dwelling Units	6	No maximum
	(d) Accessory Building and Parking Lot Siting		
6	Allowed Location	Rear yard only	
	Minimum Side and Rear Setbacks	Same as principal building [1]	
	Minimum Building Separation (feet)	10	
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less	
	(e) Maximum Building Height		
7	Principal Building (feet)	55	55
	Accessory Building (feet)	15 [2]	15 [2]

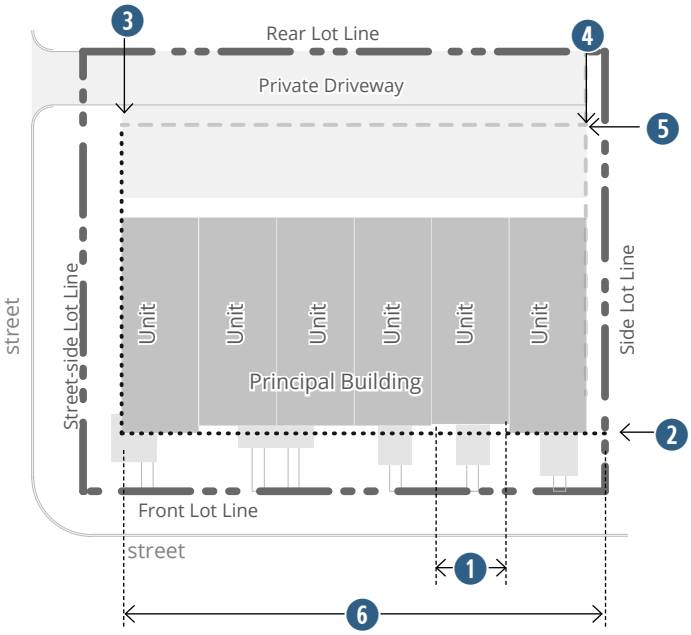
[1] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[2] Not to exceed height of principal building.

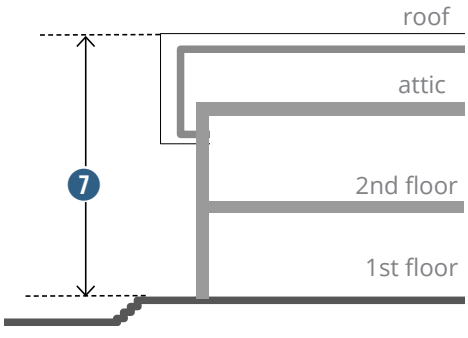
Figure 2-5. Multi-Unit Building Regulations

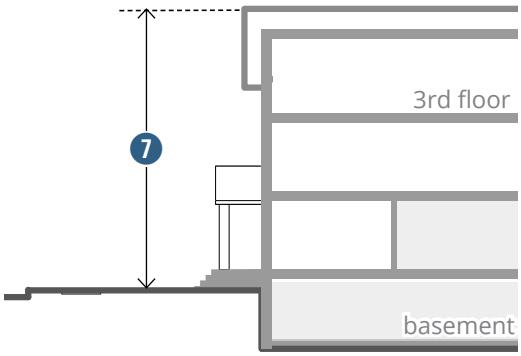


Apartment Building



Townhome Building





14-27 Backyard Cottages[8]

(1) Description

A backyard cottage is a small accessory residential building occupied by a single, self-contained accessory dwelling unit. Backyard cottages are located on the same lot as a detached house but are not attached to the detached house.

(2) Where Allowed

Backyard cottages are allowed in all R districts but only on lots occupied by a detached house.

(3) Lot and Building Regulations

Backyard cottages are allowed in all R districts, subject to compliance with the lot and building regulations of Table 2-8.

TABLE 2-8 — BACKYARD COTTAGES IN R DISTRICTS

Regulation		R DISTRICTS
(a) Lot		
	Minimum Lot Area (square feet)	Same as required for detached house
	Minimum Lot Width & Frontage (feet)	Same as required for detached house
(b) Building Siting		
Minimum Building Setbacks (feet)		
	Front	Permitted in rear yard only
	Street Side	25
	Interior Side	10
	Rear	10[1]
	Separation from Principal Buildings	10
(c) Building Size		
	Maximum Building Height (feet)	20 [2]
	Maximum Floor Area (square feet)	650

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

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

(4) Additional Regulations

(a) Zoning District Regulations. Backyard cottages are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this ordinance.

(b) Number. No more than one backyard cottage is permitted on a single lot. Backyard cottages are not permitted on lots occupied by a secondary suite. Note: "secondary suites" are another form of accessory dwelling unit. Secondary suites are contained within a detached house building and are subject to the regulations of in 14-78(9).

(c) Number of Residents. The total number of residents that reside in the backyard cottage and the principal dwelling unit, combined, may not exceed the number permitted for a single household, plus 2.

(d) Parking. No additional parking is required for a backyard cottage. Any parking that is provided is subject to the same regulations that apply to the principal dwelling unit (detached house).

(e) Owner Occupancy and Rental. At least one of the dwelling units on a lot occupied by a backyard cottage must be occupied by an owner with at least a 50% interest in the subject property. The owner must

8 These backyard cottage provisions are entirely new.

occupy either the principal dwelling unit or the backyard cottage as their permanent residence for at least 6 months of each calendar year.

(f) Building Code
Backyard cottages must comply with all applicable UDC/IBC standards.

(g) Short-Term Rentals
Backyard cottages may not be used as short-term rentals.

(h) Setbacks for Converted Accessory Buildings
If an accessory building is converted to a backyard cottage, the rear setback and interior side setbacks must match the accessory building setbacks that apply to the principal building type. However, the rear setback must be at least 25 feet when rear yard adjoins the side yard of an abutting lot.

(i) Sale of Backyard Cottage
Backyard cottages shall not be sold separately from the principal detached house.

(j) Deed Restriction
Prior to issuance of a permit allowing the establishment of a backyard cottage, the owner of the subject property must record a deed restriction stating that the owners of the subject property agree (1) to comply with the owner occupancy, rental and other applicable restrictions of this ordinance; and (2) to notify all prospective purchasers of such requirements. The deed restriction runs with the land and is binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The deed restriction must be in a form prescribed by the development services director. Proof of recording must be provided to the development services director before any building permits for the backyard cottage are issued. The deed restriction must include provisions ensuring termination of the deed restriction upon removal or abandonment of the backyard cottage.

14-28 Civic Buildings

(1) Description

A civic building is a building occupied by a public or civic use (as defined in 14-72).

(2) Where Allowed

Civic buildings are allowed in all R districts

(3) Lot and Building Regulations

Civic buildings are subject to compliance with the lot and building regulations of Table 2-4.

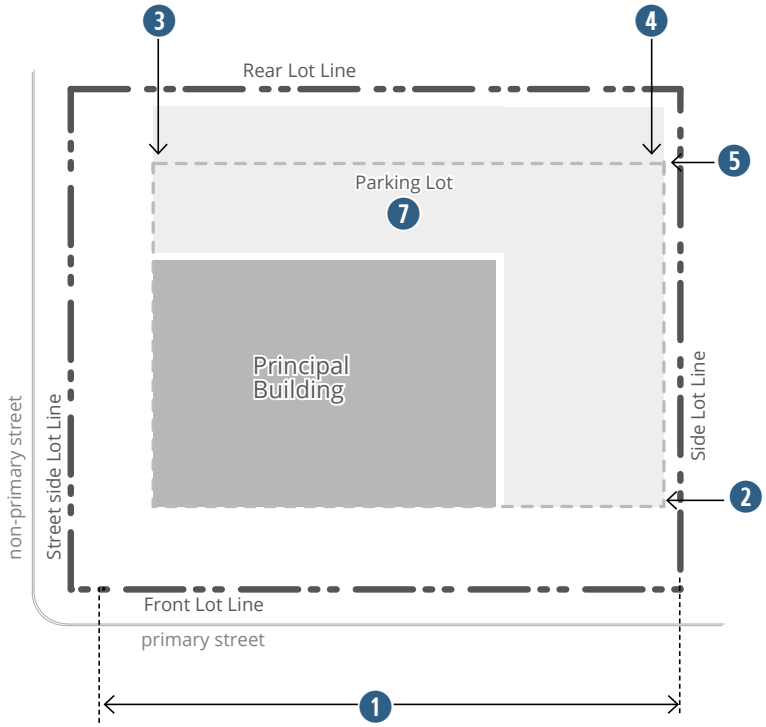
TABLE 2-9 — CIVIC BUILDINGS IN R DISTRICTS

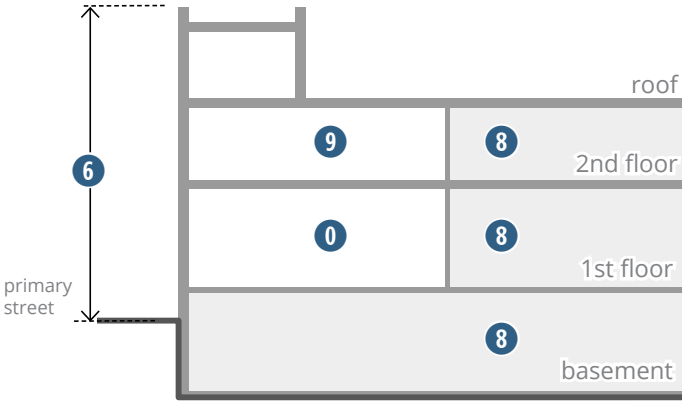
	Regulation	R1 (all) and R2	RM
	(a) Lot		
	Minimum Lot Area (square feet)	10,000	10,000
1	Minimum Lot Width		
	Interior Lot (feet, front yard)	85	85
	Corner Lot (feet, front yard)	100	100
	(b) Principal Building Siting		
	Minimum Principal Building Setbacks (feet)		
2	Front	30	25
3	Street Side	30	25
4	Interior Side	10	6
5	Rear	30	25
	(c) Accessory Building Siting		
	Allowed Location	Rear yard only	
	Minimum Side and Rear Setbacks	Same as principal building [1]	
	Minimum Building Separation (feet)	10	
	Maximum Building Coverage	50% of rear yard or 850 square feet, whichever is less	
	(d) Maximum Building Height		
6	Principal Building (feet)	40	55
	Accessory Building (feet)	15 [2]	15 [2]
	(e) Parking Siting		
7	Surface or Accessory Parking Yard Location	Rear	
8	Allowed Parking Location within Building	Basement and behind occupied space of all other stories	
9	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 of all full height floors, not including basement	
	(f) Facades		
10	Minimum Transparency per Story: All Street Facades (%)	15	15
11	Minimum Primary Frontage Principal Entrances	One on primary street facade	

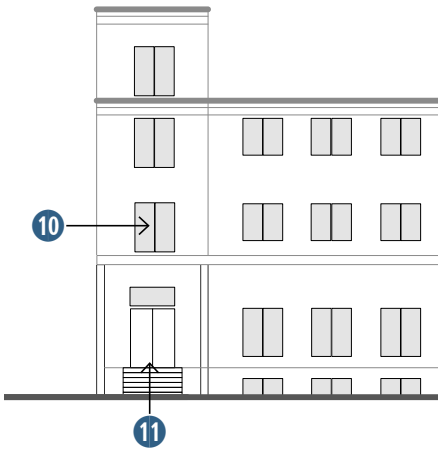
[1] Accessory buildings on reverse corner lots must provide minimum interior side setback from rear lot line.

[2] Not to exceed height of principal building.

Figure 2-6. Civic Building Regulations







14-29 Reserved

DRAFT

ARTICLE III. MIXED-USE DISTRICTS

14-30 Districts 3-1
14-31 Generally Applicable Regulations 3-2
14-32 Reading Building Type Regulations 3-4
14-33 Storefront Buildings 3-7
14-34 Commercial Manor Buildings 3-11
14-35 Commercial Centers 3-15
14-36 General Buildings 3-19
14-37 Row Buildings 3-23
14-38 Civic Buildings 3-27
14-39 Building Cap Types 3-30

14-30 Districts

(1) Districts

The city's mixed-use zoning districts are listed in Table 3-1. When this zoning ordinance refers to "mixed-use" zoning districts or "X" zoning districts, it is referring to these districts.

TABLE 3-1 — MIXED-USE (X) DISTRICTS

Symbol	District Name
MX1[1]	Downtown Mixed-Use
MX2[2]	Neighborhood Mixed-Use
MX3[3]	Corridor Mixed-Use
GX1[4]	Office-Residential Mix
GX2[5]	Neighborhood Office-Residential

(2) District Descriptions

Mixed-use districts are primarily intended to allow a mix of uses within appropriately scaled buildings to maintain and promote the desired physical character of the downtown and commercial nodes and corridors within the city.

(a) MX1, Downtown Mixed-Use District
The MX1 (downtown mixed-use) district is intended to continue the existing character of the city's downtown commercial corridors with storefronts on the ground-story and upper-story residential and office uses.

(b) MX2, Neighborhood Mixed-Use District
The MX2 (neighborhood mixed-use) district is intended to continue the character at the edges of the downtown and adjacent to residential neighborhoods, where a mix of small-scaled, traditional storefront buildings and commercial buildings with residential elements (i.e. pitched roofs, landscape yards) occur or are desired.

(c) MX3, Corridor Mixed-Use District
The MX3 (corridor mixed-use) district is intended for use along the city's commercial corridors to promote development that is accessible via all modes of transportation, including pedestrians. Commercial uses in the MX3 district may be larger in scale and more flexible than other MX districts, including auto-oriented uses.

(d) GX1, Office-Residential Mix District
The GX1 (office-residential mix) district is intended for areas with a mix of mid-scale residential and/or office buildings, primarily on the edges of intensive locations, such as downtown.

(e) GX2, Neighborhood Office-Residential District
The GX2 (neighborhood office-residential mix) district is intended for areas with a mix of small-scale residential and/or office buildings, often as a transition between commercial corridors and residential neighborhoods.

1 Existing B-1& B-3 (gas stations)
2 Existing B-1& B-3 (gas stations)
3 Existing B-2 & B-3 (gas stations). Also see proposed commercial C3 district for existing B-2 and B-3 locations outside the downtown and gateway area
4 Existing B-3 & R-3
5 Existing B-1 and R-4

14-31 Generally Applicable Regulations

The following regulations apply to all mixed-use districts and building types defined in this article.

(1) Allowed Uses

Uses are allowed in X districts in accordance with the use regulations of Article VII. Some building types have additional limitations on permitted uses.

(2) Allowed Building Types

Unless otherwise expressly stated, all buildings must comply with the building regulations that apply to a building type allowed in the subject zoning district per Table 3-2. See Article XIV for existing buildings that do not fully conform to a applicable building type regulations.

(3) Exceptions and Exemptions

The following exceptions and exemptions may apply to the building type regulations.

(a) Design Exceptions

General exceptions to building type regulations are allowed as indicated in 14-125. Specific exceptions are also expressly identified in this article.

(b) Temporary Patio on an MX Lot

Any MX district lot may be fully developed as an outdoor patio area for allowed uses under the following conditions:

1. A design exception has been approved in accordance with 14-125.
2. No building exists on the lot or is included as a part of the patio development.
3. No parking is permitted on the lot, except where if it is fully screened from any primary street by the patio.
4. Screening is required along the primary street in line with the building face. A semi-opaque metal or wood fence must be constructed within the build-to zone of the lot. Shrubs or other plantings must be installed along the fence. A design exception may be requested to eliminate either the fence or landscape, but not both.

(c) Outdoor Recreation Uses

Outdoor parks and recreation and outdoor participant sports and recreation uses are exempt from compliance with building type regulations, except that:

1. Buildings must comply with the building regulations that apply to a building type allowed in the subject zoning district; or, for uses accessory to the principal use, with an accessory structure as permitted 14-78.
2. Side and rear setbacks for any applicable building type must be used for all structures.

(d) Utility Structures

Utility structures for major utilities that do not require an enclosed building are not required to comply with regulations applicable to a specific building type, but must fulfill any state or federal requirements.

TABLE 3-2 — X DISTRICT BUILDING TYPES

Building Type	Districts					Regulations
	MX1	MX2	MX3	GX1	GX2	
	● = permitted | – = prohibited					
Storefront	●	●	●	–	–	14-33
Commercial Manor	–	●	●	●	●	14-34
Commercial Center	–	–	●	–	–	14-35
General Building	–	–	–	●	●	14-36
Row Building	–	–	–	●	●	14-37
Civic Building	–	●	●	●	●	14-38

(4) Permanent Structures
All buildings constructed must be of permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this ordinance.

(5) Build to the Corner
All buildings are required to occupy the corner of a lot, defined by the intersection of the two build-to zones or setback lines.

(6) Building Design Regulations
All buildings in the X districts must comply with the building design regulations of Article IX.

(7) Accessory Structure Regulations
Except as defined in the building type regulations, accessory structures are subject to the regulations of 14-78.

(8) Treatment of Yards
Paved vehicular areas are limited to specific locations in accordance with the applicable building type regulations. The following additional regulations govern the required treatment of yard areas around buildings.

(a) Landscape, Patio, Sidewalks
All yards must consist of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. Yard area may not exceed the maximum levels of imperviousness and semi-perviousness established for the subject building type.

(b) Driveways
See 14-87 for driveway design and location regulations. Driveways may cross through yards as follows:

a. Where permitted as access to the lot, driveways may cross perpendicularly through the front or street side yards.

b. In all X districts, driveways may cross perpendicularly through the side and rear yards to connect to parking on adjacent lots.

c. Driveways accessing rear yard garages are permitted within the side or rear yard setback, up to the property line.

(c) Side Yard Parking Lots
Some building types permit side yard parking lots. Side yard parking lots may not encroach into the front yard area or into the minimum required side setback.

(d) Rear Yards
Paved vehicular use areas (parking lots, loading areas, drives) are typically required to be located in the rear yard; however, minimum rear yard setbacks also apply to parking lots.

(9) Primary Frontages
A primary frontage establishes the fronts of lots and buildings and where to locate the principal entrance to the building. A primary frontage designation requires the highest level of facade treatment and restricts locations for parking, driveways, and garage entrances. Primary frontages must be provided as follows:

(a) Mapped Street Frontages
Primary frontage requirements must be met in those locations designated on the primary street map.[6] The primary street map is an element of the city's official zoning map and subject to the zoning map regulations of 14-10.

(b) Open Space Frontage
Where a lot or parcel contains or abuts open space designated as a PI district, the frontage of a building abutting the open space must comply with primary frontage requirements.

(c) River or Trail Frontage
Any facade facing a river or trail system must be treated as a primary frontage.

(d) Other Public Ways
Public pedestrian ways to parking lots through parcels, blocks, or buildings must be treated as street frontage, unless a reduction in transparency or the use of alternative facade materials are approved as a design exception in accordance with the procedures of 14-125.

(e) Multiple Primary Frontages. If multiple primary frontages and no other non-primary frontages exist for a lot, one primary frontage may be designated by the zoning administrator as a non-primary frontage subject to all of the following:

1. The configuration of other parcels along the street, including fronts of buildings and locations of vehicular access, are

6 Map to be provided.

more consistent with non-primary requirements; and

2. No plans for primary street designation in the future exist for the proposed non-primary frontage.

(f) Corners
At corners of buildings on streets and public ways, primary frontage treatments, including such items as, but not limited to, ground-story transparency, facade materials, building facade regulations, must be continued around the corner along the non-primary street or public way for a minimum of 30 feet.

(g) Non-Primary Frontages
Non-primary street frontages may utilize the regulations that apply to primary street frontages.

(10) Trash, Recycling, Refuse Locations

Unless otherwise defined by the building type, all trash, recycling, and other refuse areas must be located and treated as follows:

(a) Trash, recycling, and other refuse areas in the rear yard of the lot.

(b) When no rear yard exists or when the rear yard is less than 10 feet in depth, trash, recycling, and other refuse areas may be located in the rear half of an interior side yard.

(c) Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors may be located off a non-primary frontage facade if approved as a design exception in accordance with the procedures of 14-125. Access doors must be opaque, screening a minimum of 80% of the opening. Access doors must be designed to match the building architecture.

(d) See 14-94 for required screening of trash, recycling, and other refuse areas.

14-32 Reading Building Type Regulations

This section explains how to read and interpret the building type regulations.

(1) Allowed Building Types Table

Table 3-1 defines which building types are allowed within each district.

(2) Regulations of General Applicability

See 14-31 for building regulations applicable to all building types.

(3) Building Type Pages

In 14-33 through 14-38, four pages are provided for each of the building types:

(a) Description of Building Type
The first page of each specific building type section provides a general description of the building type and several images showing typical examples of the building type.

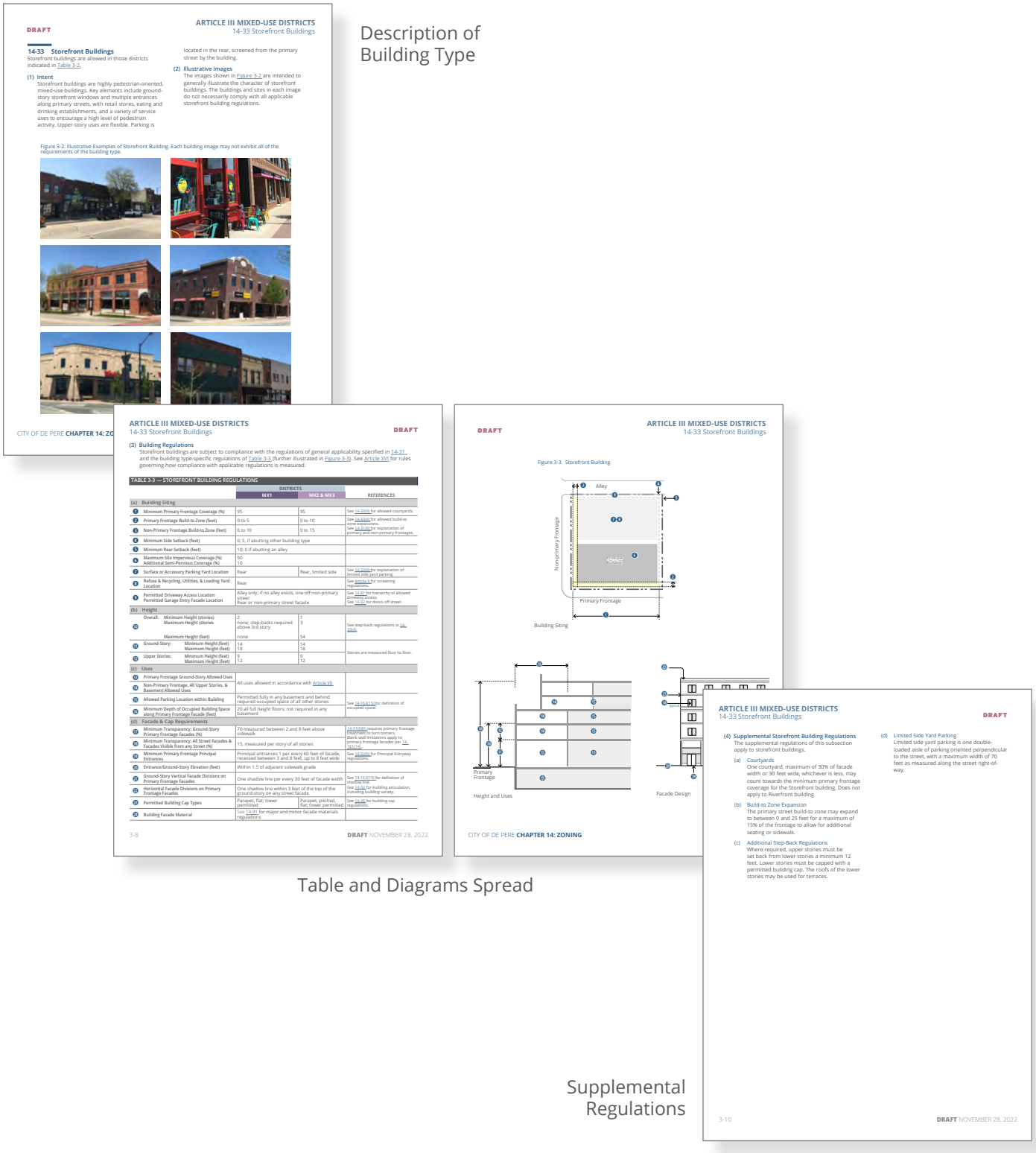
(b) Table and Diagrams Spread
The next 2 pages of each specific building type section provides the key spread of information, meant to be viewed as a whole. See Figure 3-1 for an explanation of the building type regulations.

(c) Supplemental Regulations
The final page of each specific building type section contains supplemental regulations referenced from the table of regulations. Specific design situations are explained on these pages and additional graphic diagrams may also be provided. For example, the explanation of how multiple buildings might be configured on one site may be included in this subsection.

(4) Building Design

See Article IX for design regulations applicable to all building types. These provisions address such features as building materials, windows, roof types, and balcony design.

Figure 3-1. Example Building Type Tables and Diagrams.



Description of Building Type

Table and Diagrams Spread

Supplemental Regulations

this page intentionally blank

14-33 Storefront Buildings

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

(1) Intent

Storefront buildings are highly pedestrian-oriented, mixed-use buildings. Key elements include ground-story storefront windows and multiple entrances along primary streets, with retail stores, eating and drinking establishments, and a variety of service uses to encourage a high level of pedestrian activity. Upper-story uses are flexible. Parking is located in the rear, screened from the primary street by the building.

(2) Illustrative Images

The images shown in Figure 3-2 are intended to generally illustrate the character of storefront buildings. The buildings and sites in each image do not necessarily comply with all applicable storefront building regulations.

Figure 3-2. Illustrative Examples of Storefront Building. Each building image may not exhibit all of the requirements of the building type.













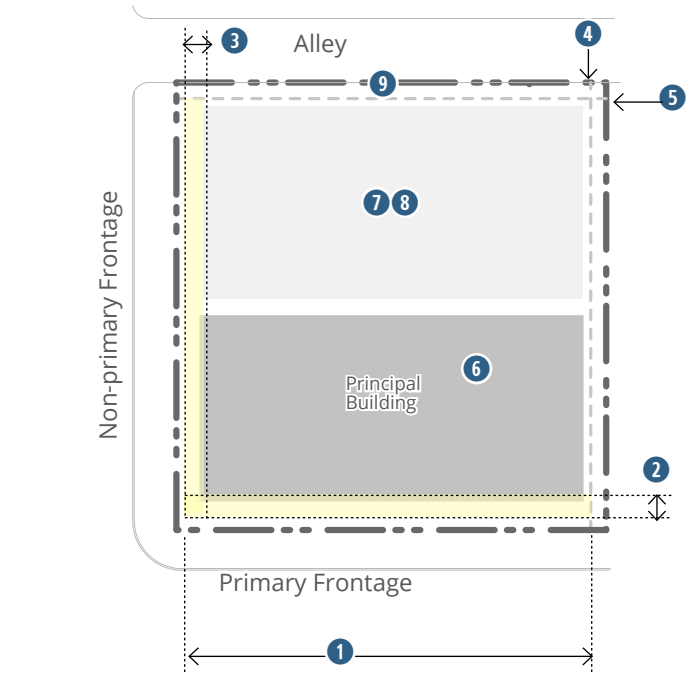
(3) Building Regulations

Storefront buildings are subject to compliance with the regulations of general applicability specified in 14-31 and the building type-specific regulations of Table 3-3 (further illustrated in Figure 3-3). See Article XVI for rules governing how compliance with applicable regulations is measured.

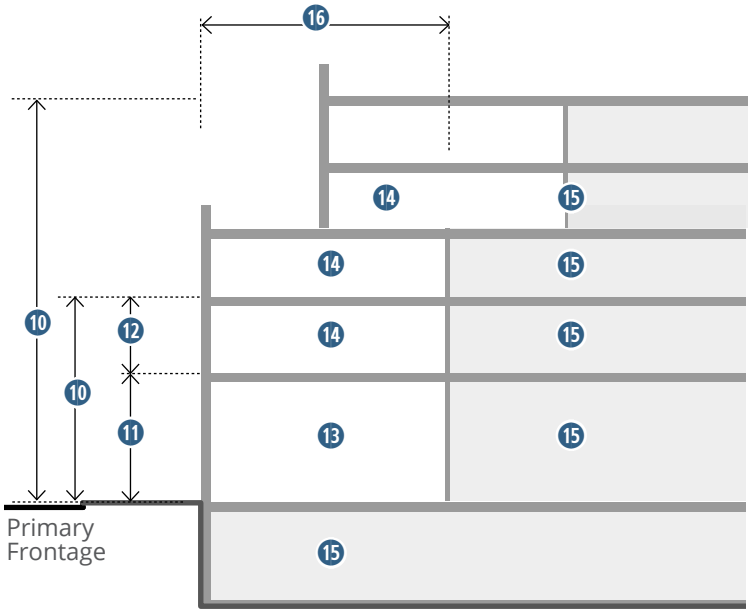
TABLE 3-3 — STOREFRONT BUILDING REGULATIONS

		DISTRICTS		REFERENCES
		MX1	MX2 & MX3	
(a) Building Siting				
1	Minimum Primary Frontage Coverage (%)	95	95	See 14-33(4) for allowed courtyards.
2	Primary Frontage Build-to Zone (feet)	0 to 5	0 to 10	See 14-33(4) for allowed build-to zone expansions. See 14-31(9) for explanation of primary and non-primary frontages.
3	Non-Primary Frontage Build-to Zone (feet)	0 to 10	0 to 15	
4	Minimum Side Setback (feet)	0; 5, if abutting other building type		
5	Minimum Rear Setback (feet)	10; 0 if abutting an alley		
6	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	90 10		
7	Surface or Accessory Parking Yard Location	Rear	Rear, limited side	See 14-33(4) for explanation of limited side yard parking.
8	Refuse & Recycling, Utilities, & Loading Yard Location	Rear		See Article X for screening regulations.
9	Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley only; if no alley exists, one off non-primary street Rear or non-primary street facade		See 14-87 for hierarchy of allowed driveway access. See 14-92 for doors off street.
(b) Height				
10	Overall: Minimum Height (stories) Maximum Height (stories Maximum Height (feet)	2 none; step-backs required above 3rd story none	1 3 54	See step-back regulations in 14-33(4).
11	Ground-Story: Minimum Height (feet) Maximum Height (feet)	14 18	14 18	Stories are measured floor to floor.
12	Upper Stories: Minimum Height (feet) Maximum Height (feet)	9 12	9 12	
(c) Uses				
13	Primary Frontage Ground-Story Allowed Uses	All uses allowed in accordance with Article VII		
14	Non-Primary Frontage, All Upper Stories, & Basement Allowed Uses			
15	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories		See 14-163(15) for definition of occupied space.
16	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement		
(d) Facade & Cap Requirements				
17	Minimum Transparency: Ground-Story Primary Frontage Facades (%)	70 measured between 2 and 8 feet above sidewalk		14-31(9)(f) requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per 14-161(14).
18	Minimum Transparency: All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories		
19	Minimum Primary Frontage Principal Entrances	Principal entrances 1 per every 60 feet of facade, recessed between 3 and 8 feet, up to 8 feet wide		See 14-92(5) for Principal Entryway regulations.
20	Entrance/Ground-Story Elevation (feet)	Within 1.5 of adjacent sidewalk grade		
21	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 30 feet of facade width		See 14-163(19) for definition of shadow line. See 14-92 for building articulation, including building variety.
22	Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of the top of the ground-story on any street facade		
23	Permitted Building Cap Types	Parapet, flat; tower permitted	Parapet, pitched, flat; tower permitted	See 14-39 for building cap regulations.
24	Building Facade Material	See 14-91 for major and minor facade materials regulations		

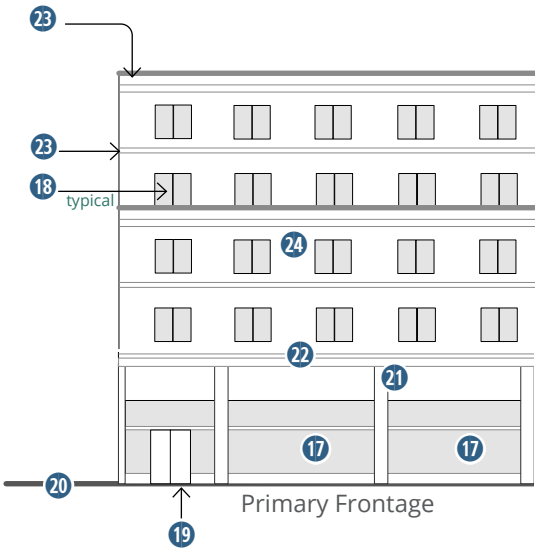
Figure 3-3. Storefront Building



Building Siting



Height and Uses



Facade Design

(4) Supplemental Storefront Building Regulations
The supplemental regulations of this subsection apply to storefront buildings.

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

(b) Build-to Zone Expansion
The primary street build-to zone may expand to between 0 and 25 feet for a maximum of 15% of the frontage to allow for additional seating or sidewalk.

(c) Additional Step-Back Regulations
Where required, upper stories must be set back from lower stories a minimum 12 feet. Lower stories must be capped with a permitted building cap. The roofs of the lower stories may be used for terraces.

(d) Limited Side Yard Parking
Limited side yard parking is one double-loaded aisle of parking oriented perpendicular to the street, with a maximum width of 70 feet as measured along the street right-of-way.

14-34 Commercial Manor Buildings

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

(1) Intent

The commercial manor is a smaller scaled building type with characteristics similar to residential houses, such as a pitched roof, a front stoop or porch, and yard surrounding, to allow it to fit into an existing specific context. Uses in this building type are specifically set to function adjacent to residential.

(2) Illustrative Images

The images shown in Figure 3-4 are intended to generally illustrate the character of commercial manor buildings. The buildings and sites in each image do not necessarily comply with all applicable commercial manor building regulations.

Figure 3-4. Illustrative Examples of Commercial Manor Building



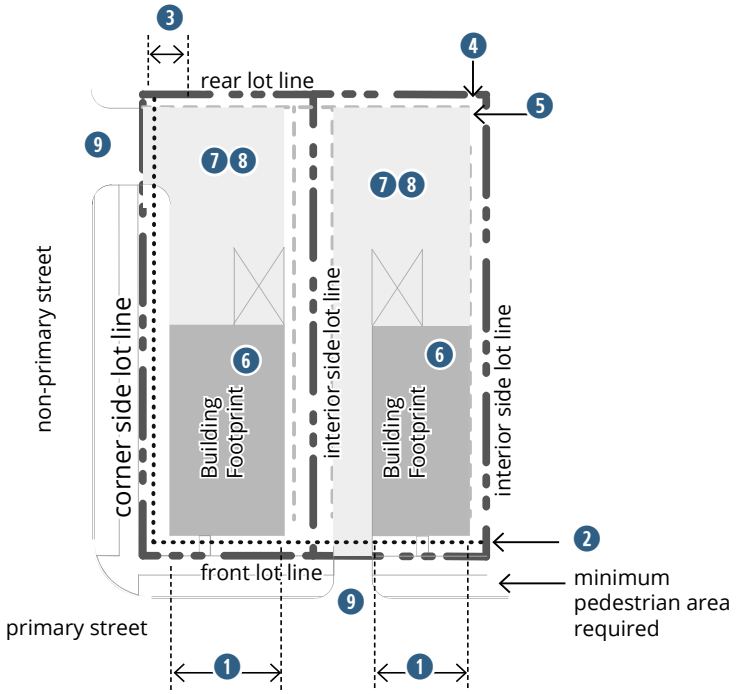
(3) Building Regulations

Commercial manor buildings are subject to compliance with the regulations of general applicability specified in 14-31 and the building type-specific regulations of Table 3-4 (further illustrated in Figure 3-5). See Article XVI for rules governing how compliance with applicable regulations is measured.

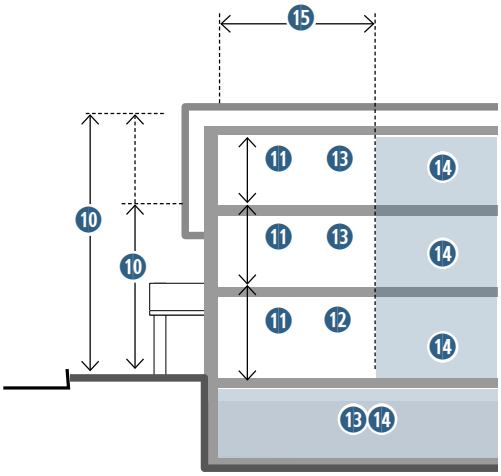
TABLE 3-4 — COMMERCIAL MANOR BUILDING REGULATIONS

		DISTRICTS		REFERENCES
		MX2	GX2	
(a)	**Building Siting**			
1	Maximum Building Width (feet)	90	90	See 14-34(4) for allowed connections between buildings.
2	Primary Frontage Build-to Zone (feet)	7.5 to 15	12 to 25	See 14-34(4) for allowed build-to zone expansions. See 14-31(9) for explanation of primary and non-primary frontages.
3	Non-Primary Frontage Build-to Zone (feet)	7.5 to 15	8 to 30	
4	Minimum Side Setback (feet)	5	5 (10 if abutting R district), and total of 20 both sides	
5	Minimum Rear Setback (feet)	5 ; 0 if abutting an alley	35 building; 0 for parking	
6	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 10	60 25	
7	Surface or Accessory Parking Yard Location	Rear, limited side		See 14-34(4) for explanation of limited side yard parking.
8	Refuse & Recycling, Utilities, & Loading Yard Location	Rear		See Article X for screening regulations.
9	Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley Rear or non-primary street facade		See 14-87 for hierarchy of allowed driveway access. See 14-92 for doors off street.
(b)	**Height**			
10	Overall: Minimum Height (stories) Maximum Height (stories) Maximum Height (feet)	1 2.5 40 feet	1 2.5 40 feet	
11	All Stories: Minimum Height (feet) Maximum Height (feet)	9 12	9 12	Stories are measured floor to floor. .
(c)	**Uses**			
12	Primary Frontage Ground-Story Allowed Uses	All uses allowed in accordance with Article VII, except residential		See Article VII for allowed uses.
13	Non-primary Frontage, All Upper Stories, & Basement Allowed Uses	All uses allowed in accordance with Article VII		
14	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories		
15	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	30 all full height floors; not required in any basement		See 14-163 for definition of occupied space.
(d)	**Facade & Cap Requirements**			
16	Minimum Transparency: All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories		Blank wall limitations apply to primary frontage facades per 14-161(14).
17	Minimum Primary Frontage Principal Entrances	1 per every 60 feet of facade; off a stoop, minimum 4 ft. wide and 3 ft. deep or a porch, minimum 6 ft. wide by 4 ft. deep		See 14-92(5) for Principal Entryway regulations.
18	Entrance/Ground-Story Elevation (feet)	Principal entrance and the ground-story must be within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)		See Article XIV for measuring.
19	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 30 feet of facade width		See 14-163(19) for definition of shadow line. See 14-92 for building articulation, including building variety.
20	Permitted Cap Types	Pitched; tower permitted		See 14-39 for building cap regulations.
21	Building Facade Material	See 14-91 for major and minor facade materials regulations		

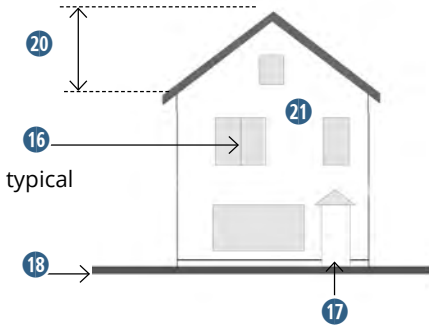
Figure 3-5. Commercial Manor Building



Building Siting



Height and Uses



Facade Design

(4) Supplemental Commercial Manor Building Regulations

The supplemental regulations of this subsection apply to commercial manor buildings.

(a) Allowed Connections between Buildings

Multiple commercial manor buildings may be connected by a single story enclosed building segment, a maximum of 15 feet in depth, setback from the front facade at least 12 feet. See Figure 3-6. Connections must meet all setback regulations and must not cross parcel lines.

(b) Shared Driveways/Alley

For lots without access to a non-primary street, one driveway per lot is permitted from the primary street.

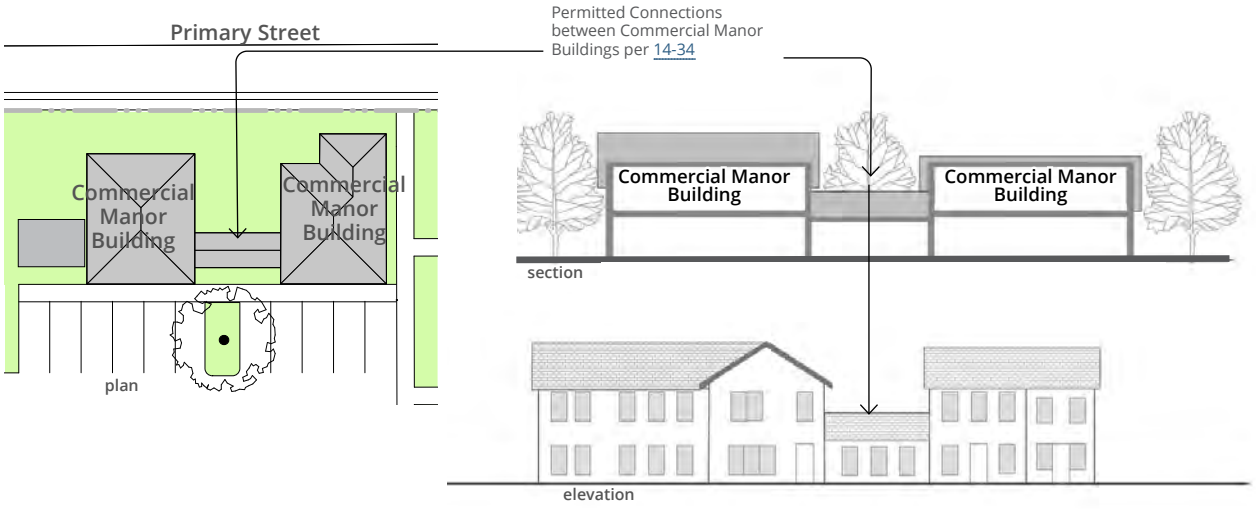


Figure 3-6. Commercial Manor Building: Connections

14-35 Commercial Centers

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

(1) Intent

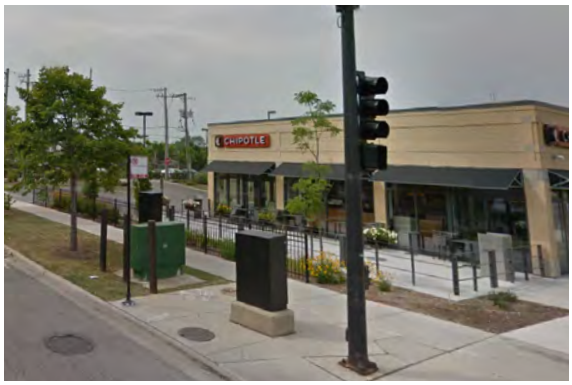
The Commercial Center building type is intended to accommodate multiple buildings on one site and more automobile parking, while maintaining pedestrian accessibility. Similar to the Storefront building, a high level of storefront glass and regularly spaced entrances along the front and main parking lot facades increases walkability within the center, while buildings fronting the street provides interest and scale for pedestrians on the perimeter.

(2) Illustrative Images

The images shown in Figure 3-7 are intended to generally illustrate the character of commercial center buildings. The buildings and sites in each image do not necessarily comply with all applicable commercial center building regulations.

Figure 3-7. Illustrative Examples of Commercial Center Building. Each building image may not exhibit all of the requirements of the building type.













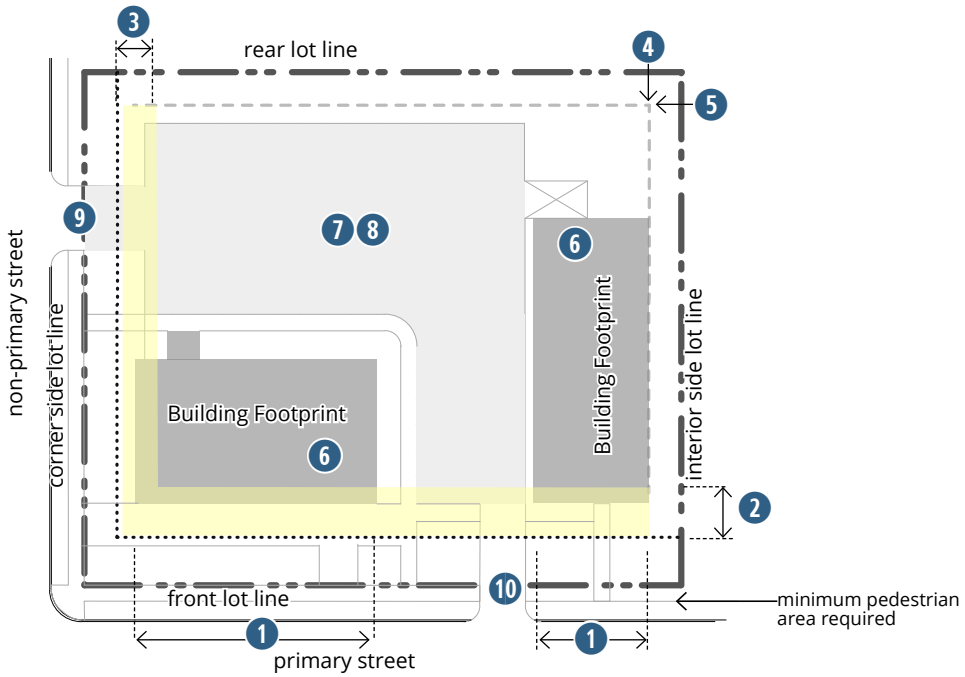
(3) Building Regulations

Commercial centers are subject to compliance with the regulations of general applicability specified in 14-31 and the building type-specific regulations of Table 3-5 (further illustrated in Figure 3-8). See Article XVI for rules governing how compliance with applicable regulations is measured.

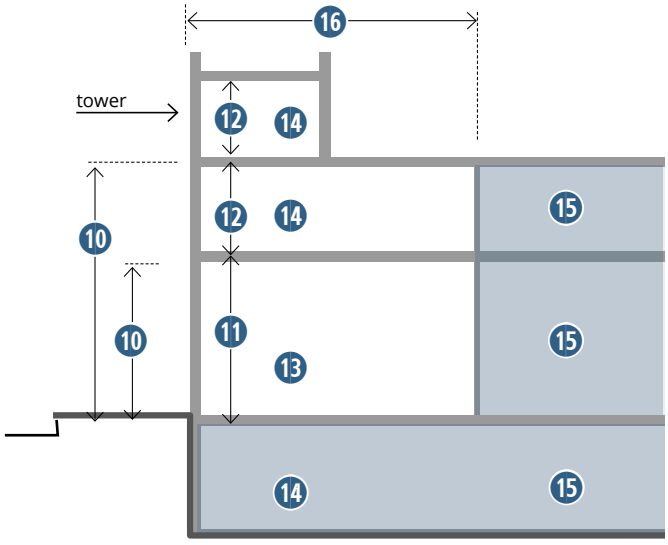
TABLE 3-5 — COMMERCIAL CENTER BUILDING REGULATIONS

		MX3	REFERENCES
(a) Building Siting			
1	Minimum Primary Frontage Coverage (%)	60	See 14-35(4) for allowed courtyards. See 14-35(4) for double frontage lots.
2	Primary Frontage Build-to Zone (feet)	0 to 15	See 14-31(9) for explanation of primary and non-primary frontages.
3	Non-Primary Frontage Build-to Zone (feet)	0 to 10	
4	Minimum Side Setback (feet)	0; 10, if abutting residential district	
5	Minimum Rear Setback (feet)	15 ; 0 if abutting an alley	
6	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 15	
7	Surface or Accessory Parking Yard Location	Center, rear, interior side	See 14-35(4) for pedestrian pathways. See 14-35(4) for explanation of limited side yard parking.
8	Refuse & Recycling, Utilities, & Loading Yard Location	Rear	See Article X for screening regulations.
9	Permitted Driveway Access Location Permitted Garage Entry Facade Location	1 per 300 feet of street frontage Rear, interior side, or non-primary street facade	See 14-87 for hierarchy of allowed driveway access. See 14-92 for doors off street.
(b) Height			
10	Overall: Minimum Height (stories) Maximum Height (stories) Maximum Height (feet)	1 5; 3, if located less than 100 feet from any R district lot line 66; 54, if located less than 100 feet from any R district lot line	See 14-35(4) for step-back regulations
11	Ground-Story: Minimum Height (feet) Maximum Height (feet)	14 18	Stories are measured floor to floor. See 14-32(8)(4) for taller floor to floor heights for warehouse retail.
12	Upper Stories: Minimum Height (feet) Maximum Height (feet)	9 12	
(c) Uses			
13	Primary Frontage Ground-Story Allowed Uses	All uses allowed in accordance with Article VII	
14	Non-primary Frontage, All Upper Stories, & Basement Allowed Uses		
15	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories	
16	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement	See 14-163(15) for definition of occupied space.
(d) Facade & Cap Requirements			
17	Minimum Transparency: Ground-Story Primary Frontage & Main Parking Facades (%)	60, measured between 2 and 8 feet above sidewalk	14-31(9)(f) requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per 14-161(14).
18	Minimum Transparency: All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories (including half stories	
19	Minimum Primary Frontage & Main Parking Principal Entrances	1 per every 60 feet of facade, recessed between 3 and 8 feet, up to 8 feet wide outside BTZ	See 14-92(5) for Principal Entryway regulations.
20	Entrance/Ground-Story Elevation (feet)	Within 1.5 of adjacent sidewalk grade	See Article XIV for measuring.
21	Ground-Story Vertical Facade Divisions on Primary Frontage & Main Parking Facades	One shadow line per every 30 feet of facade width	See 14-163(19) for definition of shadow line. See 14-92 for building articulation, including building variety.
22	Horizontal Facade Divisions on Primary Frontage & Main Parking Facades	One shadow line within 3 feet of the top of the ground-story on multi-story buildings	
23	Permitted Cap Types	Parapet, pitched, flat; tower permitted	See 14-39 for building cap regulations.
24	Building Facade Material	See 14-91 for major and minor facade materials regulations	

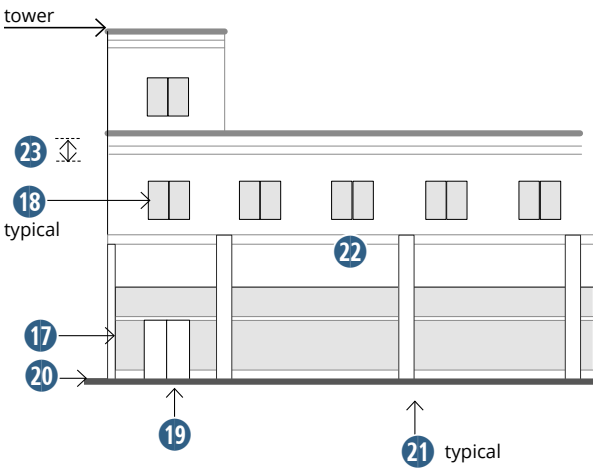
Figure 3-8. Commercial Center



Building Siting



Height and Uses



Facade Design

(4) Supplemental Commercial Center Regulations

The supplemental regulations of this subsection apply to commercial centers.

(a) Double Frontage Lots

Double frontage lots that are deeper than 120 feet and share a primary frontage with an R district must provide the following:

1. The Row or General building types must front the adjacent R district primary street.
2. The Commercial Center lot must incorporate an interior alley, lane, or drive to provide access to both the Commercial Center building parking and the garage/ parking for the Row building.
3. The rear of all buildings must be fully screened by building from both primary streets.

(b) Courtyards

One courtyard, maximum of 30 of facade width or 50 feet wide, whichever is less, may count towards the minimum primary frontage coverage.

(c) Minimum Pedestrian Area

Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone must begin at 12 feet from the back of curb and extend into the site the depth defined.

(d) Pedestrian Pathway

Direct, continuous separate pedestrian pathways are required connecting the sidewalk along the primary frontage to each shop door on the main parking lot frontage, and dividing parking lots into segments no longer than 300 feet in length.

(e) Limited Side Yard Parking

Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, is permitted in the interior side yard. Maximum width of double-loaded is 60 feet and 40 feet for single-loaded, measured along the right-of-way. Parking screening is required in accordance with 14-103.

(f) Warehouse-Retail Space

Taller floor to floor heights may be permitted for warehouse-retail space with approval of a design exception per 14-125 and where all other primary frontage and main parking lot frontage ground-story requirements are met:

1. The maximum height of the primary or main parking frontage is increased to up to 28 feet for a maximum 24-foot wide segment.
2. When the primary and main parking frontage ground-story maximum height is met per the 30-foot depth required in 14-161(13) and the maximum height of any non-primary street is met per the “all stories” height, or, the remainder of the ground-story shall have a maximum height of 28 feet.
3. The taller space shall not front any other street.
4. The taller space shall not be more than 30 feet from any other side, or rear lot line.

14-36 General Buildings

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

(1) Intent

The General building type is a basic building that can accommodate a wide range of uses, from residential for apartment and/or condominium buildings to office buildings. The General building type does not call for ground-floor storefront glass, but requires the same minimum level of transparency on the ground and upper stories. Additionally, unlike the Storefront building type, the ground-story may be elevated above the sidewalk level.

(2) Illustrative Images

The images shown in Figure 3-9 are intended to generally illustrate the character of general buildings. The buildings and sites in each image do not necessarily comply with all applicable general building regulations.

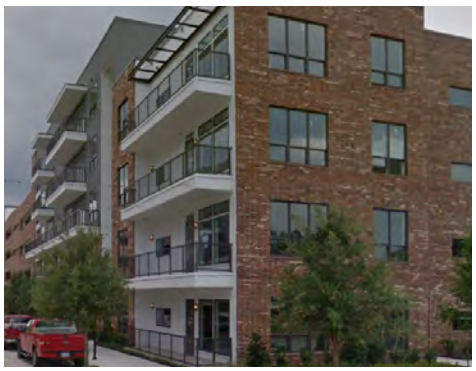
Figure 3-9. Illustrative Examples of General Building













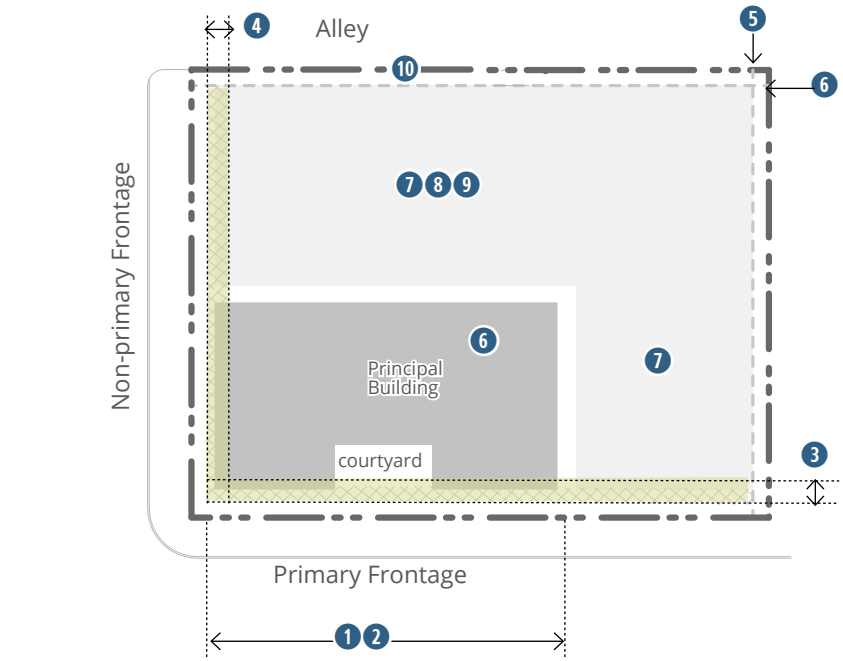
(3) Building Regulations

General buildings are subject to compliance with the regulations of general applicability specified in 14-31 and the building type-specific regulations of Table 3-6 (further illustrated in Figure 3-10). See Article XVI for rules governing how compliance with applicable regulations is measured.

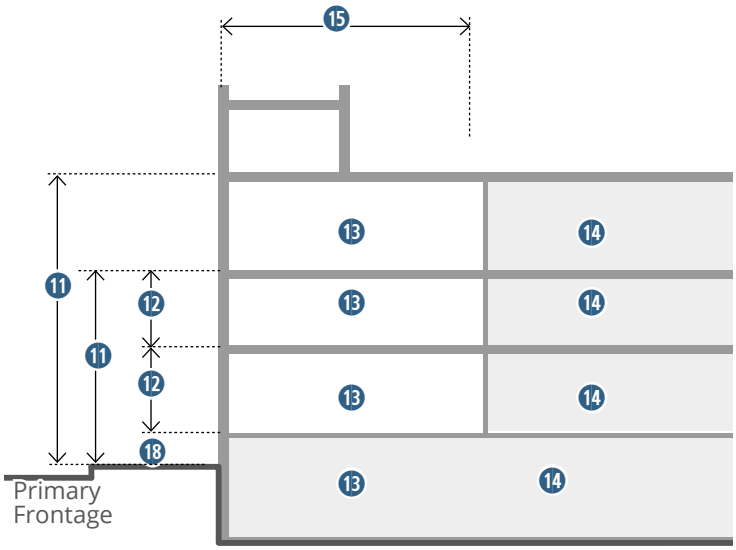
TABLE 3-6 — GENERAL BUILDING REGULATIONS

		GX1	GX2	REFERENCES
(a)	**Building Siting**			
1	Minimum Primary Frontage Coverage (%)	80	75	See 14-36(4) for allowed courtyards.
2	Maximum Building Width (feet)	none	120	
3	Primary Frontage Build-to Zone (feet)	5 to 15	10 to 20	See 14-36(4) for deeper setback adjacent to R district. See 14-31(9) for explanation of primary and non-primary frontages.
4	Non-Primary Frontage Build-to Zone (feet)	5 to 15	5 to 35	
5	Minimum Side Setback (feet)	5; 10, if abutting other building type		
6	Minimum Rear Setback (feet)	15	25	
7	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 15	65 25	
8	Surface or Accessory Parking Yard Location	Rear	Rear, limited side	See 14-36(4) for explanation of limited side yard parking.
9	Refuse & Recycling, Utilities, & Loading Yard Location	Rear		See Article X for screening regulations.
10	Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley only; if no alley exists, one off non-primary street Rear or non-primary street facade		See 14-87 for hierarchy of allowed driveway access. See 14-92 for doors off street.
(b)	**Height**			
11	Overall: Minimum Height (stories) Maximum Height (stories) Maximum Height (feet)	2 5; step-backs required above 3rd story 66	1.5 3 54	See 14-36(4) for step-back regulations. See 14-161(13) for measuring height. Height is measured from street, not river-trail frontage.
12	All Stories: Minimum Height (feet) Maximum Height (feet)	9 12	9 12	Stories are measured floor to floor.
(c)	**Uses**			
13	All Frontages & Stories	All uses allowed in accordance with Article VII		See Article VII for allowed uses.
14	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories		
15	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement		See 14-163(15) for definition of occupied space.
(d)	**Facade & Cap Requirements**			
16	Minimum Transparency: All Street & River -Trail Frontage Facades (%)	15, measured per story of all stories		Blank wall limitations apply to primary frontage facades per 14-161(14).
17	Minimum Primary & River Frontage Principal Entrances	One per every 90 of building facade, off a stoop, minimum 6 wide and 3 deep		See 14-92(5) for Principal Entryway regulations.
18	Entrance/Ground-Story Elevation (feet)	Within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)		See Article XIV for measuring.
19	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 100 feet of facade width		See 14-163(19) for definition of shadow line. See 14-92 for building articulation, including building variety.
20	Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of the top of the ground-story on any street facade		
21	Permitted Cap Types	Parapet, flat, pitched; tower permitted		See 14-39 for building cap regulations.
22	Building Facade Material	See 14-91 for major and minor facade materials regulations		

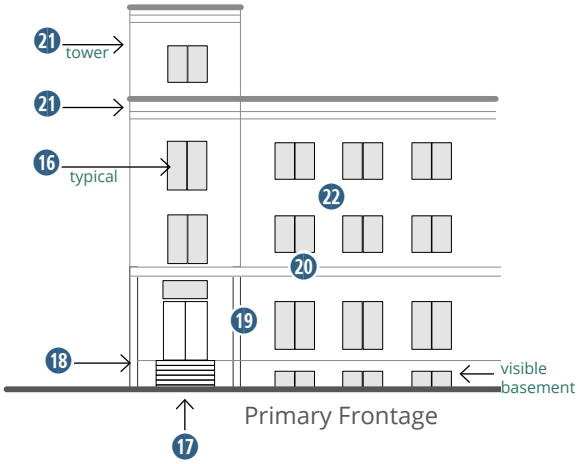
Figure 3-10. General Building



Building Siting



Height and Uses



Facade Design

(4) Supplemental General Building Regulations

The supplemental regulations of this subsection apply to general buildings.

(a) Courtyards

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

(b) Build-to Zone Exceptions

For the General building, the primary street or the non-primary street build-to zone may expand to between 5 and 25 feet for a maximum of 15% of the frontage to allow for additional seating, plaza, or landscape area.

(c) Step-Back Regulations

1. Where required, upper stories must be set back from lower stories a minimum 12 feet.
2. Step-backs are required along street frontages and at side yards abutting an R district.
3. Lower stories must be capped with a permitted building cap. The roofs of the lower stories may be used for terraces.

(d) Build-to Zones Adjacent to R Districts

Where adjacent an R district, the build-to zone may be expanded up to the setbacks of adjacent buildings.

(e) Limited Side Yard Parking

Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, is permitted in the interior side yard. Maximum width of double-loaded is 60 feet and 40 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. Parking screening is required in accordance with 14-103.

14-37 Row Buildings

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

(1) Intent

The row building type is similar to the General building, but is smaller in scale and divided into a series of vertical units each with separate entrances.

(2) Illustrative Images

The images shown in Figure 3-11 are intended to generally illustrate the character of row buildings. The buildings and sites in each image do not necessarily comply with all applicable row building regulations.

Figure 3-11. Illustrative Examples of Row Building. Each building image may not exhibit all of the requirements of the building type.











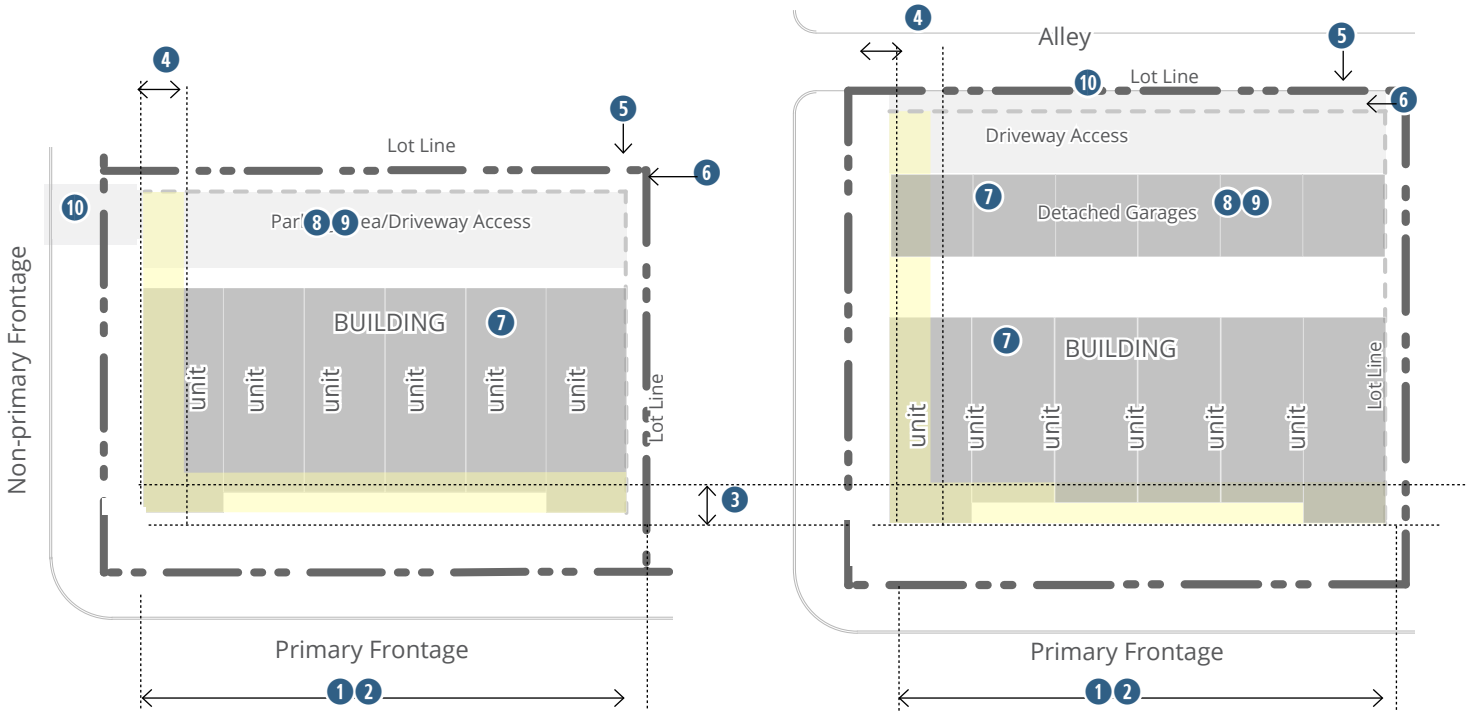
(3) Building Regulations

Row buildings are subject to compliance with the regulations of general applicability specified in 14-31 and the building type-specific regulations of Table 3-7 (further illustrated in Figure 3-8). See Article XVI for rules governing how compliance with applicable regulations is measured.Supplemental Row Building Regulations.

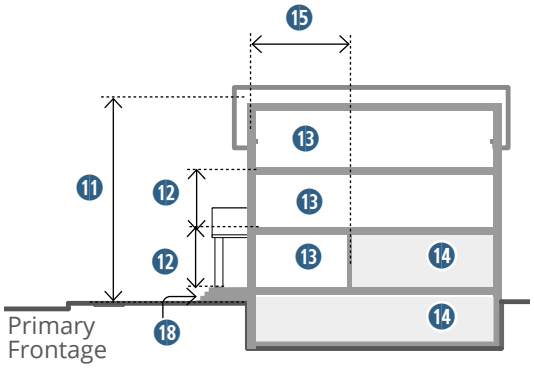
TABLE 3-7 — ROW BUILDING REGULATIONS

		GX1	GX2	REFERENCES
(a)	**Building Siting**			
	For the purposes of the Row building types, a building consists of multiple units.			
1	Minimum Primary Frontage Coverage (%)	80	75	See 14-37(4) for allowed courtyards.
2	Maximum Building Width (feet)	8 units or 200 feet, whichever is less		Building width is measured along street faces.
3	Primary Frontage Build-to Zone (feet)	0 to 20	10 to 20	See 14-37(4) for build-to zones at courtyards. See 14-31(9) for explanation of primary and non-primary frontages.
4	Non-Primary Frontage Build-to Zone (feet)	5 to 15	5 to 35	
5	Minimum Side Setback (feet) Minimum Space between Buildings (feet)	5; 10, if abutting other building type 15		
6	Minimum Rear Setback (feet)	15; 0 adjacent to alley	25; 5 adjacent to alley	
7	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 15	65 15	
8	Surface or Accessory Parking Yard Location	Rear	Rear	
9	Refuse & Recycling, Utilities, & Loading Yard Location	Rear		See Article X for screening regulations.
10	Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley only; if no alley exists, one off non-primary street Rear		See 14-87 for hierarchy of allowed driveway access. See 14-92 for doors off street.
(b)	**Height**			
11	Overall: Minimum Height (stories) Maximum Height (stories) Maximum Height (feet)	2 3.5 48	1 2.5 36	See 14-161(13) for measuring height. Height is measured from street, not river-trail frontage.
12	All Stories: Minimum Height (feet) Maximum Height (feet)	9 12	9 12	Stories are measured floor to floor. .
(c)	**Uses**			
13	All Frontages & Stories	All uses allowed in accordance with Article VII		See Article VII for allowed uses.
14	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories		
15	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 for all full height floors; not required in any basement		See 14-163(15) for definition of occupied space.
(d)	**Facade & Cap Requirements**			
16	Minimum Transparency: All Street & River/ Trail Frontage Facades (%)	15, measured per story of all stories		Blank wall limitations apply to primary frontage facades per 14-161(14).
17	Minimum Primary & River Frontage Principal Entrances	Each unit requires one principal entrance on a street, courtyard, or open space facade. Minimum of one principal entrance required per 30 feet of primary street facade.		See 14-37(4) for allowance for entrances off courtyards. See 14-92(5) for Principal Entryway regulations.
18	Entrance/Ground-Story Elevation (feet)	Within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required		See Article XIV for measuring.
19	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 60 feet of street facade width or every 2 units, whichever is less		See 14-163(19) for definition of shadow line. See 14-92 for building articulation, including building variety.
20	Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of any visible basement on any street facade		
21	Permitted Cap Types	Parapet, flat, pitched; one tower permitted per building		See 14-39 for building cap regulations.

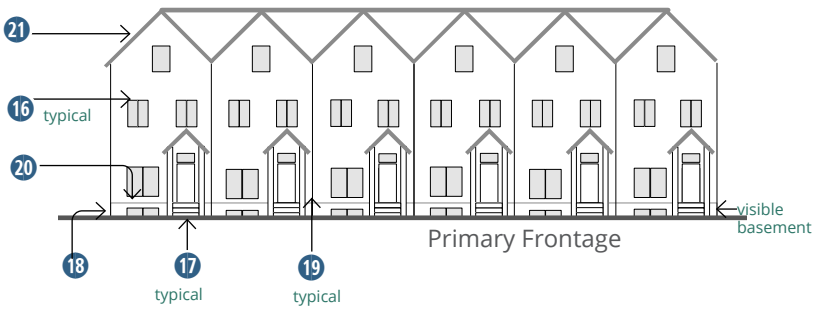
Figure 3-12. Row Building



Building Siting



Height and Uses



Facade Design

(4) Supplemental Row Building Regulations

The supplemental regulations of this subsection apply to row buildings.

(a) Courtyards

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

(b) Build-to Zone at Courtyards

For units fronting courtyards or open space, the build-to zone is measured from the edge of the courtyard or lot line of the open space. See Figure 3-13.

(c) Front Facades and Entrances

Each unit must have a facade located within the primary build-to zone, except 1 of every 3 units may front a courtyard, open space, or non-primary street with its principal entrance. See Figure 3-13.

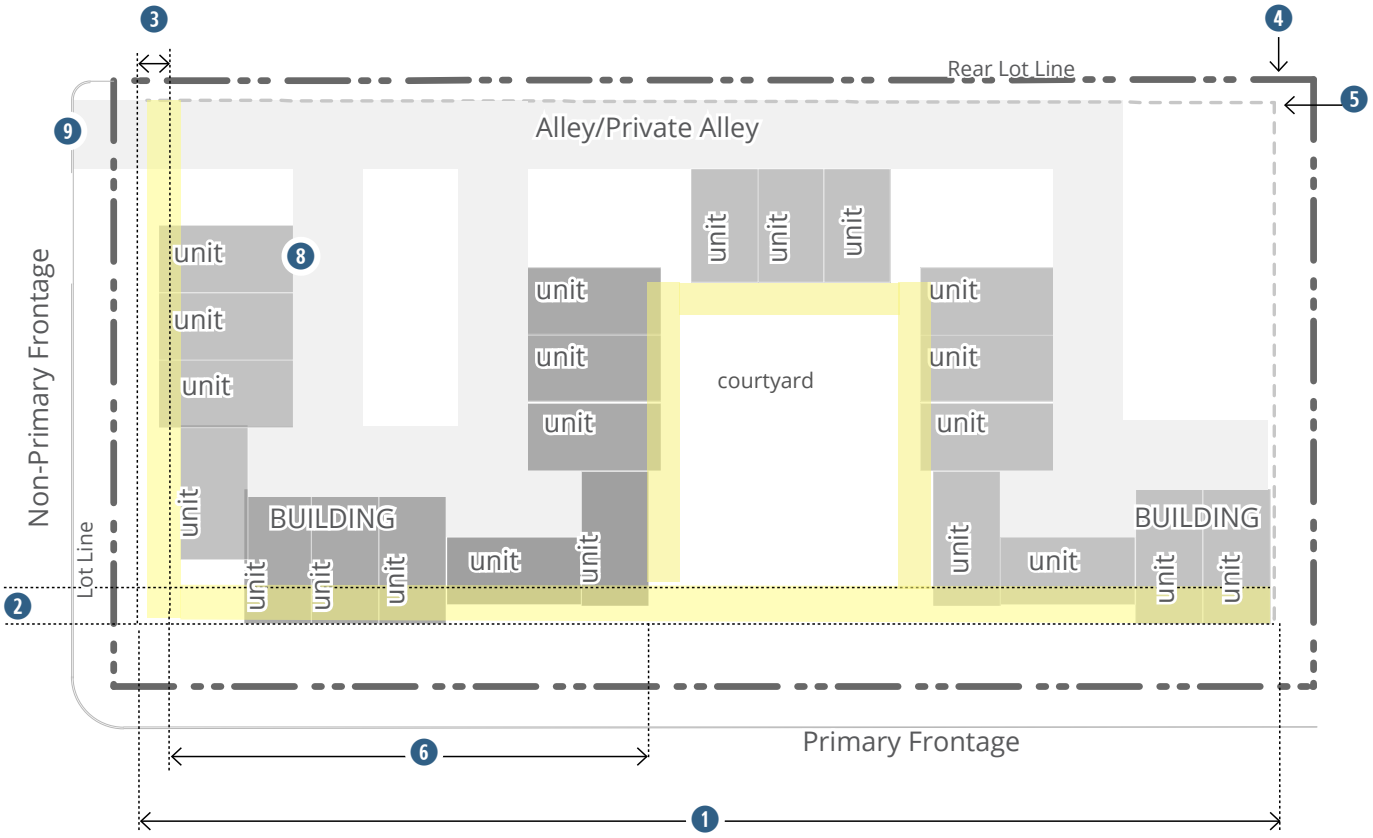


Figure 3-13. Row Building: Courtyard Layout Example

14-38 Civic Buildings

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

(1) Intent

The civic building type regulations are the most flexible building type regulations and are intended to allow for singular, more iconic designs. The civic building type is allowed only for buildings occupied by civic and institutional uses. Civic buildings may include private buildings such as museums and cultural centers.

(2) Illustrative Images

The images shown in Figure 3-14 are intended to generally illustrate the character of civic buildings. The buildings and sites in each image do not necessarily comply with all applicable civic building regulations.

Figure 3-14. Illustrative Examples of Civic Building. Each building image may not exhibit all of the requirements of the building type.









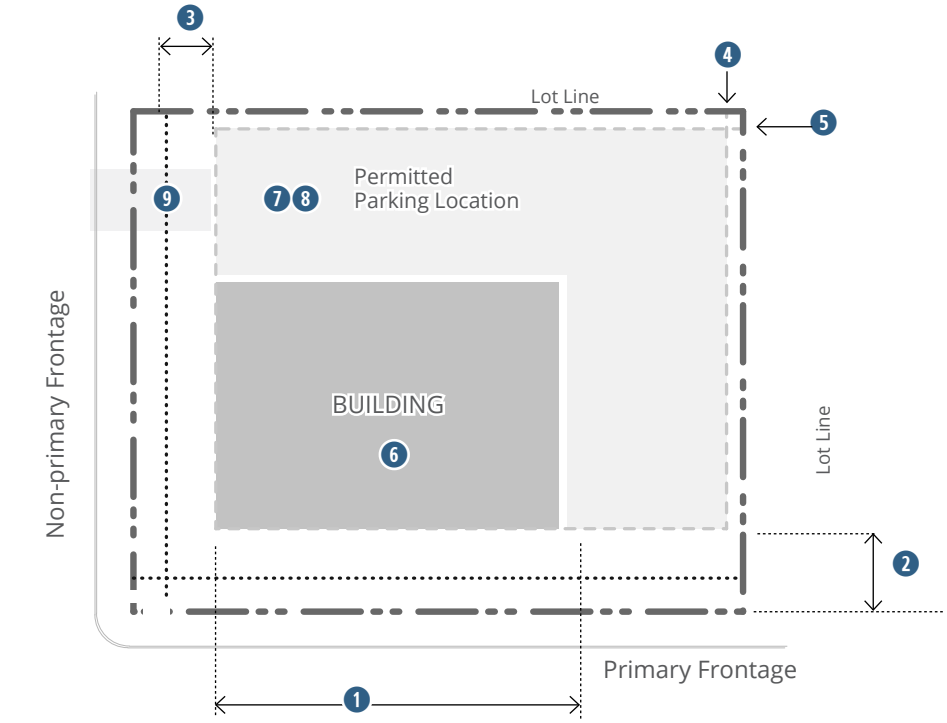
(3) Building Regulations

Civic buildings are subject to compliance with the regulations of general applicability specified in 14-31 and the building type-specific regulations of Table 3-8 (further illustrated in Figure 3-15). See Article XVI for rules governing how compliance with applicable regulations is measured.

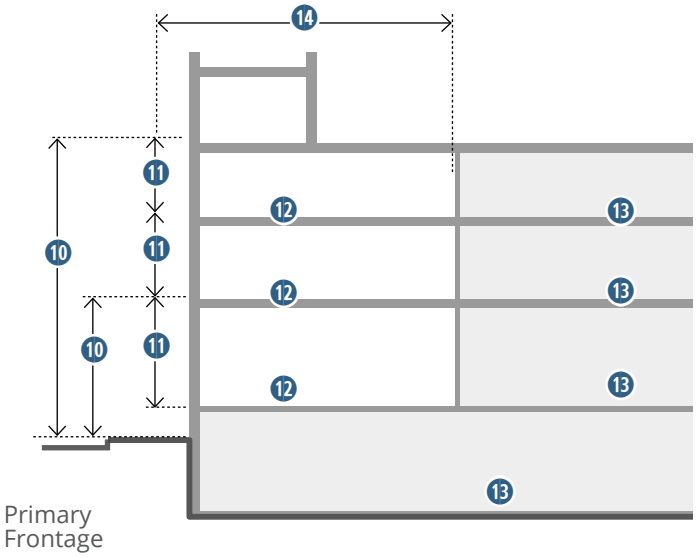
TABLE 3-8 — CIVIC BUILDING REGULATIONS

		ALL LOCATIONS	REFERENCES
(a)	**Building Siting**		
1	Minimum Primary Frontage Coverage (%)	none required	
2	Primary Frontage Setback (feet)	15	See 14-31(9) for explanation of primary and non-primary frontages.
3	Non-Primary Frontage Setback (feet)	10	
4	Minimum Side Setback (feet)	15	
5	Minimum Rear Setback (feet)	15	
6	Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	50 30	
7	Surface or Accessory Parking Yard Location	Rear, limited side yard	
8	Refuse & Recycling, Utilities, & Loading Yard Location	Rear	See Article X for screening regulations.
9	Permitted Driveway Access Location Permitted Garage Entry Facade Location	Side or rear yard Rear or side facade	See 14-87 for hierarchy of allowed driveway access. See 14-92 for doors off street.
(b)	**Height**		
10	Overall: Minimum Height (stories) Maximum Height (stories) Maximum Height (feet)	1 3 54	
11	All Stories: Minimum Height (feet) Maximum Height (feet)	9, 15 for single story building 18, 24 for single story building	Stories are measured floor to floor.
(c)	**Uses**		
12	All Frontages & Stories	Limited to those public and civic uses allowed in accordance with Article VII	See Article VII for allowed uses.
13	Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories	
14	Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement	See 14-163 for definition of occupied space.
(d)	**Facade & Cap Requirements**		
15	Minimum Transparency: All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories (including half stories	Blank wall limitations apply to primary frontage facades per 14-161.
16	Minimum Primary Frontage Principal Entrances	Principal entrance required on primary frontage facade	See 14-92(5) for Principal Entryway regulations.
17	Entrance/Ground-Story Elevation (feet)	Principal entrance and 80 of the ground-story must be within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)	
18	Ground-Story Vertical Facade Divisions on Primary Frontage & Main Parking Facades	No requirement; one deep shadow line recommended per every 60 of facade width, whichever is less	See 14-163(19) for definition of shadow line. See 14-92 for building articulation, including building variety.
19	Horizontal Facade Divisions on Primary Frontage & Main Parking Facades	No requirement; one deep shadow line recommended within 3 ft. of any visible basement	
20	Permitted Cap Types	Parapet, pitched, flat, other with design exception per XXX; tower permitted	See 14-39 for building cap regulations.

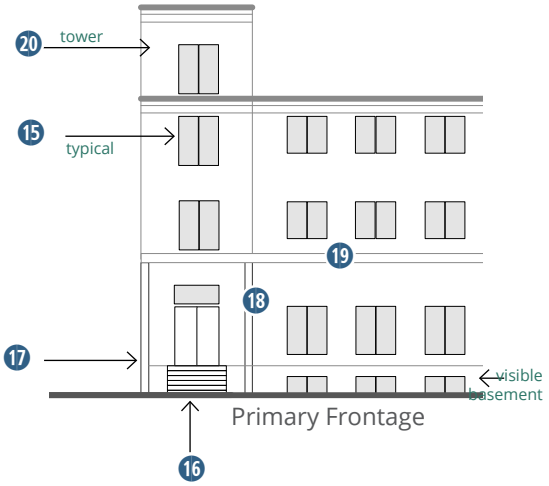
Figure 3-15. Civic Building



Building Siting



Height and Uses



Facade Design

14-39 Building Cap Types

(1) General Regulations

(a) The major components of any roof must comply with the regulations established for one of the types of building caps permitted for the subject building type.

(b) Roofs for bay or bow windows and dormers are not required to comply with building cap regulations.

(c) Terraces, green roofs, rooftop gardens, and other outdoor facilities are permitted on any roof, except any permanently covered area is considered a story. Where the cover is visible from any public way or open space, it must comply with the regulations applicable to the subject type. The tower may be applied to these outdoor areas.

(2) Parapet Cap

A parapet is a low wall projecting above a building's roof along the perimeter of the building on all street facades and facades visible from the street or any open or civic space (see Figure 3-16).

(a) Parapet Height
Height is measured from the top of the upper story to the top of the parapet. Minimum height is 2 feet with a maximum height of 6 feet. Horizontal shadow lines. A shadow line must define the parapet from the upper stories of the building and must also define the top of the cap. See 14-163 for definition of shadow line.

(b) Occupied Building Space
Occupied building space is not allowed behind a parapet cap.

(c) Rooftop Appurtenances
With the exception of solar panels, any rooftop appurtenances must be located towards the rear or interior of the parapet roof. The parapet must screen the mechanicals from the elevation of the sidewalk across the street

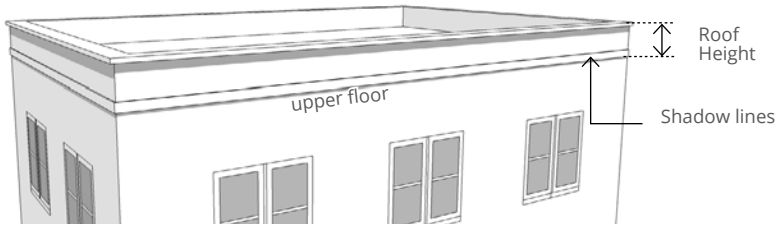


Figure 3-16. Example of a Parapet Cap Type

(3) Flat Cap

A flat cap is a visibly flat roof with overhanging eaves (see Figure 3-17).

(a) Configuration
The roof may not include a visible slope from the street and eaves are required on all primary and non-primary frontage facades and facades visible from the street, any open space, or any civic space.

(b) Eave Depth
Eave depth is measured from the building facade to the outside edge of the eave. Eaves must have a depth of at least 14 inches.

(c) Eave Thickness
Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves must be a minimum of 6 inches thick.

(d) Interrupting Vertical Walls
Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.

1. No more than one-third of the front facade may consist of an interrupting vertical wall.
2. Vertical walls must extend no more than 8 feet above the top of the eave.

(e) Occupied Building Space
Occupied building space may not be located behind a flat cap.

(f) Rooftop Appurtenances
With the exception of solar panels, any rooftop appurtenances must be located behind the interrupting vertical wall with no visibility on any street elevation drawing.

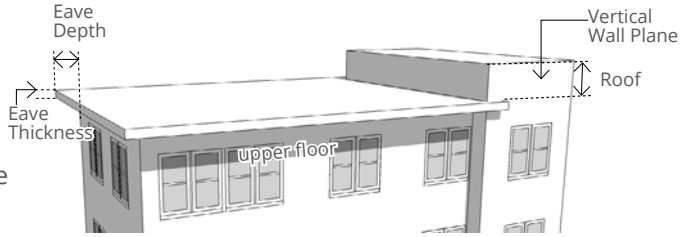


Figure 3-17. Example of a Flat Cap Type

(4) Pitched Cap

A pitched cap is a sloped or pitched roof, where the slope occurs on all street facades, any open space facade, and civic space facade. Slope is measured with the vertical rise divided by the horizontal span or run (see Figure 3-18).

(a) Pitch Measure

The roof may not be sloped less than a 4:12 (rise:run) or more than 14:12. Slopes less than 4:12 are permitted to occur on second story or higher roofs.

(b) Configurations.

1. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
2. Butterfly (inverted gable roof) and shed roofs are permitted with an approved design exception.
3. Gambrel and mansard roofs are not permitted.

(c) Parallel Ridge Line

A gabled end or perpendicular ridge line must occur at least every 100 feet of roof when the ridge line runs parallel to the front lot line. (See Figure 3-18).

(d) Roof Height

1. Roofs without occupied building space and/or dormers must have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the subject building's upper-story floor to floor height.
2. Where a maximum building height in feet is required per the building type regulations, the height is measured to the peak of any pitched roof.

(e) Occupied Building Space

Occupied building space may be incorporated behind a pitched cap. If used, the occupied space counts as a half story.

(f) Rooftop Appurtenances

With the exception of solar panels, any rooftop appurtenances must be recessed within the pitched roof with no visibility on any street elevation drawing.

(5) Other Caps

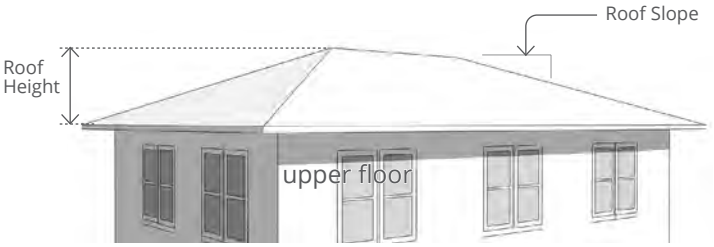
Special building cap designs not otherwise defined in this section may be approved as a design exception, subject to the following:

(a) The building or portion of building approved as an alternative building cap must be determined to warrant a separate status from the majority of buildings in the zone, with a correspondence between the form of the cap and the building use, such as a dome for a planetarium, a dome for a place of worship, or a unique, singular roof for a more distinctive performing arts venue.

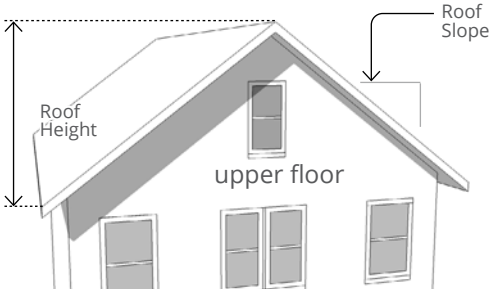
Figure 3-18. Examples of Pitched Cap Type



Parallel Pitched



Low Pitched Roof Cap Type (Hip Roof)



Pitched Cap Type (Gable Roof)

(b) The approved alternative building cap may not create additional occupiable space beyond that permitted by the building type.

(c) The shape of the roof must be different from those expressly defined in this section, such as a dome, spire, steeple, or vault, and not a gabled roof, hipped roof, roof with parapet, or flat roof.

(6) Towers

A tower is a vertical element, polygonal (simple), rectilinear or cylindrical in plan used with other types of building caps (see Figure 3-19).

(a) Location and Quantity
Unless otherwise defined in the building type tables, the following regulations apply:

1. A maximum of 2 towers total are permitted within 15 feet of all street facades
2. Two additional towers are permitted a minimum of 30 feet from a street facade.
3. Towers may not be located within any required step-back per the building type.

(b) Tower Height
Maximum height, measured from the top of the parapet or eave to the top of the tower shaft not including the cap, is the equivalent of the height of one upper floor of the building to which the tower is applied.

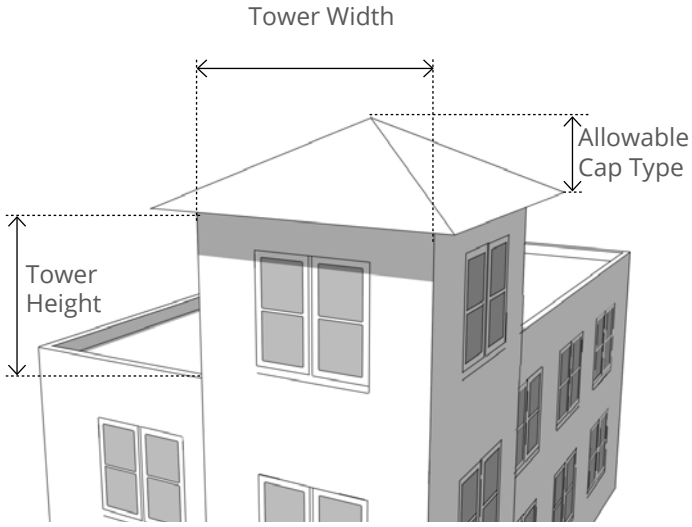


Figure 3-19. Example of a Tower

(c) Tower Width
Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.

(d) Tower Spacing
Towers must be generally spaced from other towers a minimum of 60 feet and specifically by a minimum of 120 feet along a primary or non-primary frontage facade.

(e) Transparency
Towers that comply with the minimum floor-to-floor to height of the building type and are located within 30 feet of a facade must comply with the minimum transparency requirements of the building.

(f) Horizontal Shadow Lines
A shadow line is required between the 4th and 5th stories of any tower and at the cap of the tower.

(g) Occupied Building Space
Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied, unless otherwise stated.

(h) Rooftop Appurtenances
No rooftop appurtenances are permitted on tower roofs.

(i) Tower Cap
The tower may be capped by the parapet, pitched, or flat building cap.

(j) Steeples
A steeple may be approved through a design exception as an "other cap" per 14-39(5) and combined with a tower.

DRAFT

ARTICLE IV. COMMERCIAL AND EMPLOYMENT DISTRICTS

14-40 Districts.....4-1
14-41 Generally Applicable Regulations.....4-1
14-42 Through 14-49 Reserved.....4-3

14-40 Districts

(1) Districts Established

The city's commercial and employment zoning districts are listed in Table 4-1. When this zoning ordinance refers to "commercial and employment" zoning districts, it is referring to all of these districts.

TABLE 4-1 — COMM. AND EMPLOYMENT DISTRICTS

Symbol	District Name
OFFICE	
O[1]	Office
COMMERCIAL	
C[2]	Highway Commercial
INDUSTRIAL	
BP-1[3]	Business Park 1
BP-2[4]	Business Park 2
I[5]	Industrial

(2) District Descriptions

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

(b) Office (O) District. The office (O) district is primarily intended to accommodate office development in the form of stand-alone office buildings and office parks.

(c) Highway Commercial (C) Districts. Highway commercial (C) districts are primarily intended to accommodate attractive, auto-oriented commercial development along major highways and corridors.

(d) Business Park Districts.

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

2. Business Park 2 (BP-2) District. The BP-2 district is primarily intended to accommodate smaller lot office and industrial uses that create few if any adverse land use or safety impacts on neighboring areas.

(e) Industrial (I) District. The Industrial (I) district is primarily intended to accommodate uses with very high potential for adverse land use impacts, which makes the district unsuitable for location in or near established residential or low-intensity neighborhood settings.

1 Existing C-EO
2 Existing HWY41-A, HWY41-B, B-2 and B-3 along S Ashland
3 Proposed consolidation of I-1 and I-B-1
4 Proposed consolidation of I-2 and I-B-2
5 Existing I-3

14-41 Generally Applicable Regulations

(1) Allowed Uses

Uses are allowed in commercial and employment districts in accordance with the use regulations of Article VII.

(2) Lot and Building Regulations

All principal buildings in commercial and employment districts are subject to compliance with the lot and building regulations of Table 4-2 (see also Figure 4-1).

(3) Accessory Uses and Structures

See 14-78.

(4) Parking

See Article VIII.

(5) Landscaping and Screening

See Article X.

(6) Signs

See Article XI.

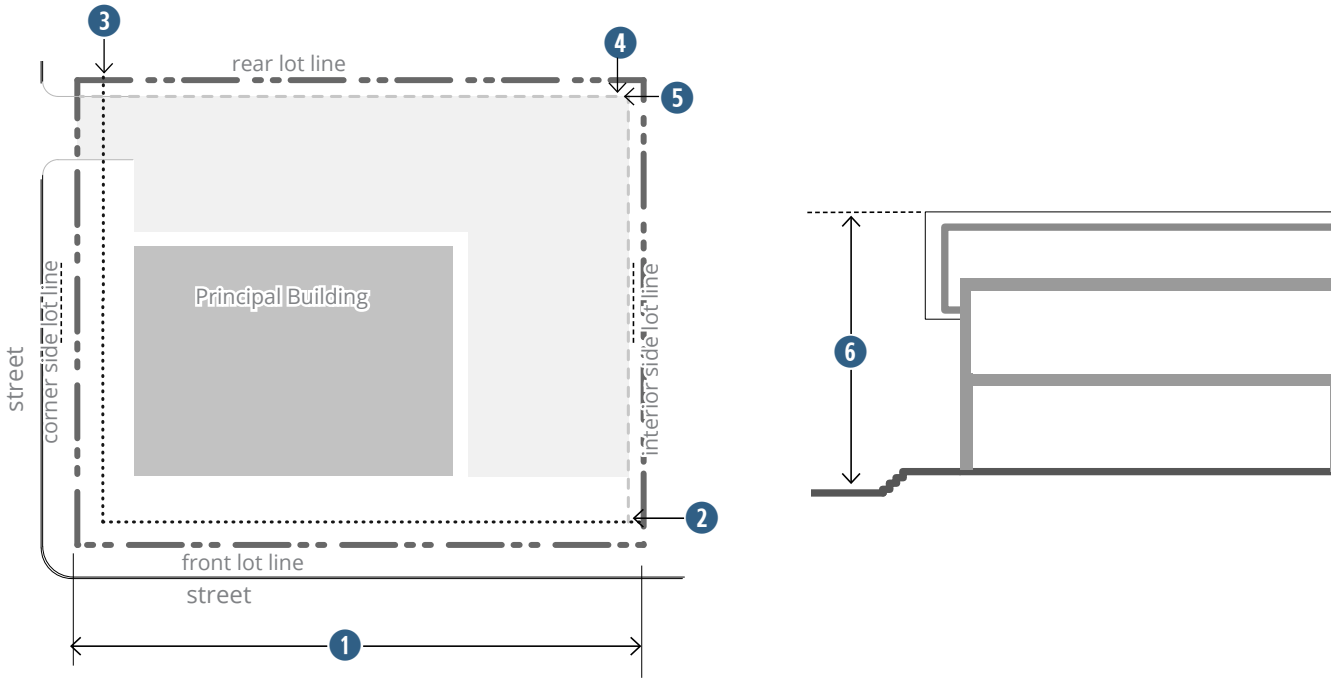
(7) Design

See Article IX.

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

[1] Minimum 50 when abutting residential zoning district
[2] Additional landscaping or fence required to provide visual screening when abutting residential zoning district
[3] 35 feet within 100 feet of residential zoning district

Figure 4-1. Buildings in Commercial & Employment Districts



14-42 Through 14-49 Reserved

page intentionally blank

DRAFT

ARTICLE V. SPECIAL DISTRICTS

14-50 General 5-1
14-51 AG, Agricultural District 5-1
14-52 CON, Conservancy District 5-1
14-53 PI, Public & Institutional Districts 5-2
14-54 PUD, Planned Unit Development District 5-5

14-50 General

(1) Purpose

Like overlay zoning districts, special purpose zoning districts are tools for addressing unique areas or accomplishing special planning and zoning goals. Unlike overlay districts, however, special districts are base zoning classifications; they do not "over-lay" other base zoning districts.

(2) Establishment

Special purpose districts may be established, amended or removed only in accordance with the zoning map amendment procedures of 14-122.

14-51 AG, Agricultural District[1]

(1) Purpose

The Agricultural (AG) district is generally intended to accommodate the continuation of farming activities and related uses in those areas of the city that are not yet suitable for or committed to more urban intensity development.

(2) Uses Allowed

Uses are allowed in the AG district in accordance with the use regulations of Article VII.

(3) Lot and Building Regulations

The lot and building regulations of Table 5-1 apply to all uses in the AG district.

TABLE 5-1 — LOT AND BUILDING REGULATIONS (AG)

Regulation	
Minimum Lot Area (acres)	10
Minimum Building Setbacks (feet)	
Front	35
Street Side	50
Interior Side	25
Rear	25
Maximum Building Height (feet)	
Detached House	35
Farm Silo (feet)	60
Other Farm Buildings (feet)	40

(4) Outdoor Storage

(a) Farm implements and machinery shall be stored inside accessory structures during periods of non-use. Storage of farm implements is not permitted in building setbacks.

(b) Parking and outdoor storage of recreational vehicles is permitted only when no monetary or in-kind gain is realized by the property owner and such parking or storage occurs in the following areas:

1. In a garage;
2. In the rear yard;
3. In the front yard on a driveway (allowed from November 1 to April 1 for no more than 30 cumulative days and from April 1 to November 1 without a time limit); or
4. In the side yard no closer than 5 feet to the side yard lot line (allowed from November 1 to April 1 for no more than 30 cumulative days and from April 1 to November 1 without a time limit).

(c) Outdoor storage of commercial vehicles is prohibited in the AG district except that off-street parking of no more than one commercial vehicle with a gross weight exceeding 10,000 pounds is permitted.

1 Currently called "A-1"

14-52 CON, Conservancy District

(1) Purpose

The Conservancy (CON) district is generally intended to apply areas provdiing drainage drainage of surface and storm waters (whether under public or private ownership), and to protect and promote the general health, safety, and welfare of the community. The districts is generally intended to be applied only to natural water or drainage courses or ditches, swamps, marshes, or wetlands where ground water is at or near the surface much of the year and characterized by flooding in the spring and other times of high water.

(2) Permitted Uses

(a) The following uses are permitted in the CON district, subject to compliance with all applicable supplemental use regulations of 14-52(2)(b):

1. Forestry;
2. The harvesting of any wild crop, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds;
3. The cultivation of flowers;
4. Public utilities, including city stormwater management facilities;
5. Hunting and fishing (where not otherwise prohibited);
6. Preservation of habitat and natural resources;
7. Preservation of scenic and historic resources;
8. Recreational trails;
9. Raising of waterfowl, minnows, and other similar lowland fowl or fish;
10. Public and private parks, picnic areas, golf courses, and other open space and recreational areas; and
11. Open space accessory to a permitted uses on abutting lands.

(b) Uses permitted in the CON district are subject to compliance with the following supplemental regulations:

1. The property designated within such District shall be primarily reserved for the drainage of waters therein and shall be of a sufficient size to adequately handle or accommodate the maximum flow of such waters during high water periods.
2. No building, structure, or improvement shall be allowed within the district without the express finding and approval of the Board of Public Works and Common Council that the proposed building, structure or improvement will not obstruct the drainage of waters therein; if the proposed building, structure or improvement obstructs the drainage of such waters, the property owner may cause drainage facilities to be installed on such property within the district of adequate size to handle or accommodate the maximum flow of such water, as approved by the Board of Public Works and Common Council.
3. No filling of earth or dumping of any kind, or removal of soil or vegetation, or alteration of the area within the district shall be allowed without the express approval of the Board of Public Works and Common Council.

(3) Warning and Disclaimer of Liability

(a) The degree of flood protection intended to be provided by the regulations of the CON district and this ordinance in general is considered reasonable for normal water or flooding levels. The regulations of this ordinance do not imply that areas adjacent to district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damage.

(b) This zoning ordinance does not create a liability on the part of the city or any officer or employee thereof for any flood or water damage that may result from reliance or compliance with this zoning ordinance.

14-53 PI, Public & Institutional Districts[2]

(1) Mapping

The PI, Public and Institutional zoning district designations may be applied regardless of ownership of the land on which the use is located. PI zoning is intended to identify the public or institutional use of the subject property, not necessarily the ownership or control of the property.

2 New

(2) PI-1, Neighborhood Public & Institutional District

(a) Purpose

The PI-1, Neighborhood Public & Institutional district is intended to accommodate small-scale, low-intensity public, civic, and institutional uses that are commonly found in or near residential neighborhoods.

(b) Uses

Uses are allowed in PI-1 districts in accordance with the use regulations of Article VII.

(c) Lot and Building Regulations

1. Maximum District Area

   In order to maintain the intended low-intensity, neighborhood-scale character of the PI-1 district, the maximum contiguous PI-1 zoned area may not exceed 3 acres.

2. Lot and Building Regulations

   a. For uses permitted as of right, the size, location, and design of all buildings, structures, activity areas and other site improvements must comply with the lot and building regulations of the most restrictive abutting zoning district, except that no minimum lot area or lot width requirements apply in an PI-1 district.

   b. For uses requiring conditional use approval, the size, location, and design of all buildings, structures, activity areas and other site improvements must comply with the lot and building regulations of the most restrictive abutting zoning district, provided that no minimum lot area or lot width requirements apply in an PI-1 district and provided further that the decision-making body may establish more restrictive or less restrictive lot and building regulations at the time of conditional use approval.

3. Other Regulations

   Development in an PI-1 district is subject to all other applicable regulations of this zoning ordinance, including parking, landscaping and other regulations of general applicability.

(3) PI-2, Campus Public & Institutional District

The PI-2, Campus Public & Institutional district is intended to accommodate development and expansion of large, master-planned campuses, while minimizing the potential for adverse impacts on surrounding areas.

(a) Uses

1. Uses are allowed in PI-2 districts in accordance with the use regulations of Article VII. Uses listed as requiting conditional use approval and additional, unlisted uses are permitted by right if such uses are identified in an overall institutional master plan in accordance with the requirements of this section.

2. Multiple principal uses and buildings are allowed on a single lot in the PI-2 district.

(b) Development Review (Institutional Master Plans)

1. Applicability

   Unless otherwise expressly exempted, development review and approval is required before the issuance of any building or development permit in the PI-2 district. To comply with the development review requirements of this section, applicants have the option of:

   a. Securing conditional use approval for all proposed buildings, uses and development activities in the PI-2 district; or

   b. Submitting and securing approval of an overall institutional master plan in accordance with the requirements of this section.

2. Exemptions

   The following are exempt from the development review requirements of this section:

   a. Development that complies with a valid, approved institutional master plan;

   b. Interior building alterations if the alteration will not result in an increase in the number of employees or the creation of or need for additional parking spaces; and

   c. Exterior building modifications that will not result in an increase in the

number of employees or the creation of or need for additional parking spaces

(c) Lot and Building Regulations

1. Transitional Areas
The size, location, and design of all buildings, structures, activity areas and other site improvements located within 150 feet of the boundary of any abutting R zoning district, are subject to the abutting R district's lot and building regulations, except that no minimum lot area or lot width requirements apply in the PI-2 district.

2. Interior Site Areas
Areas of an PI-2-zoned site located more than 150 feet from the boundary of an abutting R zoning district are governed by the regulations approved at the time of conditional use or institutional master plan approval, whichever is applicable. Institutional master plans and conditional use applications must include the applicant's detailed description of the regulations proposed to be used.

(d) Institutional Master Plans

1. Purpose
Institutional master plan requirements provide a framework for development of large public, civic and institutional uses in campus-like settings. Approval of an institutional master plan is intended to protect the character and integrity of adjacent areas while allowing flexibility in site development and design that is not possible when development occurs on a lot-by-lot or building-by-building basis.

2. Planning Area
An institutional master plan must include all land located within the proposed PI-2 district and depict all land uses within the area extending out at least 300 feet from the PI-2 district boundary.

3. Existing Property and Uses
The institutional master plan must include a description of land, buildings, and other structures occupied by the institution as of the date of submission of the institutional master plan. At a minimum, the following information shall be required:

a. Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;

b. Land and building uses;

c. Gross floor area;

d. Building heights;

e. Landscaping and lighting; and

f. Off-street parking and loading facilities.

4. Uses and Development Envelope
The institutional master plan must include a description of all proposed land uses to be allowed and the land area and development envelope within which future development will occur. The development envelope shall be described in writing and through the use of drawings or models. The plan must include the following in describing the development envelope:

a. Floor area;

b. Height;

c. Setbacks;

d. Total open space; and

e. Total number of motor vehicle and bicycle parking spaces to be provided.

5. Transportation Plan
The institutional master plan must include a study that identifies traffic and parking impacts associated with the proposed use and a plan for mitigation of transportation-related impacts, including consideration of motorized and nonmotorized travel.

6. Landscape Plan
The institutional master plan must include a landscape plan identifying all proposed parking lot and perimeter landscaping, as well as any trees proposed to be removed from the site.

(e) Approval Procedures
Institutional master plans require review and approval in accordance with the zoning map amendment procedures of 14-122.

14-54 PUD, Planned Unit Development District[3]

(1) Purpose

The PUD, Planned Unit Development, district is established to accommodate development that would be difficult or impossible to carry out under otherwise applicable zoning regulations. The PUD district is not intended to be used merely as an alternative to strict compliance with applicable zoning regulations or to receive multiple variances to applicable lot and building regulations, Different types of PUDs will promote different planning goals. In general, however, all PUDs are intended to result in development that is consistent with the city's adopted plans and that provides greater public benefits than could be achieved using conventional zoning regulations. PUDs are also generally intended to promote one or more of the following:

(a) Variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;

(b) Compact, mixed-use development patterns where residential, commercial, employment, civic, and open space areas are located in close proximity to one another;

(c) A coordinated transportation system that includes an inter-connected hierarchy of appropriately designed improvements for motorized and non-motorized travel;

(d) Buildings and other improvements that by their arrangement, massing, design, character and site design elements establish a high-quality, livable environment;

(e) Sustainable development practices;

(f) Incorporation of open space amenities and natural resource features into the development design;

(g) Low-impact development (LID) and best management practices for managing stormwater; and

(h) Flexibility and creativity in responding to changing social, economic and market conditions.

(2) Procedure

PUDs must be reviewed and approved in accordance with the procedures of 14-126. Applications must be signed by all property owners of record.

(3) Zoning Map

Approved PUDs must be identified on the zoning map as a base zoning district. Previously approved PDDs (Planned Development Districts) will remain in effect and be identified on the zoning map as overlay zoning classifications until such time that the property to which the PDD classification is applied is rezoned to another zoning district.

(4) Developer's Statement of Intent

Each PUD application must include a written explanation from the applicant describing the community benefits of the proposed development and how the proposed development provides greater benefits to the city than would a development carried out in accordance with otherwise applicable zoning ordinance standards. The statement must also include a comparison of the proposed development with the standards of the base zoning district.

(5) Approval Criteria

A PUD zoning district may be approved only when the common council determines that the proposed PUD would result in a greater benefit to the city as a whole than would development under conventional zoning district regulations.

(6) Regulations and Standards

(a) Unless otherwise expressly approved by the common council as part of the PUD approval process, PUDs are subject to all applicable regulations of this zoning ordinance. The common council is authorized to approve PUDs that deviate from strict compliance with specified regulations and standards if they determine that the resulting development satisfies the approval criteria of 14-126. PUDs may not deviate from compliance with Title 14 (Fire Prevention) or Title 15 (Buildings and Construction) of the city code of ordinances.

(b) The PUD development plan must identify at least the following PUD regulations in adequate detail to allow for long-term administration and enforcement:

3 New - provided for approvals of zoning consistent with approved area plans.

1. Allowed uses and any use-specific regulations;
2. Lot sizes;
3. Residential density or number of dwelling units;
4. Nonresidential floor area;
5. Building setbacks,
6. Building coverage limits;
7. Building heights;
8. Off-street parking;
9. Street types and designs; and
10. Sign types, size, and general designs.

DRAFT

ARTICLE VI. RESERVED

this page intentionally blank

ARTICLE VI RESERVED

this page intentionally blank

DRAFT

ARTICLE VII. USES

14-70 General 7-1
14-71 Residential Uses 7-6
14-72 Public and Civic Uses 7-6
14-73 Commercial Uses 7-7
14-74 Industrial Uses 7-12
14-75 Recycling Uses 7-14
14-76 Agricultural Uses 7-14
14-77 Other Principal Uses 7-14
14-78 Accessory Uses 7-15
14-79 Wireless Telecommunications 7-21

14-70 General

(1) Principal Uses Allowed

(a) Use Table
Principal uses are allowed in accordance with Table 7-1.

(b) Interpreting the Use Table

1. Use Classification System
Uses are listed in the first column of Table 7-1 . This zoning ordinance classifies uses into categories and subcategories, as explained in (2). In some cases, specific use types are listed in addition to the use categories and subcategories.

2. Permitted Uses

a. Uses identified with a "●" are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of Table 7-1 and with all other applicable regulations of this zoning ordinance.

b. Uses identified with a "◓" are permitted as-of-right in the subject zoning district but only when located above the ground-floor. Such uses are prohibited on the ground-floor.

3. Conditional Uses
Uses identified with "Ⓒ" are allowed only if reviewed and approved in accordance with the conditional use procedures of 14-123.

4. Prohibited Uses
Uses identified with an "–" are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in (2)(e)) to fall within any defined use category or subcategory are also prohibited.

5. Reference
The final ("Reference") column of Table 7-1 includes a cross-reference to the use definition and any applicable supplemental use regulations that apply to the use. Unless otherwise expressly stated, compliance with supplemental use regulations is required regardless of whether the use is permitted as-of-right or requires conditional use approval. Bracketed numbers also refer to use-specific conditions, which are included as footnotes immediately following the use table..

6. Accessory Uses
Table 7-1 identifies some types of accessory uses allowed in conjunction with principal uses. Other types of accessory uses may be allowed in conjunction with principal uses permitted by right or by conditional use approval, Accessory uses are subject to compliance with all applicable accessory use regulations of 14-78.

(2) Classification of Uses

(a) General
This section describes the system used to classify principal uses in this zoning ordinance.

(b) Use Categories

This zoning ordinance classifies principal land uses into 6 major groupings). These major groupings are referred to as "use categories." The use categories are as follows:

1. Residential (see 14-71).
2. Public and Civic (see 14-72).
3. Commercial (see 14-73).
4. Industrial (see 14-74).
5. Recycling (see 14-75).
6. Agricultural (see 14-76).
7. Other Principal Uses (see 14-77).

(c) Use Subcategories

Each use category is further divided into more specific "subcategories." Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions.

(d) Specific Use Types

Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.

(e) Classification of Uses

1. The zoning administrator is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this article.
2. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the zoning administrator is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this article. In making such determinations, the zoning administrator must consider:
    a. The types of activities that typically occur in conjunction with the use;
    b. The types of equipment and processes to be used;
    c. The existence, number and frequency of residents, customers or employees;
    d. The type of building or structure (if any) in which the use is located;
    e. Parking demands or the use; and
    f. Other factors deemed relevant to a use determination.

(f) If a use can reasonably be classified in multiple categories, subcategories or specific use types, the zoning administrator is authorized to categorize each use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate "fit."

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

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

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

TABLE 7-1 — PRINCIPAL USE TABLE

USE CATEGORY	Districts																
Use Subcategory	Residential				Mixed-Use					Commercial & Employment					Special [1]			Definition & Regulations
Specific Use Type	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1	PI-2	
Commercial Service																		
Consumer Maintenance and Repair	–	–	–	–	●	●	●	●	●	–	●	●	©	–	–	–	–	14-73(4)
Personal Service	–	–	–	–	●	●	●	●	●	–	●	●	©	–	–	–	–	14-73(4)
Studio or Instructional Service	–	–	–	–	●	●	●	●	●	–	●	●	©	–	–	–	–	14-73(4)
Day Care																		
Day Care Home, Family	●	●	●	●	◓	◓	◓	●	●	–	–	–	–	–	–	–	–	14-73(5)
Day Care Facility, Adult	–	–	–	–	◓	◓	◓	●	●	–	–	–	–	–	–	–	–	14-73(5)
Day Care Center, Group	–	–	–	●	◓	◓	◓	●	●	●	–	●	©	–	–	–	–	14-73(5)
Eating and Drinking Places																		
Restaurant	–	–	–	–	●	●	●	©	©	–	●	–	–	–	–	–	–	14-73(6)
Bar	–	–	–	–	●	●	●	©	©	–	●	–	–	–	–	–	–	14-73(6)
Financial Service																		
Financial Institution	–	–	–	–	●	●	●	●	●	●	●	–	–	–	–	–	–	14-73(7)
Convenient Cash Business	–	–	–	–	–	–	–	–	–	–	©	–	–	–	–	–	–	14-73(7)
Pawnshop	–	–	–	–	–	–	–	–	–	–	©	–	–	–	–	–	–	14-73(7)
Funeral or Mortuary Service	–	–	–	–	–	–	–	●	●	–	●	–	–	–	–	–	–	14-73(8)
Lodging																		
Bed & Breakfast Inn	©	©	●	●	–	–	–	–	–	–	–	–	–	–	●	–	–	14-73(9)
Hotel	–	–	–	–	●	●	●	●	●	●	●	–	–	–	–	–	–	14-73(9)
Motel	–	–	–	–	–	–	–	–	–	–	●	–	–	–	–	–	–	
Short-term Rental	●	●	●	●	◓	◓	◓	●	●	–	–	–	–	–	–	–	–	14-73(9)
Medical Service	–	–	–	–	●	●	●	●	●	●	●	●	–	–	–	–	–	14-73(10)
Office	–	–	–	–	◓	◓	●	●	●	●	●	●	●	●	–	–	–	14-73(11)
Parking, Non-accessory	–	–	–	–	©	©	©	©	©	–	©	©	©	●	–	–	–	14-73(12)
Retail Sales																		
Convenience Goods	–	–	–	–	●	●	●	●	●	–	●	–	–	–	–	–	–	14-73(13)
Consumer Shopping Goods	–	–	–	–	●	●	●	●	●	–	●	–	–	●	–	–	–	14-73(13)
Building Materials and Supplies	–	–	–	–	–	–	–	–	–	–	●	©	©	–	–	–	–	14-73(13)
Sexually Oriented Business	–	–	–	–	–	–	–	–	–	–	–	–	–	©	–	–	–	14-73(14)
Sports & Recreation, Participant																		
Indoor	–	–	–	–	●	●	●	–	–	–	●	©	©	–	–	–	–	14-73(15)
Outdoor	–	–	–	–	–	–	●	–	–	–	●	©	©	–	–	–	–	14-73(15)
Vehicle Sales and Service																		
Fueling Station	–	–	–	–	–	–	●	–	–	–	●	●	●	–	–	–	–	14-73(16)

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

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

TABLE 7-1 — PRINCIPAL USE TABLE

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

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

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

TABLE 7-1 — PRINCIPAL USE TABLE																		
USE CATEGORY	Districts																	
Use Subcategory	Residential				Mixed-Use					Commercial & Employment					Special [1]			Definition & Regulations
Specific Use Type	R1	R2	RM-1	RM-2	MX1	MX2	MX3	GX1	GX2	O	C	BP-1	BP-2	I	AG	PI-1	PI-2	
Wireless Telecommunications	See 14-79																	
ACCESSORY																		
Backyard Cottage	●	●	●	●	–	–	–	–	–	–	–	–	–	–	–	–	–	14-27
Drive-in/Drive-through Service	–	–	–	–	–	©	●	©	©	–	●	–	–	–	–	–	–	14-77(3)
Home Occupation, Type A	●	●	●	●	◓	◓	◓	●	●	–	–	–	–	–	●	–	–	14-78(6)
Home Occupation, Type B	©	©	©	©	©	©	©	©	©	–	–	–	–	–	©	–	–	14-78(6)
Outdoor Storage	–	–	–	–	–	–	–	–	–	–	●	●	●	●	–	–	–	14-78(8)
Secondary Suite	●	●	●	●	–	–	–	–	–	–	–	–	–	–	–	–	–	14-78(11)
Other Accessory Uses	See 14-78.																	

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

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

14-71 Residential Uses

The residential use category includes uses that provide for long-term residential occupancy by individual households or by groups of people.

(1) Household Living

Household living is residential occupancy of a dwelling unit by a single household for tenancy periods of 30 consecutive days or more, including, single household, two-household, three-household, three-plus household and live-work uses.

(a) Single-Household
One principal dwelling unit on a single lot, which may also include an accessory dwelling unit in the form of a secondary suite or backyard cottage, if allowed by the subject zoning district.

(b) Two-Household
Two principal dwelling units on a single lot.

(c) Three-to-Six-Household
Three or more principal dwelling units occupying a single building on a single lot.

(d) Seven+-Household
Three or more principal dwelling units occupying a single building on a single lot.

(e) Live-Work
A building or space within a building used jointly for residential and nonresidential uses allowed within the subject zoning district.

(2) Group Living

Group living is residential occupancy of a building or any portion of a building by a group other than a household. Tenancy is typically arranged on a long-term (30-day or longer) basis. Buildings or spaces occupied by group living uses contain individual rooms with private or shared bathroom facilities and may also contain shared kitchen facilities, and/or common dining and living areas for residents. Residents may or may not receive any combination of care, training, or treatment, but those receiving such services must reside at the site. Examples of group living uses include fraternities, sororities, convents, community living arrangements, adult family homes, foster homes, treatment foster homes, monasteries and nursing homes.

(a) Adult Family Home
As defined in Section 50.01(1), Wisconsin Statutes

(b) Community Living Arrangement
As defined in Section 46.03(22), Wisconsin Statutes

(c) Foster Home/Treatment Foster Home
As defined in Sections 48.02(6) and 48.02(17mq), Wisconsin Statutes.

(d) Overnight Shelter
A facility providing, without charge, overnight lodging, with or without meals, for people with no ordinary or regular home or residence address. Overnight shelters may not operate for more than 6 months in a 12 month period.

14-72 Public and Civic Uses

The public and civic use category includes public, quasi-public, civic and institutional uses.

(1) Cemetery

Lands and facilities for the interment of humans or domestic household pets, including columbariums and mausoleums.

(2) Club or Lodge

The use of a building or lot by a membership-based organization that restricts access to its facility to bona fide, dues-paying members and their occasional guests and in which the primary activity is a service not carried on as a business enterprise. Private clubs and lodges are characterized by definite membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

(3) College or University

Academic institutions of higher learning that are accredited or recognized by the state and offer courses of general or specialized study.

(4) Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

(5) Library or Cultural Center

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency.

(6) Parks and Recreation

Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts,

community centers and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and tennis clubs.

(7) Religious & Non-Secular Assembly[1]
The conduct of organized religious services. Examples include synagogues, temples, mosques and churches.

(8) Safety Service
Establishments that provide fire, police or life protection services, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

(9) School
Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory, state-mandated education.

(10) Utilities and Public Service Facilities

(a) Minor
Infrastructure services that require location in or very near the area where the service is provided. Minor utilities and public service facilities do not regularly have employees at the site and typically have few if any impacts on surrounding areas. Typical uses include: underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/ broadcast facilities.

(b) Major
Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include high-voltage electric substations, utility-scale power generation facilities and utility-scale water storage facilities, such as water towers and reservoirs.

14-73 Commercial Uses

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.

(1) Animal Service
Uses that provide goods and services for care of animals, including the following use subcategories:

(a) Boarding
The keeping of and care for any number of companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, foster care homes, dog training centers and animal rescue shelters. Any building or structure in which animals are kept or exercised must be set back at least 100 feet from any R-zoned lot.

(b) Grooming
Grooming of companion animals, including dog bathing and clipping salons and pet grooming shops. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case the regulations that apply to animal boarding must be met.

(c) Veterinary
Animal hospitals and veterinary clinics staffed by veterinarians. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case the regulations that apply to animal boarding must be met.

(2) Assembly and Entertainment[2]
Buildings and other facilities that accommodate public assembly for spectator-oriented sports, amusement, or entertainment events. Typical uses include event centers, theaters and cinemas.

(a) Small
Assembly and entertainment uses with a seating or occupant capacity of no more than 250 persons.

(b) Large
Assembly and entertainment uses with a seating or occupant capacity of more than 250 persons.

(3) Business or Trade School
Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Schools and

1 Maybe include as "non-secular" assembly and entertainment?

2 Maybe include secular and non-secular subcategories?

other training facilities that involve outdoor work or training activities are classified as industrial services.

(4) Commercial Service

Uses that provide low-impact repair, maintenance and improvement services to individual consumers and small businesses.

(a) Consumer Maintenance and Repair Service

Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, copy shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as an "industrial service."

(b) Personal Service

Uses that provide personal support and improvement services. Typical uses include barbers, hair and nail salons, tanning salons, and day spas. Also includes uses involved in providing tattoos, piercing and similar forms of body art.

(c) Studio or Instructional Service

Uses that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.

(5) Day Care

Uses licensed by the state and providing care and supervision for children or adults away from their primary residence for more than 4 hours and less than 24 hours per day.

(a) Day Care Facility, Adult

A day care use for elderly and/or functionally impaired adults.

(b) Day Care Home, Family

A day care use for 8 or fewer individuals under 7 years of age.

(c) Day Care Center, Group

A day care use for 9 or more individuals under 7 years of age.

(6) Eating and Drinking Places

An establishment that serves food or beverages for on- or off-premise consumption as its principal business.

(a) Restaurant

An establishment that serves food or beverages for on- or off-premise consumption as its principal business. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/ yogurt shops, donut shops and coffee shops.

(b) Bar

Uses that cater primarily to adults, 21 years of age and older and that sell and serve beer, wine or alcoholic liquor for on-premise consumption as their principal business. Typical uses include bars, taverns, brewpubs, tasting rooms and nightclubs.

(7) Financial Service

Uses related to the exchange, lending, borrowing and safe-keeping of money. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as an accessory use (see 14-78). Typical examples of financial service use types are financial institutions, convenient cash businesses and pawnshops:

(a) Financial Institution

Any business authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan associations and credit unions. This term does not include a convenient case business or pawnshop.

(b) Convenient Cash Business

An individual or individuals, firm, partnership, association, corporation, limited liability company or any other business entity licensed pursuant to Wis. Stats. Secs. 218.05 or 138.14, engaged in the "payday loan business," "title loan business," "currency exchange business" (also known as "check cashing"), or any other substantially similar business.

1. A currency exchange business, in accordance with Sec. 218.05, Wis. Stats., is any business except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under Ch. 186, Wis. Stats. pursuant to a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidence of money.
2. A payday loan business is a business that provides unsecured loans with an initial term of ninety-one days or less in which the amount borrowed does not exceed two thousand dollars and is usually for a period from the time of the loan until the borrowers next payday for which the lender charges either fees or interest for the loan.
3. A title loan business is any business providing loans to individuals in exchange for receiving title to the borrower's motor vehicle as collateral.

(c) Pawnshop

An entity engaged in whole or in part in the business of lending money on the security of pledged goods or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers.

(8) Funeral and Mortuary Service

Uses that provide services related to the death of a human or companion animal, including funeral homes and mortuaries.

(9) Lodging

Uses that provide temporary overnight sleeping accommodations or lodging for guests paying a fee or other form of compensation for a period of less than 30 consecutive days. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Lodging use types include: bed & breakfast inns, hotels and motels and short-term rentals.

(a) Bed & Breakfast Inn

A lodging establishment in a detached house in which the resident owner/operator offers 6 or fewer guest rooms and breakfast service to overnight guests for more than 10 days in a 12-month period.

(b) Hotel

A lodging establishment other than a bed & breakfast inn or short-term rental in which guest rooms are accessed via internal building hallways.

(c) Hotel

A lodging establishment other than a bed & breakfast inn or short-term rental in which guest rooms are accessed directly from exterior (outdoor) building doors.

(d) Short-term Rental

A residential dwelling that is offered for rent for a fee for fewer than 29 consecutive days.[3] Short-term rentals in R1 and R2 districts may not be offered for rent for fewer than 6 consecutive days. In all other districts, the minimum rental period is one day.

(10) Medical Service

Personal health services including prevention, diagnosis and treatment services for humans, as provided by physicians, dentists, nurses and other health personnel. Medical service uses are performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists, physical therapists and chiropractors. Surgical, rehabilitation and other medical centers that do

3 Need to determine what if any local zoning restrictions should apply within the limits of 2017 Wisconsin Act 59. Can, for example, limit to no more than 180 days per calendar year.

not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, blood banks and kidney dialysis centers, unless otherwise expressly indicated.

(11) Office

Uses that focus on providing executive, management, administrative, travel planning, and professional services other than those included in the medical service use subcategory. Also includes broadcast and recording studios and uses engaged in scientific research and testing services leading to the development of new products and processes that do not involve the mass production, distribution or sale of such products or involve the use of hazardous materials or processes.

(12) Parking, Non-Accessory

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

(13) Retail Sales

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer. Examples of specific retail use types include retail sales of convenience goods, consumer shopping goods and building supplies and equipment.

(a) Convenience Goods

Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, retail bakeries and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include convenience stores, grocery stores, drug stores, specialty food stores, wine or liquor stores, newsstands and florists.

(b) Consumer Shopping Goods

Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, hardware stores (less than 10,001 square feet) furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, medical supplies, office supplies and office furnishing stores and wig shops.

(c) Building Supplies and Equipment

Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises and that include more than 10,000 square feet of gross floor area or that involve outdoor storage of goods. Typical uses include home improvement stores and garden supply stores. This subcategory does not include wholesale or bulk sale of landscaping material or aggregates.

(14) Sexually Oriented Adult Entertainment Establishments

(a) Defined

See definitions in Section 110-5 of the municipal code.

(b) Supplemental Regulations

1. A site plan must be prepared and submitted in accordance with 14-124. The site plan must be processed concurrently with the conditional use application.
2. No more than one sexually oriented adult entertainment establishment may be located on any one parcel, and such establishment must be at least 1,500 feet from any other sexually oriented adult entertainment establishment. Further, no sexually oriented adult entertainment establishment is permitted within 1,000 feet of the following:
   a. Any land zoned residential;
   b. Any historic site identified on the "National Register", or an adopted historic district;
   c. Any public or private elementary or secondary school or licensed nursery school or day care center;
   d. A religious (non-secular) assembly use;
   e. A public park or parkway.

3. Signs advertising any sexually oriented adult entertainment establishment must conform with the requirements of Chapter 98 of the municipal code with the exception, however, that no tower or portable signs or billboards are permitted on the premises, and with further exception that signs shall not depict specified sexual activities and/or specified anatomical areas as defined in Section 110-5 of the municipal code, and provided further that no flashing or traveling lights may be located outside the building. The location and wording of such sign must be shown on the site plan.
4. Parking must be provided in accordance with Article VIII.
5. Lighting must be provided to illuminate the parking area and the entire exterior of the building. Such lighting must be shown on the site plan.
6. No display windows are allowed on the premises.
7. The owner and/or operator of the sexually oriented adult entertainment establishment must agree to comply with all federal, state, and local laws and ordinances, including obscenity, liquor, and cabaret laws and must further ensure that minors are not permitted on the premises. Solicitation for the purposes of prostitution is strictly prohibited.
8. Sexually oriented adult cabaret establishments are subject to compliance with Section 110-5 of the municipal code relating to noise; and the hours of operation for such establishments are limited to the same hours of operation for bars and taverns located within the City of De Pere.
9. Sexually oriented adult outdoor motion picture theaters are subject to compliance with the regulations set forth in Section 110-5 of the municipal code pertaining to noise. Furthermore, sexually oriented adult entertainment outdoor motion picture theaters must confine their hours of operation to those hours of operation established for bars and taverns within the City of De Pere. Sexually oriented outdoor motion picture theaters must also have the viewing screen located in such a fashion as to not be visible from any road, street or highway, or residential zoning district up to 1,000 horizontal feet away; and the premises must be surrounded by fencing which is impervious to sight and at least 8 feet in height. All theaters must comply with Section 134.46, Wisconsin Statutes [Wis. Stats. § 134.46].
10. Before approval of a site plan, an inventory of the surrounding areas and population must be made by the zoning administrator, along with a study of the proposed development and plans for the area so as to enable the plan commission to make appropriate findings relating to the effect of the establishment of such a use in that area.

(15) Sports & Recreation, Participant

Provision of sports or recreation primarily by and for participants. (Spectators are incidental). Examples include bowling alleys, health clubs, skating rinks, billiard parlors, miniature golf courses, batting cages, and go-cart tracks.

(a) Indoor

Participant sports and recreation uses conducted entirely within buildings.

(b) Outdoor

Participant sports and recreation uses conducted wholly or partially outside of buildings.

(16) Vehicle Sales and Service

(a) Fuel Station

A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops, which are regulated as industrial service uses. See 14-93 for design regulations.

(b) Vehicle Sales

1. Defined

Uses primarily engaged in the sales of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the sale of large trucks, construction equipment, agricultural equipment, aircraft or similar large

vehicles are regulated as trucking and transportation terminals.

2. Supplemental Regulations
When located in the MX1 district, all operations must be fully enclosed in an allowed building type with all activities located inside the building. A maximum of 5 parking stalls are allowed outside.

(c) Vehicle Rentals

1. Defined
Uses primarily engaged in the rental of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the rental of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals.

2. Supplemental Regulations
When located in the MX1 district, all operations must be fully enclosed in an allowed building type with all activities located inside the building. A maximum of 5 parking stalls are allowed outside.

(d) Vehicle Maintenance and Repair, Minor
Uses that repair, install or maintain the mechanical components of automobiles, trucks, vans, trailers or motorcycles or that wash, clean or otherwise protect the exterior or interior surfaces of such vehicles. Typical examples include oil-change shops, muffler shops, tire shops, and auto repair shops providing motor and mechanical repair services.

(e) Vehicle Maintenance and Repair, Major
Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means. Typical examples include body and paint shops.

14-74 Industrial Uses

The industrial use category includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities and uses involved in basic industrial processes.

(1) Fabrication and Production

Uses primarily involved in the manufacturing, processing, fabrication, packaging, or assembly of goods made for the wholesale market, for transfer to other plants, or for firms or consumers.

(a) Artisan

1. Defined
Uses involved in the creation of art works or custom goods by hand manufacturing involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading, but which may include retail sales of goods produced on site.

2. Supplemental Regulations
When located in any MX district, all operations must be fully located in an allowed building type with all activities located inside the building.

(b) Low-Impact
Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or liquid petroleum materials. This subcategory does not include the assembly of large equipment and machinery and has very limited external impacts in terms of noise, vibration, odor, hours of operation, and traffic. Common examples include apparel manufacturing, bakery products manufacturing, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, musical instrument manufacturing, newspaper printing and binderies.

(c) Moderate-Impact
Uses that process, fabricate, assemble, or treat materials for the production of large equipment and machines as well as fabrication and production uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck traffic or other external impacts that are detectable beyond the property lines of the subject property. Common examples include dairy pr0oducts

manufacturing, flour mills and paper products manufacturing.

(d) High-Impact

1. Defined
Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards. Typical examples of high-impact manufacturing and industrial uses include: the manufacture of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins. This subcategory also expressly includes asphalt and concrete plants, foundries, abrasive manufacturing, chrome plating, electroplating, tanneries, soap manufacturing, petrochemical tank farms, gasification plants, smelting, meat packing, metal reduction and refinement and oil refining.

2. Supplemental Regulations

a. A site plan must be prepared and submitted in accordance with 14-124. The site plan must be processed concurrently with the conditional use application.

b. The establishment must be located at least 1,000 feet of the following, regardless of whether such uses are inside or outside the corporate limits of the city:

i. Any land zoned residential;

ii. Any historic site identified on the "National Register", or an adopted historic district;

iii. Any public or private elementary or secondary school or licensed nursery school or day care center;

iv. A religious (non-secular) assembly use;

v. A public park or parkway.

c. Parking must be provided in accordance with Article VIII.

d. Prior to approval of the granting of a conditional use permit, an inventory of the surrounding areas and population must be made by the zoning administrator, along with a study of the proposed development and plans for the area so as to enable the plan commission to make appropriate findings relating to the effect of the establishment of such a use in that area.

(2) Industrial Service
Uses engaged in the maintenance, repair or servicing of industrial, business or consumer machinery. Examples include janitorial, carpet cleaning, extermination, plumbing, electrical, window cleaning and similar building maintenance services; welding shops; machine shops; heavy truck servicing and repair; publishing and lithography; redemption centers; laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories and maintenance and repair services that are not otherwise classified.

(3) Storage, Distribution and Wholesaling
Uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.

(a) Trucking and Transportation Terminals
Uses engaged in the sales, rental, dispatching or long-term or short-term storage of large trucks, buses, construction equipment agricultural equipment and similar large vehicles, including parcel service delivery vehicles, taxis and limousines. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

(b) Warehouse
Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of "mini-warehouse" use or a "trucking and transportation terminal."

(c) Warehouse, Mini (Self-Storage)
An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate interior access to storage

lockers or drive-up access from passenger vehicles.

(d) Wholesale Sales and Distribution
Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, monument sales, and portable storage building sales.

(4) Junk or Salvage Yard

(a) Defined
A building or open area where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

(b) Supplemental Regulations

1. A site plan must be prepared and submitted in accordance with 14-124. The site plan must be processed concurrently with the conditional use application.
2. The establishment must be located at least 1,000 feet of the following, regardless of whether such uses are inside or outside the corporate limits of the city:
   a. Any land zoned residential;
   b. Any historic site identified on the "National Register", or an adopted historic district;
   c. Any public or private elementary or secondary school or licensed nursery school or day care center;
   d. A religious (non-secular) assembly use;
   e. A public park or parkway.
3. Prior to the granting of a conditional use permit, an inventory of the surrounding areas and population must be made by the zoning administrator, along with a study of the proposed development and plans for the area so as to enable the plan commission to make appropriate findings relating to the effect of the establishment of such a use in that area.

14-75 Recycling Uses

This category includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products. The recycling use subcategories are as follows:

(1) Construction or Demolition Debris

Establishments that receive and process general construction or demolition debris for recycling.

(2) Consumer Material Drop-off Station

An establishment that (1) accepts consumer recyclable commodities directly from the consuming party; (2) is staffed by personnel during times when recyclables are accepted from consumers; and (3) stores materials temporarily before transferring them to recyclable material processing facilities. Establishments that process recyclable material are classified as "consumer material processing" establishments. (Note: dumpsters and recyclable material bins are regulated as accessory uses,

(3) Consumer Material Processing

Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

14-76 Agricultural Uses

The agricultural use category includes general farming and community garden uses.

(1) Community Garden[4]

(a) Defined
Areas that are managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group.

(b) Supplemental Use Regulations
Community gardens may be principal or accessory uses and are subject to the following supplemental use regulations:

4 New

1. On-site sales of community garden food products is permitted as an accessory use.
2. All equipment must be stored in a completely enclosed building.
3. The community garden site must be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to adjacent properties.
4. On-site trash, recyclable and compost containers must be located and maintained as far as practicable from residential dwelling units located on other lots.
5. The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed and, in any instance, no later than November 1 of each year.
6. The perimeter of all community gardens must be fenced.
7. Only permitted on city-owned land in the I district.

(2) Animal Agriculture

Uses that involve the feeding, housing and care of farm animals for private or commercial purposes, but not including feedlot operations, CAFOs or commercial mink, fox and other fur-bearing animal farms.

(3) Crop Agriculture

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

14-77 Other Principal Uses

This category includes uses that do not fit the other use categories.

(1) Wireless Telecommunications

See 14-79.

14-78 Accessory Uses

(1) Generally Applicable Regulations

(a) Accessory Uses Allowed

Accessory uses are allowed only in connection with lawfully established principal uses.

(b) Allowed Uses

Allowed accessory uses are limited to those expressly regulated in this section as well as those that, in the determination of the zoning administrator, satisfy all of the following criteria:

1. They are customarily found in conjunction with the principal use of the subject property;
2. They are subordinate and clearly incidental to the principal use of the property; and
3. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.

(c) Time of Construction and Establishment

Accessory uses may be established only after the principal use of the property is in place.

(d) Location

Accessory uses must be located on the same lot as the principal use to which they are accessory, except that required parking spaces may be located off-site in accordance with the off-site parking provisions of 14-85.

(e) Accessory Buildings and Structures

1. Applicable Regulations

   a. Accessory buildings and structures are subject to the same regulations that apply to principal uses and structures on the subject lot, unless otherwise expressly stated.

   b. Accessory buildings attached to the principal building by a breezeway, roof/floor assembly, passageway or similar means are considered part of the primary structure and are subject to the lot and building regulations that apply to the principal building.

   c. Accessory buildings attached by structures less than 24 inches in height or less (e.g., patios, walks,

decks without railing) are not considered part of the primary structure and are subject to accessory building and structure regulations.

2. Building Separation
Accessory buildings must be separated by a minimum distance of 10 feet from the principal building on the lot, unless the accessory building is located entirely within the principal building setbacks, in which case no separation is required. Structures less than 24 inches in height are not subject to building separation requirements.

(2) Amateur Radio Service Antennas

(a) Amateur radio service antennas and supporting towers are expressly allowed as permitted accessory uses, provided that no such antenna, including any support upon which it is mounted may exceed a combined height of 70 feet.

(b) All amateur radio service antenna structures must be set back a distance of at least the height of the tower structure from all property lines.

(3) Drive-in and Drive-through Uses

Drive-in and drive-through uses are allowed as accessory uses/structures in accordance with Table 7-1.

(4) Electric Vehicle Charging Stations[5]

(a) General

1. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.
2. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

(b) Parking

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.

(c) Equipment
Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

(d) Posted Information

1. Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
2. Public electric vehicle charging stations must be posted with signs indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

(e) Maintenance
Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be provided on the equipment for reporting when it is not functioning or other problems are encountered.

(5) Geothermal Energy Systems[6]

(a) General
Geothermal energy systems are permitted as an accessory use in all zoning districts.

(b) Location

1. Geothermal energy systems must be located entirely within the lot lines of the subject property or within appropriate easements.
2. No portion of a geothermal energy system may be located within a stream or stream buffer.

(6) Home Occupations[7]

(a) Purpose
The home occupation regulations of this section are intended to allow residents to

5 New

6 New

7 The home occupation provisions have been substantially

engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

(b) Type A and Type B Home Occupations

Two types of home occupations are defined and regulated under this section:

1. Type A Home Occupations

   Type A home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site.

2. Type B Home Occupations

   Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customer comes to the site.

(c) Exemptions

1. Group Living

   Group living uses are not regulated as home occupations and are not subject to the home occupation regulations of this section. Group living is allowed as indicated in Table 7-1.

2. Family Day Care Homes

   Family day care homes are not regulated as home occupations and are not subject to the home occupation regulations of this section. Family day care homes are allowed only as indicated in Table 7-1.

3. Bed & Breakfast Inn

   Bed & breakfast inns are not permitted as home occupations and are not subject the home occupation regulations of this section. Bed and breakfasts are allowed only as indicated in Table 7-1.

4. Short-Term Rentals

   Short-term rentals are not permitted as home occupations and are not subject the home occupation regulations of this section. Short-term rentals are allowed only as indicated in Table 7-1.

5. Prohibited Home Occupations

   The following uses are expressly prohibited as home occupations:

   a. Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);

   b. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;

   c. Equipment or supply rental businesses;

   d. On-site, in-person retail sales establishments;

   e. Eating or drinking places;

   f. Funeral or interment services;

   g. Animal care, grooming or boarding businesses; and

   h. Any use involving the use or storage of vehicles, trailers, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.

6. Where Allowed

   a. Type A home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type A home occupations are subject to the general regulations of subsection 7 and all other applicable regulations of this section. More than one Type A home occupation is allowed as an accessory use, but the general regulations of subsection 7 apply to the combined home occupation uses.

   b. Type B home occupations may be approved only as expressly stated in subsection 8. Type B home occupations are subject to the general regulations of subsection 7, the supplemental regulations of subsection 8 and all other applicable regulations of this section. Multiple Type B home occupations are

revised and updated.

prohibited as an accessory use to a household living use, and a Type A home occupation may not be conducted with a Type B home occupation.

7. General Regulations

All Type A and Type B home occupations are subject to the following general regulations:

a. Home occupations must be accessory to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in De Pere. Home occupations must be operated so as not to create or cause a nuisance.

b. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.

c. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.

d. Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within the dwelling unit.

e. The area devoted to the conduct of all home occupations present on the property is limited to 25 percent of the dwelling unit's floor area or 650 square feet, whichever is less.

f. No window display or other public display of any material or merchandise is allowed.

g. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Section 171.8.

h. Only one passenger vehicle may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.

8. Supplemental Regulations for Type B Home Occupations

a. Type B home occupations are allowed only if reviewed and approved in accordance with the conditional use procedures of 14-123, provided that instruction, teaching or tutoring of no more than 4 students at one time is permitted as or right.

b. One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

(7) Outdoor Display

(a) Applicability

The accessory outdoor display regulations of this section apply to the outdoor display of merchandise or other items offered for viewing and sale to customers as part of the principal use of the property.

(b) Regulations.
The following regulations apply to accessory outdoor display areas:

1. Outdoor displays are subject to all applicable setback regulations that apply to the principal building unless otherwise expressly stated in this zoning ordinance.
2. Outdoor displays on corner lots must be confined to a single frontage.
3. Merchandise or other items may only be displayed during hours of operation of the principal use.
4. Outdoor display areas may not interfere with pedestrian or automobile traffic on the subject lot or on public rights-of-way, and may not interfere with the enjoyment or operation of adjacent properties and uses.

(8) Outdoor Storage

(a) Applicability
The outdoor storage regulations of this section apply to the outdoor storage of equipment, products or materials, whether or not stored in containers, when accessory to commercial or industrial use types.

(b) Regulations
Where allowed, outdoor storage areas are subject to the following regulations:

1. Unless otherwise expressly approved by the plan commission, outdoor storage areas may not exceed 10% of the lot area or one-half acre, whichever is less.
2. Outdoor storage areas are limited to the rear yard area and the rear 25% of the side yard area.
3. Outdoor storage areas are prohibited in required setbacks.
4. Outdoor storage areas must be located on a paved, dust-free surface, not including gravel.
5. Outdoor storage areas must be contiguous with the building.
6. Outdoor storage areas must be screened from view by an opaque fence or wall.
7. Fences and walls must be constructed of a matching building material. Chain link and hardware cloth are not permitted.
8. No barb wire or other dangerous or injurious material may be placed upon the enclosure.
9. The height of materials within the outdoor storage areas may not exceed the height of the required fence or wall.

(9) Residential Composting[8]

(a) The composting of food waste (including discarded fruits, vegetables, and grains) and landscape waste (including grass clippings, leaves, and chipped brush) is an allowed accessory use in residential zoning districts, subject to the regulations of this section.

(b) Only food waste resulting from food preparation or consumption by residents of the subject lot and their visitors may be composted. This provision is not intended to prohibit property owners from adding "outside" materials or ingredients to speed or enhance decomposition. Meat products are prohibited in residential compost bins.

(c) All food waste must be placed within rodent-resistant compost bins, which are prohibited in front and side yards and must be set back at least 10 feet from all lot lines.

(d) Only landscape waste generated from plants grown and maintained on the subject lot may be composted. This provision is not intended to prohibit property owners from adding "outside" materials or ingredients to speed or enhance decomposition.

(e) Landscape waste compost piles may not exceed 125 cubic feet in volume, and may not exceed 5 feet in height.

(f) Landscape waste compost piles are prohibited in front and side yards and must be set back at least 10 feet from all lot lines. Landscape waste compost piles that are not contained within a rodent-resistant compost bin must be set back at least 30 feet from all dwelling units on abutting lots.

(g) Burning of compost piles is not allowed.

(10) Satellite Dish Antennas

(a) Applicability
Satellite dish antennas are subject to compliance with the regulations of this section.

8 New

(b) Location

1. In R districts, satellite dish antennas must be located in the rear yard or on the rear of the principal building. If usable communication signals cannot be obtained from the rear location, the satellite dish antenna may be located in the side yard or on the side of the principal building. If usable satellite television communication signals cannot be received by locating the antenna to the rear or side of the principal building, the antenna may be placed in the front yard or on the front-facing roof of the principal building, provided that (a) the dish diameter does not exceed 18 inches and (b) the community development department director's approval is obtained prior to such installation. The community development department director is authorized to approve a front yard location only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.
2. In all districts other than R districts, satellite dish antennas may be located anywhere upon a building or within the buildable area of the lot, subject to applicable zoning district setback regulations.

(c) Other Regulations

1. In all R districts, satellite dish antennas may not exceed 36 inches in diameter.
2. A ground-mounted satellite dish antenna may not exceed 20 feet in height including any platform or structure upon which the antenna is mounted or affixed.
3. Roof-mounted satellite dish antenna may not exceed the height of the elevation of the ridge line of the principal structure.
4. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitations imposed by this section, such satellite dish antennas may be installed at a greater height, provided that the height is approved by the community development department director. The community development department director is authorized to approve a greater height upon a showing by the applicant that installation at a height greater is necessary for the reception of usable communication signals.
5. All satellite dish antennas must comply with all manufacturers' specifications, be located on non-combustible and corrosion-resistant material, and be erected in a secure, wind-resistant manner.
6. All satellite dish antennas must be adequately grounded for protection against a direct strike of lightning pursuant to the requirements of the city electrical code.

(11) Secondary Suites[9]

(a) Description

Secondary suites are accessory dwelling units contained wholly within the principal dwelling unit on the property (i.e., detached house).

(b) Applicability

All secondary suites are subject to compliance with the regulations of this section.

(c) Where Allowed

Secondary suites are allowed by right in all R districts but only on lots occupied by a detached house.

(d) Creation

Secondary suites may be created by:

1. Converting existing floor area within the interior of a detached house (e.g., attic or basement) to an accessory dwelling unit;
2. Adding floor area to an existing detached house to accommodate an accessory dwelling unit; or
3. Constructing a new detached house that includes an accessory dwelling unit within the principal building.

(e) Zoning District Regulations

Secondary suites are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this ordinance.

9 New

(f) Number
No more than one secondary suite is permitted on a single lot. Secondary suites are prohibited on lots occupied by a backyard cottage (see 14-27).

(g) Size
The floor area of a secondary suite may not exceed 30% of the gross floor area of the principal dwelling unit (excluding any attached garage).

(h) Number of Residents
The total number of residents that reside in the secondary suite and the principal dwelling unit, combined, may not exceed the number permitted for a household.

(i) Parking
No additional parking is required for a secondary suite. Any provided parking is subject to the same regulations that apply to the principal dwelling unit.

(j) Location of Entrances
Only one entrance to a detached house containing a secondary suite may be located on a facade that faces a street, unless the detached house had an additional street-facing entrance before the secondary suite was created.

(k) Owner Occupancy and Rental
At least one of the dwelling units on a lot occupied by a secondary suite must be occupied by an owner with at least a 50% interest in the subject property. The owner must occupy either the principal dwelling unit or the secondary suite as their permanent residence for a majority of the time each calendar year. Secondary suites may not be rented for periods of less than 90 consecutive days.

(12) Solar Energy Systems[10]

(a) General

1. Accessory solar energy systems must comply with all applicable building ordinance and electrical code requirements.
2. Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements must be recorded with the county recorder of deeds.

(b) Building-Mounted Solar Energy Systems

1. Building-mounted solar energy systems may be mounted on principal and accessory structures.
2. All applicable setback regulations apply to building-mounted solar energy systems.
3. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations.
4. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit or more than 4 feet above the highest point of the roof line, whichever is less.

(c) Ground-Mounted Solar Energy Systems

1. In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard.
2. Ground-mounted solar energy systems may be located within required interior side and rear setbacks.
3. Ground-mounted solar energy systems are subject to applicable accessory structure height and lot coverage regulations.

14-79 Wireless Telecommunications

(1) Applicability
The regulations of this section apply to mobile service facilities.

(2) Purpose
The regulations of this section are intended to regulate mobile service facilities to the full extent allowed by Wis. Stats. § 66.0404 and other applicable laws. These regulations are not intended to regulate or authorize the regulation of mobile service facilities in a manner that is preempted or prohibited by Wis. Stats. § 66.0404 or other applicable laws.

10 New

(3) New Facilities and Substantial Modifications

(a) Applicability

The regulations of this subsection (3) apply to the siting and construction of new mobile service support structures and facilities and substantial modifications of existing mobile service support structures and facilities.

(b) Application and Fee

The applicant must submit to the zoning administrator a written application, which must include all of the following information. Applications for approval of a substantial modification must describe the proposed modifications, rather than the new structure.

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed mobile service support structure.
3. The location of the mobile service facility.
4. A construction plan that describes the tower, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
5. An explanation of why the applicant chose the proposed location, and why the applicant did not choose collocation, including a sworn statement from the responsible party attesting that collocation within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
6. The application must be accompanied by the fee established by the common council to defray the cost of notification and holding of public hearing. Costs incurred by the city in obtaining legal, planning, engineering and other technical and professional advice in connection with the review and implementation of the conditional use will also be charged to the applicant. Such fee must be established by resolution of the common council and may not exceed the limits established by Wis. Stats. § 66.0404(4)(d).

(c) Determination of Completeness

The zoning administrator must review the application and determine whether the application is complete. The zoning administrator must notify the applicant of the determination within 10 days of receiving the application. If the application is found to be incomplete, such notice must specify in detail the missing information. Applicants are allowed to resubmit their applications as often as necessary to provide the required information.

(d) Review Procedure

Applications for new wireless telecommunications mobile service facilities and substantial modifications of existing facilities must be reviewed pursuant to the procedures set forth below:

1. After determining that an application is complete, the zoning administrator determines must forward the application to the plan commission for review. The plan commission must forward its recommendation to the common council for a public hearing on the matter.
2. Notice of the common council's public hearing must be published by the Clerk-Treasurer as a Class I notice. The Clerk-Treasurer must also provide by first class mail a copy of the public hearing notice to all owners of record of real property located within 300 feet of the property for which approval is sought.
3. Approval of a new wireless telecommunications mobile service facility or a substantial modification of an existing facility may not be granted unless the tower is located so that there is sufficient radius of clear land around the tower so that its collapse will be completely contained on the subject property. If an applicant provides the city with engineering certification showing that the tower is designed to collapse within a smaller area than the radius equal to the height of the tower, the smaller area must be used unless the city has and provides the applicant substantial evidence that the engineering certification is flawed.
4. All facilities must comply with all applicable state and federal regulations.

(e) Public Hearing and Decision

1. The common council must make a decision on the application for a new wireless telecommunications mobile service facility or a substantial modification of an existing facility within 90 days of a completed application unless the time is extended by the applicant.
2. The decision must be in writing and a copy of the decision must be made a permanent part of the city records. If approval is not granted, the reasons for disapproval must be included in such record.
3. An official record of the decision must be prepared by the zoning administrator. The official record must include a description of the use for which the approval is granted and all conditions attached to such approval as well as a copy of the resolution of the common council approving the application. A copy of the completed form must be recorded at the Brown County Register of Deeds as a covenant on the title for the premises for which the approval was granted.

(f) Conditions of Approval

Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased setbacks, and similar considerations, as deemed appropriate may be required by the common council upon a finding that such conditions are necessary to fulfill the purpose and intent of this section, subject to the conditions of paragraph (g) below.

(g) Limitations on Authority

The city's review and action on applications for new wireless telecommunications mobile service facilities or substantial modifications of existing facilities are subject to the limitations imposed by Wis. Stats. § 66.0404(4). If the applicant believes the city has exceeded its authority in this regard, the applicant must notify the common council in writing, in which case the common council reserves the right to reconsider the matter, to ensure that applicable laws are followed.

(4) Non-Substantial Modifications

(a) General

Non-substantial changes, additions or other modifications to an existing mobile service support structure or mobile service facility are subject to the requirements of this subsection. The application together with applicable fees must be submitted to be made to the zoning administrator, who must review the application determine whether the changes, additions, or other modifications shown on the application constitute a non-substantial modification.

(b) Application Information

The applicant shall submit a written application that describes the applicant's basis for concluding that the modification is not substantial, and all of the following information:

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the affected support structure.
3. The location of the proposed facility.

(c) Determination of Completeness

The zoning administrator must review the application and determine whether the application is complete. The zoning administrator must notify the applicant of the determination within 5 days of receiving the application. If the application is found to be incomplete, such notice must specify in detail the missing information. Applicants are allowed to resubmit their applications as often as necessary to provide the required information.

(d) Decision

The zoning administrator must make a decision on the application within a reasonable time after receipt of the completed application and no later than 45 days after receipt of the completed application unless the time is extended by the applicant. The decision must be in writing and a copy of the decision must be made a permanent part of the city records. If approval is not granted, the reasons for disapproval must be included in such record.

(e) Limitations on Authority
The city's review and action on applications for non-substantial modifications of existing facilities are subject to the limitations imposed by Wis. Stats. § 66.0404(4). If the applicant believes the city has exceeded its authority in this regard, the applicant must notify the common council in writing, in which case the common council reserves the right to reconsider the matter or to direct the zoning administrator to reconsider the matter, to ensure that applicable laws are followed.

(5) Definitions

The definitions of this subsection apply only in administering and enforcing the wireless telecommunication mobile service facility regulations of this section (14-79).

(a) "Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) "Application" means an application for a permit under this section to engage in either:

1. The siting and construction of a new mobile service support structure and facilities.
2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities or a class 2 collocation.

(c) "Class 1 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.

(d) "Class 2 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

(e) "Collocation" means class 1 or class 2 collocation or both.

(f) "Distributed antenna system" means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

(g) "Equipment compound" means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

(h) "Existing structure" means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with city.

(i) "Fall zone" means the area over which a mobile support structure is designed to collapse.

(j) "Mobile service" has the meaning given in 47 USC 153 (33):

1. The term "mobile service" means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:
   a. Both one-way and two-way radio communication services,
   b. A mobile service that provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and
   c. Any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.

(k) "Mobile service facility" means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

(l) "Mobile service provider" means a person who provides mobile service.

(m) "Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility.

(n) "Permit" means a permit, other than a building permit, or approval issued by a political subdivision that authorizes any of the following activities by an applicant:

1. A class 1 collocation.
2. A class 2 collocation.
3. The construction of a mobile service support structure.

(o) "Public utility" has the meaning given in Wisconsin Statutes.

(p) "Search ring" means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(q) "Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(r) "Support structure" means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(s) "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in Wisconsin Statutes; public utility, as defined in Wisconsin Statutes; telecommunications utility, as defined in Wisconsin Statutes; political subdivision; or cooperative association organized under Wisconsin Statutes; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Wisconsin Statutes; for video service, as defined in Wisconsin Statutes; for electricity; or to provide light.

DRAFT

ARTICLE VIII. PARKING AND ACCESS

14-80 General 8-1
14-81 Parking Ratios 8-2
14-82 Calculation of Required Parking 8-5
14-83 Parking Reductions and Credits 8-5
14-84 Long-Term Bicycle Parking 8-6
14-85 Location of Off-Street Parking 8-7
14-86 Parking Area Layout and Design 8-7
14-87 Driveways and Curb Cuts 8-8
14-88 Stacking Spaces 8-10
14-89 Loading 8-11

14-80 General

(1) Purpose

(a) The parking regulations of this article are intended to help ensure that off-street parking facilities are provided to meet the basic day-to-day needs of shoppers, employees, visitors and residents while also avoiding the negative impacts that can result from requiring excessive quantities of off-street parking.

(b) The provisions of this article are also intended to help protect the public health, safety and general welfare by:

1. Promoting economically viable and beneficial use of land; and
2. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.

(2) Applicability[1]

(a) General. Off-street parking must be provided and maintained in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

(b) New Uses and Development. The parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

(c) Change of Use. If a new use of a building or structure requires more off-street parking than exists on the subject site and the zoning administrator determines that parking demand and spillover parking creates traffic hazards or unreasonable congestion, the zoning administrator is authorized to require the installation of additional off-street parking to comply with the parking requirements of this article.

(d) Enlargements and Expansions

1. The parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity or other units of measurement used in establishing off-street parking requirements.
2. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address parking deficits associated with existing, lawfully established buildings or uses.[2]

(e) Damage or Destruction. When a use that has been damaged or destroyed is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this zoning ordinance.[3]

(f) Maintenance. Off-street parking spaces required by this zoning ordinance must be maintained for the life of the principal use.

(3) Plans

All applications for a building permit must be accompanied by a fully dimensioned and scaled plan showing parking, driveway and loading facilities provided to comply with this zoning

1 These provisions, added for clarity, are mostly new.

2 Current ordinance requires that at least 50% of any existing deficiency be corrected.

3 Current ordinance requires that re-established uses meet minimum parking requirements.

ordinance. If no building permit is required, such plans must be submitted with the occupancy certificate application.

(4) Accessible Parking

Accessible parking facilities (for persons with disabilities) must be provided in accordance with all applicable state and federal regulations.

(5) Use of Off-Street Parking Areas

(a) Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.

(b) Required off-street parking spaces may not be used for the storage, display or sale of goods equipment or materials. No motor vehicle repair work of any kind is permitted in a required parking space.

(c) The city inspector is authorized to issue a permit for temporary seasonal use of off-street parking areas for display and sales of holiday and seasonal items (e.g., spring gardening supplies and Christmas trees).

(d) Required spaces may be used for electric vehicle charging (see also 14-78(4)).

(6) Traffic Impact Analyses

A traffic impact analysis (TIA) must be submitted for review by the public works director prior to approval of any rezoning, conditional use or site plan application that proposes more than 250 off-street parking spaces. TIAs must provide an evaluation of the impacts that the proposed development will have on traffic conditions, transit users, pedestrians and bicyclists.

14-81 Parking Ratios

(1) MX1 District

(a) Minimums. No minimum off-street motor vehicle parking ratios apply to nonresidential uses in the MX1 district.

(b) Maximums. Nonresidential uses in the MX1 district may not provide parking in excess of 125% the minimum motor vehicle parking ratios established in Table 8-1. No maximum ratio applies to uses without a minimum parking ratio.

(2) Other Districts

For all uses in districts other than MX1, off-street parking spaces must be provided in accordance with the minimum ratios established in Table 8-1.

TABLE 8-1 — PARKING RATIOS

USE CATEGORY Use Subcategory Specific Use Type	Minimum Number of Motor Vehicle Parking Spaces Required (see 14-84 for more information on bicycle parking)
RESIDENTIAL	
Household Living	
Single-Household	2 per DU (at least one of which must be enclosed)
Two-Household	2 per DU (at least one space per dwelling must be enclosed)
Three+-Household	1 per DU in MX1; 1.25 per DU + 0.25 per bedroom for 2+ bedroom DU in all other districts (at least one space per dwelling must be enclosed)
Group Living	1 per 4 driving-age residents + 1 per 2 employees; minimum 2 spaces
PUBLIC AND CIVIC	
Cemetery	No minimum
Club or Lodge	1 per 200 sf
College or University	As established per 14-82(6)
Hospital	1 per 2 employees + 1 per 4 beds

*DU=dwelling unit | sf = sq. ft.

TABLE 8-1 — PARKING RATIOS	
USE CATEGORY Use Subcategory Specific Use Type	Minimum Number of Motor Vehicle Parking Spaces Required (see 14-84 for more information on bicycle parking)
Library or Cultural Exhibit	1 per 2 employees + 1 per 600 sf
Parks and Recreation	As established per 14-82(6)
Religious Assembly	With fixed seating = 1 per 6 seats; Without fixed seating = 1 per 200 sf
Safety Service	1 per 2 employees
School	
Elementary or Middle School	1 per employee
Senior High School	1 per employee + 1 per 4 students
Utilities and Public Service Facilities	
Minor	No minimum
Major	1 per 2 employees
COMMERCIAL	
Animal Service	
Boarding	1 per employee
Grooming	1 per 2 employees + 1 per 400 sf
Veterinary	1 per employee + 1 per 400 sf
Assembly and Entertainment	With fixed seating = 1 per 6 seats; Without fixed seating = 1 per 200 sf
Business or Trade School	1 per employee + 1 per 6 students
Commercial Service	
Consumer Maintenance & Repair	1 per 400 sf
Personal Service	1 per 400 sf
Studio or Instructional Service	1 per 400 sf
Day Care	
Family Day Care Home	As required for type of residential dwelling unit
Group Day Care Center Adult Day Care Facility	1 per 10 enrollees + adequate off-street loading and unloading space, as determined as part of site plan review process
Eating and Drinking Places	
Restaurant	1 per 200 sf
Bar	1 per 200 sf
Financial Service (except as below)	1 per 400 sf
Convenient Cash Business	1 per 400 sf
Pawnshop	1 per 200 sf
Funeral or Mortuary Service	With fixed seating = 1 per 6 seats; Without fixed seating = 1 per 200 sf
Lodging	
Bed & Breakfast	2 + 1 per guest room
Short-term Rental	As required for type of residential dwelling unit
Hotel/Motel	1 per guest room + plus spaces required for any restaurant or conference space
Medical Service	1 per employee + 1 per 400 sf
Office	1 per 400 sf

*DU=dwelling unit | sf = sq. ft.

TABLE 8-1 — PARKING RATIOS	
USE CATEGORY Use Subcategory Specific Use Type	Minimum Number of Motor Vehicle Parking Spaces Required (see 14-84 for more information on bicycle parking)
Parking, Non-accessory	No minimum
Retail Sales	
Convenience Goods	1 per 400 sf
Consumer Shopping Goods	1 per 400 sf
Building Materials & Supplies	1 per 800 sf
Sexually Oriented Business	1 per employee + 1 per 200 sf
Sports & Recreation, Participant	1 per 2 employees + 1 per 400 sf
Vehicle Sales and Service	
Fueling Station	1 per 2 employees + 1 per 400 sf
Vehicle Sales	1 per employee + 1 per 600 sf of indoor sales, rental/customer service area
Vehicle Rental	
Vehicle Maintenance & Repair, Minor	1 per 2 employees + 2 per service bay (see also 14-88)
Vehicle Maintenance & Repair, Major	
INDUSTRIAL	
Fabrication and Production	1 per 1.5 employees
Industrial Service	1 per 1.5 employees
Storage, Distribution and Wholesaling	1 per 1.5 employees
Junk or Salvage Yard	1 per 1.5 employees
RECYCLING	
Composting, Yard	No minimum
Construction/Demolition Debris	1 per 1.5 employees
Consumer Material Drop-off	1 per 1.5 employees
Consumer Material Processing	1 per 1.5 employees
AGRICULTURAL	
Crop Agriculture	No minimum
Animal Agriculture	No minimum
Community Garden	No minimum
OTHER	
Drive-in/Drive-through Service	As required for principal use + stacking spaces per 14-88

*DU=dwelling unit | sf = sq. ft.

14-82 Calculation of Required Parking

In determining the number of parking spaces required, the following calculation rules apply:

(1) Multiple Uses

Lots containing more than one use or tenant must provide parking in an amount equal to the total aggregate number of spaces required for each use or tenant on the lot except when a shared parking arrangement is approved in accordance with 14-83(5).

(2) Rounding

When calculating off-street parking requirements, any fractional result of less than one-half is rounded down to the whole number and any fractional result of one-half or more is rounded up to the whole number.

(3) Floor Area (Square Feet)

For purposes of calculating off-street parking requirements based on square feet of floor area, the sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to such use are counted. However, the following are not counted:

(a) Areas devoted primarily to storage purposes;

(b) Area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; and

(c) Basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

(4) Floor Area Exemptions

When minimum off-street parking ratios exempt the first increment of floor area, such exemption is credited to each individual use, whether located in a single- or multi-tenant development.

(5) Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the zoning administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with 14-82(6).

(6) Establishment of Other Parking Ratios

The zoning administrator is authorized to establish required minimum parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios must be established on the basis of (1) a similar use determination, as described in 14-70(2)(e); (2) parking data provided by the applicant; or (3) other information available to the zoning administrator. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

14-83 Parking Reductions and Credits

(1) Special Assessments

The motor vehicle parking ratios of Table 8-1 do not apply to those properties that have accepted special assessments for parking facilities constructed and maintained by the city.

(2) Long-term Bicycle Parking

Each 6 long-term bicycle parking spaces provided in accordance with 14-84 is credited as one motor vehicle space.

(3) Public Parking

Nonresidential uses are credited for parking spaces within a nearby public parking lot or public parking garage, as follows:

(a) Minimum parking requirements for the subject use are reduced by one parking space for every 4 parking spaces within the public parking lot or garage, not to exceed a total reduction of more than 25 spaces;

(b) The nearest pedestrian entrance to the public parking lot or garage must be located within 1,500 feet of the lot on which the subject use is located; and

(c) The parking facility must be open to the general public from at least 6:00 a.m. to 10 p.m.

(4) On-Street Parking

Nonresidential uses are credited for on-street parking spaces on public street rights-of-way abutting the subject property. One on-street parking space credit may be taken for each 20 linear feet of abutting right-of-way where on-street

parking is allowed. Only space on the same side of the street as the subject use may be counted, except that the opposite side of the street may be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional spaces are rounded down.

(5) Shared Parking[4]

(a) General. Shared parking refers to the practice of 2 or more users who need parking at different times to agree to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

(b) Eligibility. The zoning administrator is authorized to approve shared parking for nonresidential uses that have different periods of parking demand. Required residential parking spaces and accessible parking spaces (for people with disabilities) may not be shared.

(c) Submittal Requirements and Methodology

1. Applicants proposing to use shared parking as a means of reducing overall motor vehicle parking requirements must submit:

   a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;

   b. The location and number of parking spaces that are being shared; and

   c. A legal instrument such as a deed or long-term lease guaranteeing access to the parking for the shared parking users. The agreement is subject to approval by the city attorney and must be recorded in the Brown County Register of Deeds office.

(6) Alternative Compliance

The motor vehicle and bicycle parking ratios of 14-81 are not intended to be a barrier to development or redevelopment or to make development and redevelopment economically impractical or negatively impact the viability of businesses. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternatives to the parking requirements of this article may be approved through the site plan procedures of 14-124 only if:

(a) The applicant submits a parking study demonstrating that the motor vehicle parking ratios of 14-81 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);

(b) The plan commission determines that the other allowed parking reduction and credit provisions of this section are infeasible or do not apply; and

(c) The plan commission determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

14-84 Long-Term Bicycle Parking

(1) Purposes

Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, primarily employees and residents.

(2) Spaces Required

Long-term bicycle parking and storage is not required, but as a means of encouraging the provision of long-term bicycle parking spaces for employees and bicycle commuters, motor vehicle parking credit is offered in accordance with 14-83(2).

(3) Location and Design

(a) Design and Location. Long-term bicycle parking spaces provided to receive parking credit in accordance with 14-83(2) must:

1. Be located with direct access by the bicycle rider, without requiring use of stairs;

4 Shared parking allowed under current ordinance only with plan commission approval.

2. May not be located in dwelling units or on dwelling unit balconies;
3. Must protect the entire bicycle, its components and accessories against theft and inclement weather, including wind-driven rain and snow.
4. Must be designed to allow bicycles to be securely locked to a bicycle rack, or be located in a bicycle locker with a separate access door for each bike or in an attended bike room.

14-85 Location of Off-Street Parking

(1) General

Except as otherwise expressly stated in this article, required off-street parking areas must be located on the same lot as the building or use they are required to serve.

(2) Off-site Parking

(a) When Allowed. All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces and required parking for residential uses may not be located off-site.

(b) Location. Off-site parking areas must be located within 500 feet of the use served by such parking, measured between the nearest pubic entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit non-accessory parking or that allow the principal use to be served by the off-site parking spaces.

(c) Design. Off-site parking areas must comply with all applicable parking area design regulations of 14-86.

(d) Control of Off-Site Parking Area. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if a legal instrument is provided, guaranteeing the long-term availability of the off-site parking. The agreement is subject to approval by the city attorney and must be recorded in the Brown County Register of Deeds office. Any proposed changes to the agreement must also be submitted to the city attorney for review and approval.

14-86 Parking Area Layout and Design

(1) Applicability

The parking layout and design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required or non-required parking spaces.

(2) Ingress and Egress

All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply when motor vehicle access is to a local street.

(3) Parking Stall Size

(a) Standard Spaces. Except as expressly allowed for compact spaces or as expressly required for accessible parking spaces, parking spaces must be designed as "standard" size spaces, in accordance with Table 8-2. Up to 2 feet of the front of a standard parking space, as measured from a line parallel to the direction of the bumper of a vehicle using the space, may be landscaped area instead of paved. Such areas counts toward interior parking lot landscaping requirements.

(b) Compact Spaces. Up to 20% of the parking spaces in parking lots containing more than 10 parking spaces may be designated and designed as compact parking spaces. Compact parking spaces must be designed in accordance with Table 8-2. When compact parking spaces are used, at least 80% of the total number of parking spaces provided must be standard-size parking spaces.

(4) Parking Lot Geometrics

(a) Parking areas must be designed in accordance with Table 8-2, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table 8-2 may be interpolated from the layouts shown, as approved by the zoning administrator.[5]

5 These dimensions differ from the current ordinance

TABLE 8-2 — PARKING LOT GEOMETRICS				
Stall Type	A Stall Angle	B Stall Width	C Stall Length	D Aisle Width
Standard	0°	8.5	22.0	12.0
Compact	45°	8.0	16.0	15.0
Standard		8.5	18.5	15.0
Compact	60°	8.0	16.0	18.0
Standard		8.5	18.5	18.0
Compact	90°	8.0	16.0	24.0
Standard		8.5	18.5	24.0

(5) Vertical Clearance

All required parking spaces must have overhead vertical clearance of at least 7 feet.

(6) Marking

The location of each parking space must be identified by surface markings at least 4 inches in width and be maintained so as to be readily visible at all times.

(7) Surfacing

(a) All off-street parking areas and access drives must be surfaced and maintained with concrete pavement, permeable pavers, porous concrete, or other hard, dust-free surface approved by the director of public works.

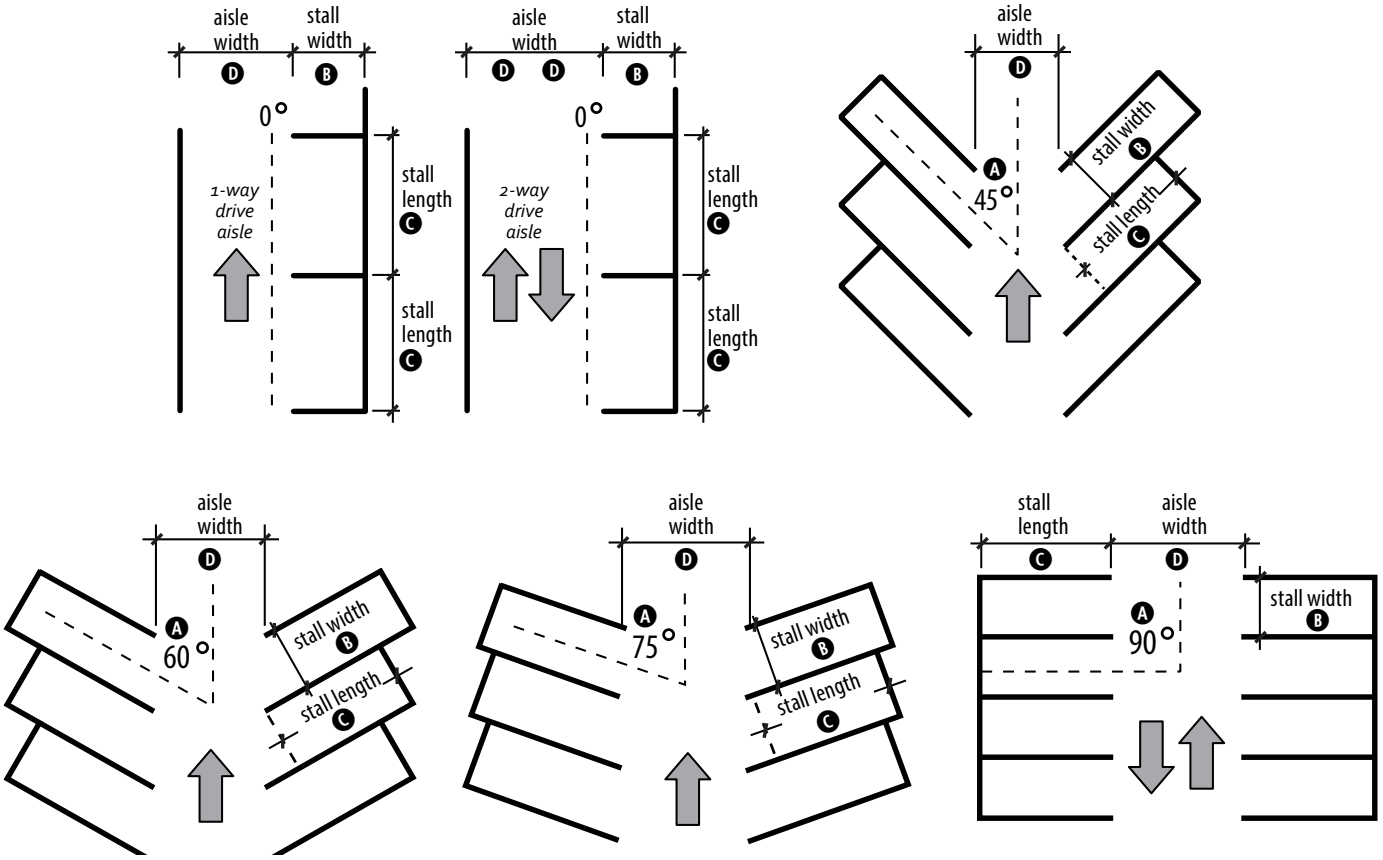
(b) Pavement areas are limited to only necessary drives, walkways and parking spaces; all other areas must be landscaped.

(8) Tandem and Stacked Parking

(a) Tandem parking spaces may be used to satisfy parking requirements for household living uses when the parking spaces are assigned to the same dwelling unit.

(b) Tandem and stacked parking spaces may be used to satisfy off-street parking requirements for other use types when an attendant is on duty during all hours of operation of the subject use.

Figure 8-1. Parking Lot Geometrics



(9) Back-in Angled Parking

Instead of pulling forward into the space, drive lanes are reversed and drivers back into the angled stalls.

(10) Curbs and barriers

Curbs or similar barriers approved by the zoning administrator must be provided to prevent motor vehicles from encroaching into required setbacks and landscape areas, as follows:

(a) All open off-street parking areas must provide a 6-inch curb or approved wheel barrier when abutting required setbacks, landscape areas and adjoining property lines.

(b) Wheel barriers must be located at least 2 feet from the edge of pavement or the area to be protected from encroachment.

14-87 Driveways and Curb Cuts

(1) General

(a) Residential curb cuts require development services department approval.

(b) All other curb cuts require public works department approval.

(c) Driveways require development services approval.

(d) Driveway approaches and curb cuts are also subject to the regulations of Chapter 22 of the municipal code.

(e) Two-way drives must lead to the nearest garage door.

(f) Two-way drive curb cut openings must be as close as possible to the garage door. Service doors are not garage doors.

(g) New constriction and reconstruction requires a site plan. Rehabilitation, repair, and renovation does not.

(2) Number

(a) The number of driveways on a single lot is limited in accordance with Table 8-3.

TABLE 8-3 — NUMBER OF DRIVEWAYS

Zoning/Use	Maximum Number Permitted
Commercial	1 two-way or 2 one-way per 100 feet of street frontage
Industrial	1 two-way or 2 one-way per 200 feet of street frontage [1]

TABLE 8-3 — NUMBER OF DRIVEWAYS

Zoning/Use	Maximum Number Permitted
Residential	
Single-household	1 two-way or 2 one-way
Two-household	1 per dwelling
All other residential	Same as commercial

[1] Unless otherwise approved by the plan commission as part of site plan approval process[6]

(3) Width

(a) Driveways are subject to the driveway width regulations of Table 8-4.

TABLE 8-4 — DRIVEWAY WIDTH

Zoning/Use	Maximum Dimension (feet)		
	Width at Property Line	Flare (each side)	Opening (at curb)
Residential			
Single-household (one-way loop drive with two curb cuts)	15	5	25
Two-household (single driveway) [1]	25	2.5	45
All other residential	30	5	40
Commercial			
One-Way	15	10	35
Two-Way	25	10	45
Industrial (curb and gutter)			
One-Way	20	20	60
Two-Way	35	20	75
Industrial (no curb and gutter)			
One-Way	20	45	110
Two-Way	35	45	125

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

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

(b) The building inspector is authorized to approve driveway widths that exceed the regulations of Table 8-4 for those portions of a driveway located behind the right-of-way line/front lot line if all of the following conditions are present:

6 This appears to conflict with other ordinance language authorizing review/approval of "waiver" requests by "board of public works"

1. The lot is not occupied by a single or two-household residence with a center driveway;
2. For lots with garages nearest to interior side yards:
   a. The increased width may encroach only into the front setback that is adjacent to the nearest interior side yard setback; and
   b. The outer edge of the widened surface may not extend closer than 2 feet to the abutting interior side yard lot line;
3. For corner lots with garages nearest to corner side yards:
   a. The increased width may encroach only into the front setback that is adjacent to the nearest corner side yard setback; and
   b. The outer edge of the widened surface may not extend closer than 15 feet to the abutting corner side yard lot line; and
4. The widened portion must be tapered into the allowed maximum width at the property line at a flare angle that is between 0 degrees and 45 degrees.
5. Parking is allowed only on the front façade of the garage when the front façade has a garage door that allows vehicle access.

(c) Two-unit houses may use a shared (center) driveway with a width of more than 25 feet only if the driveway is designed and constructed with a center landscape divider, as follows:

1. The landscaped divider must be provided in the center of the shared driveway, commencing at the interior sidewalk line and running to the garage. It must be at least 3 feet in width and be planted in grass, or a combination of decorative stone and plants or grass.
2. Driveway on lots occupied by a two-unit house and constructed to include the required divider landscape area will be considered a single driveway for purposes of complying with the driveway and curb cut regulations of this section.

(d) In the X districts, the hierarchy of allowed driveway locations is as follows:

1. Where an alley exists, driveways must be accessed from the alley, unless otherwise determined by the public works director.
2. When no alley exists, driveways must be accessed from non-primary streets.
3. When no alley and no non-primary street exists, driveways may be accessed from a primary street.
4. Alternative driveway locations may be approved in accordance with the design exception procedures of 14-125.

(4) Separation and Spacing

(a) Driveway openings must be spaced at least 15 feet apart, measured at the curb line.

(b) Driveway openings must be set back from intersections in accordance with the regulations of Table 8-5.

TABLE 8-5 — SPACING FROM INTERSECTIONS

Zoning/Use	Street	Min. Distance (feet)[1]
Residential	All	25
Commercial	Local	25
Commercial	Collector or Arterial	100
Industrial	All	100
Commercial	Collector or Arterial	100

[1] Measurements taken at the curb line. Driveway flares may not extend beyond the lot line.

14-88 Stacking Spaces[7]

(1) Spaces Required

In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in Table 8-6.

TABLE 8-6 — STACKING SPACE REQUIREMENTS

Use/Type	Minimum Spaces (per lane)
Automated Teller Machine	2 (measured from ATM)
Bank	3 (measured from service area)

7 New regulations

TABLE 8-6 — STACKING SPACE REQUIREMENTS	
Use/Type	**Minimum Spaces** (per lane)
Car Wash, Automated or Custer-Operated	2 (measured from vehicle entrance)
Car Wash, Attendant, Hand Wash	3 (measured from vehicle entrance)
Drug Store	2 (measured from pick-up window)
Restaurant	4 (measured from order board)
Kiosk	2 (measured from service window)
Other	As approved by zoning administrator

(2) Dimensions
Each lane of stacking spaces must be at least 8 feet in width and at least 17 feet in length. Stacking lanes must be delineated with pavement markings.

(3) Location and Design
Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.

(4) Pedestrian Access
The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

14-89 Loading[8]

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

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

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

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

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

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

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

8 Revised for additional flexibility

this page intentionally blank

DRAFT

ARTICLE IX. BUILDING AND SITE DESIGN

14-90 General 9-1
14-91 Building Facade Materials 9-1
14-92 Building Design Elements 9-6
14-93 Auto-Oriented Structures 9-14
14-94 Refuse and Recyclable Materials Storage 9-17
14-95 Outdoor Lighting 9-17

14-90 General

(1) Applicability

The design regulations of this section apply to all building types in X districts, unless otherwise stated.

(2) Intent

(a) General

The regulations of this section 14-90 are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect or establish the character of the city.

(b) Durable, High Quality

The minimum design regulations are intended to ensure use of well-tested, high quality, durable, weather-resistant, exterior grade, preferably natural materials on the majority of finished surfaces, while permitting a wider range of materials for details. High quality materials can improve the quality of buildings in that they weather well, have a lower failure rate, require a low level of maintenance, have a longer life cycle and sense of permanence, and maintain higher long term value.

(c) Simple, Well Organized Facades

The design regulations are intended to promote simpler, well organized facades that are easy to comprehend and have a clear hierarchy.

(d) Human-Scaled Building Units

The design regulations are intended to yield building facade proportions that are comfortable to and in line with the scale of people. Additionally, a high level of detail relates facades to pedestrians and makes them more interesting and inviting.

14-91 Building Facade Materials

(1) Applicability

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

(2) Major Facade Materials

At least 70% of each street facade surface, not including window and door areas, must be composed of major materials in accordance with the regulations of Table 9-1.

(a) Simplicity of Surface Materials

At least 60% of each building, not including window and door areas, must be faced of a single major material. See Figure 9-1

(b) Side and Rear Facades

Permitted major facade materials must continue around the corner of a building from the street facade onto the side or rear facade for no less than 30 feet along the side or rear facade. Refer to Table 9-1.

(c) Other Materials

A design exception may be approved in accordance with 14-125 for materials not listed as permitted major materials, with the exception of those materials listed in Table 9-4 as prohibited materials.

(d) Color
In the MX1 district only, flourescent colors shall not be applied as a facade finish.

(3) Minor Facade Materials

(a) Maximum Minor Materials for Surface Areas
A maximum of 30% of each street facade surface, not including window and door areas, may be composed of minor facade materials in accordance with the regulations of Table 9-2. Minor facade materials may also be utilized on non-street facades as defined in Table 9-2.

(b) Accents and Details
Additional materials are permitted for trim, accents, and details in accordance with the regulations of Table 9-3, not included in the maximum surface area.

(c) Other Materials
A design exception may be approved in accordance with 14-125 for materials not listed as permitted minor materials or accent and detail materials, with the exception of those materials listed in Table 9-4 as prohibited materials.

(4) Pitched Roof Materials

Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. Engineered wood or engineered slate may be approved through the design exception process.

(5) Accessory Buildings

Accessory buildings including sheds and warehouses shall meet all building material regulations, except an accessory building may be 100% metal if all of the following conditions are met:

(a) The building is less than 1,200 square feet;

(b) The building is not visible from any property line, residential district, or public and institutional district;

(c) The building is less than 20 feet in height; and

(d) The metal color is the same as a color on the principal structure.

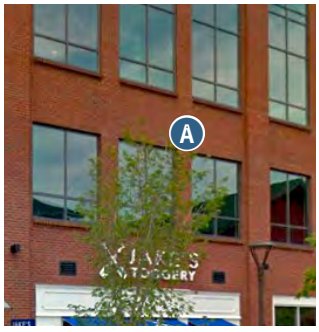


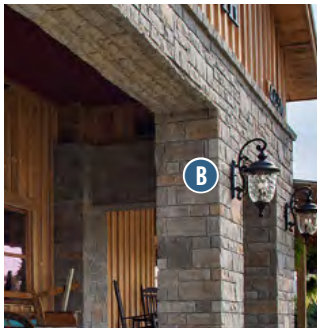
Figure 9-1. Major and Minor Materials on a Facade

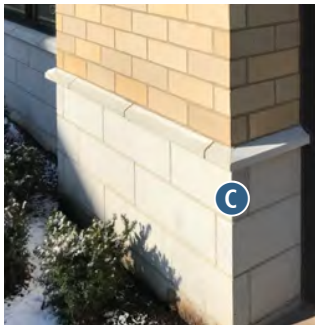
TABLE 9-1 — ALLOWED MAJOR FACADE MATERIALS

	Major Facade Material (alphabetical)	DISTRICTS				
		X, P	RM	O	C	BP, I
A	**Brick** full dimensional, unit, face brick	●	●	●	●	●
	Brick economy size; or thin, veneer	-	-	●	●	●
B C	**Concrete Masonry Units** architectural, minimum 3" depth, "artisan stone" look, varied sizes, (Eschelon Masonry or approved equal), "stone" face, "hewn stone", rock cut	●	●	●	●	●
	Concrete Masonry Units minimum 3" depth, split-faced, burnished/ground face, glazed, or honed,	-	-	●	●	●
D	**Fiber Cement Board** finished lap siding or shingles	● Commercial Cottage and Row Building only	-	-	-	-
E	**Glass** curtain wall system	● except Commercial Manor and Row Building	●	●	●	●
	Metal architectural panel system with 35% ground level brick, approved concrete masonry units, or stone	● MX1, GX1 only	-	-	-	●
	Stone natural veneer	●	●	●	●	●
F	**Wood** painted, stained, or treated lap siding, shingles	● Commercial Manor and Row Building only	●	-	-	-

KEY: ● = allowed







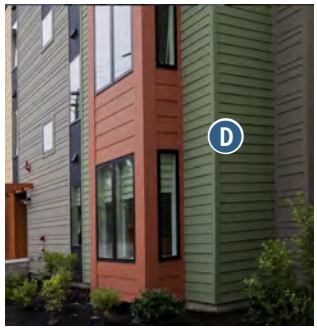






TABLE 9-2 — MINOR FACADE MATERIALS

All allowed major facade materials may be used for minor facade materials, unless otherwise listed as prohibited in Table 9-4.

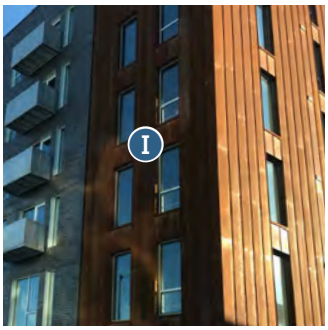
	Minor Facade Material (alphabetical)	Allowed on Buildings in these Districts	Allowed Facades	Maximum Amount on each Facade
	Brick, Economy economy size; or thin, veneer	All	Non-street facades only	100%
	Concrete Surfaces textured unfinished	BP, I districts only	All	30%
	Concrete Surfaces finished stained, painted, treated	All	O, C, BP, I districts: all facades All other districts: below first floor only	30%
	Concrete Masonry Units minimum 3" depth, split-faced, burnished/ ground face, glazed, or honed,	All except Commercial Manor	Non-street facades only; In & I districts, all facades	100%
G	**Fiber Cement Board, Composite** finished panels	All	All, except a major material is required at grade up to 2 feet and adjacent to entrances	30%
	Glass curtain wall system	All except Commercial Manor	All	30%
	Glass Block	All except Commercial Manor	Non-street facades only	20%
H	**Metal** architectural panel system	MX1, GX1, BP, I only	All, except a major material is required at grade up to 2 feet and adjacent to entrances	30%
	Metal, Composite aluminum composite materials (ACM) or panels (ACP)	MX1, GX1, O, BP, I, P only	Non-street facades only	30%
	Metal Siding coated siding with concealed fasteners	BP, I only	Rear facades only	100%
I	**Metal, Corten** panels or panel systems, not ribbed or corrugated	MX1, GX1, O, BP, I, P only	All	30%
J	**Stucco** cement-based, 2- 3 layer hard coat	All	Only 3rd or higher stories all facades	30%
	Stucco synthetic or with elastomeric finishes	All	Only 3rd or higher stories all facades	30%
	Terra Cotta or Ceramic tiles or panels	All	All	20%
K	**Translucent Panel System** double-wall, polycarbonate panels	All except Commercial Manor	All	20%
	Vinyl Siding minimum 0.42 inches thick	Allowed only on Row Building	All	30% of street facade, 100% on other facades
L	**Wood** natural, aged lap siding, shingles, rain-screen system	All	All	30%
M	**Wood, Composite** rainscreen system	All	All	30%

TABLE 9-3 — ALLOWED DETAIL AND ACCENT MATERIALS (all facades)	
All permitted major and minor facade materials may be used for details, trim, and accents, unless otherwise listed as prohibited in Table 9-3.	
N	**Concrete Details** precast stone ornamentation, lintels, sills, banding, columns, beams
	Fiber Cement Details trim, soffits
O	**Metal Details** trim, ornamentation, lintels, beams, columns
	Wood and Wood Composite Details painted/treated trim, soffits, other approved details
P	**Vinyl Details** limited to soffits, window trim; minimum .042 inches thick

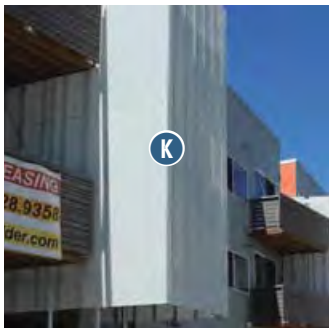
TABLE 9-4 — PROHIBITED MATERIALS (all facades)	
Q	**Stucco Mouldings or Synthetic Stucco Mouldings** trim, sills, cornices, banding, columns, pilasters or other 3 dimensional details
	Wood Unfinished, untreated plywood and wood panels





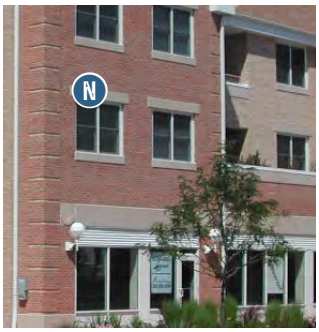




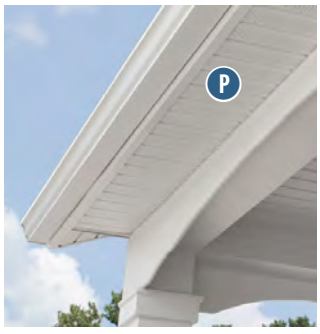


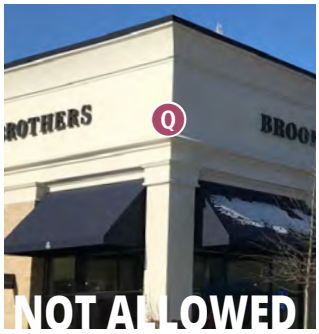


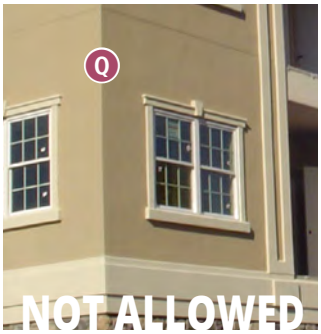












(6) Materials Installation Quality

The intent of the materials installation quality regulations is to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials. Changes in vertical surface materials for buildings must comply with the following regulations:

(a) Changes in Surface Materials

Changes in surface materials, whether major materials or minor materials, may only occur at concave corners, minimum 12 inches deep. Surface materials are materials intended to cover the facade surface (such as unit materials, siding, stucco, panels) and do not include detail materials, such as but not limited to cast stone for lintels or cornices, exposed metal beams, or any material used to create a shadow line.

(b) Materials Hierarchy

Unit materials must be elevated from the face of the building above less detailed, surface materials. For example, stucco, as a constant surface material, must be recessed behind a bricked surface. See Figure 9-2 for an example, where Material A is brick, Material B metal panels, and Material C stucco.

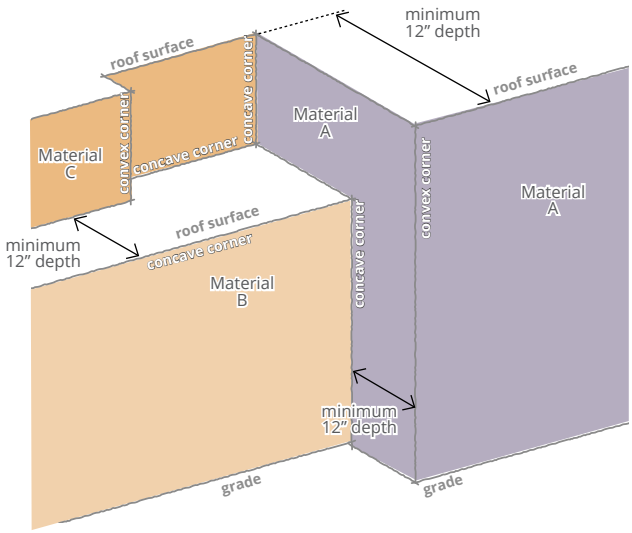


Figure 9-2. Diagram of Allowable Changes in Surface Materials

(c) Shadow Lines on Surfaces

Shadow lines must be created at changes in materials with solid materials of a thickness that is greater than 2 inches, such as cast stone, masonry, or stone. For example, cast stone pieces may be offset to create a shadow, where the convex corner of the piece is used to create the corner of the detail.

(d) Appropriate Grade of Materials

Except the Row Building, all doors, windows, and hardware must be of commercial grade quality.

(e) Applique Materials

Materials used to create shadow lines must be at least 2.5 inches thick.

(f) Stucco Installation

Any stucco construction must be of the highest installation quality and comply with the following criteria:

1. All stucco joints must be aligned along the facade in the pattern shown on the elevations submitted for the site plan approval. Joints must also align with the locations of windows and doors and other changes in material.
2. The stucco wall assembly must be indicated on the plans specifying stucco type and construction.

14-92 Building Design Elements

(1) Applicability

The design regulations of this section apply to all building types in the RM and X districts, unless otherwise stated.

(2) Windows

Windows on street and public way facades of all buildings are subject to the following regulations:

(a) Amount

Each building must comply with the transparency regulations applicable to the subject building type.

(b) Recessed

All windows, with the exception of ground-story storefront systems and glass curtain wall systems, must be recessed with the glass a minimum of 2 inches back,

measured from the facade surface material or adjacent trim.

(c) Vertical Orientation
All windows must be vertically oriented except that when a flat building cap is used, horizontally oriented windows may be used for up to 30% of the total transparency area of each upper-story.

(d) Visibility Through Glass
Reflective glass and glass block are prohibited on street and public way facades. Windows must comply with the transmittance and reflectance factors established in the transparency definition (see14-161).

(e) Expressed Lintels
For masonry construction, the expression of lintels must be included above all windows and doors by a change in brick coursing or by a separate detail or element. See Figure 9-3 for illustrations of expressed lintels.



Figure 9-3. Vertically Oriented Windows with Expressed Lintels

(3) Shutters

When functional or non-functional shutters are used on a street or public way facade, the shutters must comply with the following regulations. See Figure 9-4 for examples of shutters.

(a) Size
All shutters must be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.

(b) Materials
Shutters must be wood, metal, or fiber cement.



Inappropriately Scaled Shutters: **Not Permitted**



Image: North Knox Windows

Appropriately Scaled Shutters: **Permitted**

Figure 9-4. Examples of Shutters

(4) Balconies

Balconies on a facade facing any street, courtyard, open space, or public way must comply with the regulations of this subsection. See Figure 9-5 for examples of balconies.

(a) Definition
For the purpose of this subsection, balconies must include any roofed or un-roofed platform that projects from the wall of a building above grade that is enclosed only by a parapet or railing. This definition does not include false balconies, Juliet balconies, or balconettes.

(b) Balconettes
Sometimes referred to as juliet balconies, balconettes are false balconies consisting of a rail and door, either without an outdoor platform or with an outdoor platform less than 18 inches in depth. Balconettes are permitted above the first floor only and do

not count towards the maximum permitted amount of balcony on a street facade.

(c) Size
Balconies must be a minimum of 4 feet deep and 5 feet wide.

(d) Integrated Design
Balconies are intended to be integrated with the design of the facade in order to avoid a "tacked-on" appearance.

The balcony support structure must be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.

(e) Platform
The balcony platform must be at least 3 inches thick and any underside of a balcony that is visible from any public way must be finished. Metal open grate floors are not allowed.

(f) Facade Coverage
A maximum of 35% of the public way frontage facades, calculated separately for each facade, may be covered by balconies. The balcony area is calculated by drawing a rectangle around the following: the platform or floor of the balcony; any rails, walls, columns or indentations; and any ceiling, roof, or upper balcony.

(g) Build-to Zone Requirement
The portion of the facade occupied by an upper-story balcony is exempt from build-to zone regulation if the balcony falls within the build-to zone.

(h) Right-of-Way
Balconies may not extend into any right-of-way or easements except as otherwise approved by the city via a revocable occupancy permit.

1. Balconies in the right-of-way must have at least a 10-foot clearance above the sidewalk.

(i) Exception
A design exception may be approved for an alternate balcony design in accordance with 14-125.

Figure 9-5. Examples of Balconies



(5) Principal Entryway

See Figure 9-6 for examples of defined principal entryways. Principal entrances to all buildings or units must be clearly delineated through one or more of the following design features:

(a) Roof or Canopy
The entryway is covered by a roof or canopy differentiating it from the overall building roof type.

(b) Porch
The entryway is through a porch.

(c) Sidelights and Transom
Sidelights or transom windows are included around the entryway.

(d) Extended Articulation
The entryway is included in a separate bay of the building that extends up at least 2 stories.

(e) Other Design
Entryway designs that do not comply with the regulations of this subsection may be approved in accordance with the design exception procedures of 14-125, if it is determined that the design adds emphasis and draws attention to the entryway.



Figure 9-6. Examples of Defined Principal Entryways

(6) Building Articulation

The building articulation regulations of this subsection apply to all building types. See Figure 9-7 for examples of building facade variety and articulation of stories.

(a) Building Facade Variety
Each public way facade 120 feet in length or greater, as measured along any street or public way frontage must be varied in segments less than or equal to 90 feet. Each facade segment must vary in at least 3 of the following ways:

1. The type of dominant material or by color, scale, or orientation of that material;
2. The proportion of recesses and projections within the build-to zone;
3. The location of the entrance and window placement;
4. Roof type, plane, or material, unless otherwise stated in the building type requirements; or
5. Building heights.

(b) Articulation of Stories
Stories must be articulated on street and public way facing facades.

1. Fenestration or window placement on street facades must be organized by stories.
2. Horizontal shadow lines and lintels over openings may be used to delineate stories with minimum shadow lines as required for the subject building type.
3. Mezzanines that fall within the range of floor to floor heights of the building type must be articulated on the facade and require separate calculation for transparency.

4. Spaces exceeding the allowable floor to floor heights of the building type must be articulated as multiple stories on the street facade.

(7) Arcade Design

See Figure 9-8 for an illustration of an arcade. The following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground-story.

(a) Depth
An open-air public walkway must be recessed from the principal facade of the building a minimum of 8 feet and a maximum of 15 feet.

(b) Build-to Zone
When an arcade is used, the outside face of the arcade is to be construed to be the front facade, located within the required build-to zone.

(c) Column Spacing
Columns must be spaced between 10 feet and 12 feet on center.

(d) Column Width
Columns must be a minimum of 1 foot 8 inches and a maximum 2 foot 4 inches in width.

(e) Arcade Openings
Openings may not be flush with interior arcade ceiling and may be arched or straight.

(f) Horizontal Facade Division
A horizontal shadow line must define the ground-story facade from the upper stories.

(g) Visible Basement
A visible basement is not permitted.

(h) Exception
A design exception may be submitted for approval of an alternate arcade design.

(8) Vistas

Views down streets must be considered when laying out streets and locating open space, parking, and buildings. See Figure 9-9 for an illustration of a vista.



Figure 9-7. Examples of Building Facade Variety and Articulation of Stories

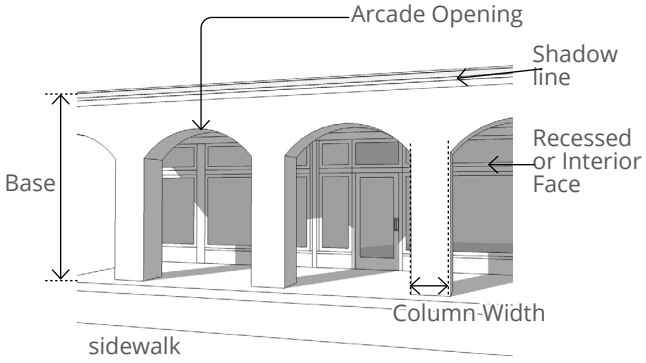


Figure 9-8. Illustration of Arcade

(a) Rears of Buildings
The location of open space and streets may not create views of the rear of buildings or parking behind buildings.

(b) Parking
Parking structures and surface parking lots are not permitted at the termination of a street vista.

(c) Street Termini
When a street terminates at a parcel, the parcel must be occupied by open space or a building, as follows:

1. If the parcel is open space, a vertical element must terminate the view. Acceptable vertical elements include, but are not limited to, a stand or group of trees, a sculpture, a gazebo or other public structure, or a fountain.
2. If the parcel is not used as an open space, the facade of a building, whether fronting a primary street or not, must terminate the view. The building must incorporate a tower, a bay or a courtyard to terminate the view:



Figure 9-9. Example of Terminated Views at buildings and civic open space.

(9) Garage Doors

The following requirements apply to garage doors provided on any street facade.

(a) Location.

1. Primary Frontages. Garage doors are permitted on primary street facades only when used for patio access, open air dining, or display and not used for vehicular access.
2. Non-Primary Frontages. Garage doors may be permitted on non-primary street facades with direct access to the street where permitted by building type.
3. Interior Lot Facades. The preferred location is on interior lot facades.

(b) Recessed from Facades

Garage doors located on street-facing facades must be recessed a minimum of one feet from the dominant facade of the principal building facing the same street.

(c) Design.

1. Garage doors facing a non-primary street and intended to be closed during business hours must be clad with materials consistent with the design of the building.
2. On primary frontage facades, garage doors must be a minimum of 50% glass.
3. Carriage-style windows in the door or upgraded architectural doors are required on the Row building type.



Figure 9-10. Examples of Ground-Story Elevations along Slopes

(10) Ground-Story at Sloping Facades

See Figure 9-10 for examples of ground-story treatments.

(a) Storefront

The following regulations apply to all non-storefront facades along sloping streets:

1. Grade transitions on the building along the sidewalk should be designed to maximize active pedestrian-scale frontages between waist and eye level while minimizing blank walls.
2. The interior floor level must step to match the exterior grade within 3 feet. With approval of a design exception, changes in grade may be accommodated by a storefront window display space.
3. Knee wall and retaining walls may not exceed 30 inches in height except along a maximum 15 foot section of facade length.
4. If grade change is more than 9 feet along a single block face, entrance requirements may be increased to one entrance per 90 feet of building frontage.
5. If grade change is more than 9 feet along a single block face, building entrances adjacent to the street must be within 3 feet of the elevation of the adjacent sidewalk.

(b) Non-Storefronts

The following regulations apply to all non-storefront facades along sloping streets:

1. Grade transitions at the building along the sidewalk must be designed to minimize blank walls. Multiple front entrances along the street activate each segment of building section at each grade.
2. The interior floor level must step to match the changes in exterior grade within a 3-foot range. With a design exception approval, deeper transition zones between the sidewalk and building facade of porches, terraces, and landscape areas may be used assist with grade changes.
3. Changes can be accommodated by terraced planters and retaining walls. Retaining walls may not exceed 30 inches in height except along a maximum 15-foot section of frontage.
4. When the elevation of the first floor is more than 3 feet above grade, windows should be provided into the basement or lower floor elevations

(11) Mechanical Equipment & Appurtenances

Mechanical equipment and appurtenances can have a negative visual impact and detract from the quality of the design of a building. The purpose of these regulations is to ensure that the visual impact of mechanical equipment and appurtenances is minimized. See Figure 9-11 for illustrations.

(a) Mechanical Equipment in Building

Mechanical equipment must be located within the building, unless the applicant demonstrates the equipment is necessary for the function of the building and locating the equipment within the building would conflict with the equipment's function.

(b) Mechanical Equipment on Rooftop

Any rooftop mechanical equipment, such as but not limited to vents, ducts, condensers, and ventilators,and not including solar panels, must be located consistent with one of the following methods:

1. Incorporate equipment into the roof design consistent with the applicable building cap regulations of 14-39.
2. Set the equipment back a minimum of 20 feet from any street or public way facade.
3. To the extent practicable, all rooftop mechanical must be painted to blend with the structural roof and limit its visibility.
4. Rooftop mechanical equipment visible from adjacent highways must be screened with materials consistent with the building design.
5. Solar panels are permitted, subject to the regulations of 14-78.



Figure 9-11. Rooftop Utilities Screened from the Public Way by a Parapet

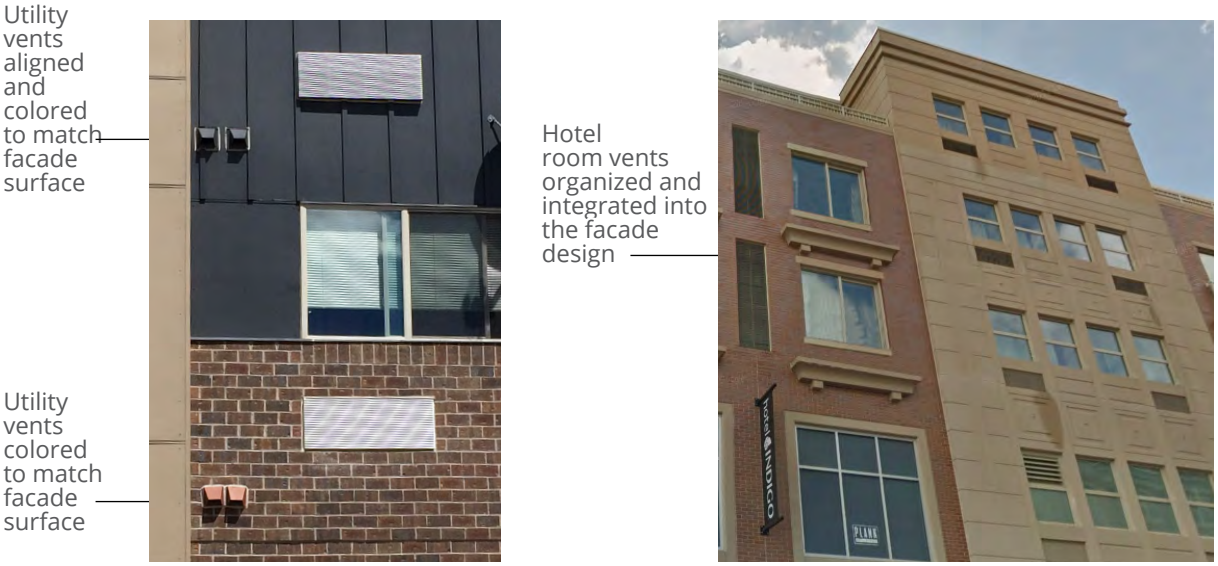


Figure 9-12. Utility Appurtenances located on Facades



Figure 9-13. Examples of Poorly Located Utility Appurtenances without Screening on Primary Streets: NOT PERMITTED

(c) Mechanical Equipment and Utility Appurtenances on Facades
Mechanical equipment and utility appurtenances may not be located on a facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Any equipment or appurtenance approved on a facade, such as dryer vents, gas meters, and air conditioners are subject to the following regulations:

1. Multiple pieces of mechanical equipment must be organized on the facade in a regular pattern and aligned. Compliance with this regulation must be illustrated on the drawing elevations submitted as part of the application.
2. To the extent practicable, facade-mounted mechanical appurtenances must be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored stucco than a textured, darker surface such as brick.

(d) Mechanical Equipment and Utility Appurtenances on Other Horizontal Surface
Mechanical equipment and utility appurtenances located on the ground, decks, or horizontal surfaces other than the roof (e.g., electrical equipment and air conditioners) are subject to the following regulations:

1. No Encroachment
Mechanical equipment may not extend into any city right-of-way or easement.
2. Yard Location
Mechanical equipment may not be located in a front or street side yard.
3. Screening from Streets and R & P Districts
   a. All equipment must be screened from view from any streets, open space R districts, and P districts with landscaping, fencing, or walls consistent with the building design, colors, and materials.
   b. Where landscaping only is employed, a single row of evergreen shrubs shall screen the equipment within 1 year of installation. The zoning administrator may require additional landscape materials. See Article X for landscape regulations.
   c. Where landscaping is employed, the utility must be located in a larger landscape area and the landscape screen must be designed as part of the bed design.

(e) The zoning administrator is authorized to approve appurtenances located on a primary street only if the following conditions are met:

1. The applicant demonstrates that the equipment cannot be located in a rear yard, non-primary street yard, or in a side yard.
2. No utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.
3. The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements. See Figure 9-13 for examples of poorly located, unscreened equipment on primary streets.
4. The appurtenance is located a minimum of 35 feet from a street intersection, measured from the intersection of the curb line, and does not impact the sight vision clearance at intersections.

14-93 Auto-Oriented Structures

(1) Applicability. The design regulations of this section apply to all building types in the X districts, unless otherwise stated.

(2) Parking Structures
Parking structures along any non-primary street frontage must comply with the following. See

Figure 9-14 for one illustration of a parking structure.

(a) Vertical Divisions
Vertical divisions extending the full height of the structure are required every 30 feet to de-emphasize the horizontal decks. Divisions must be a minimum of 2 feet in width with a minimum projection of 2 inches.

(b) Blank Wall Limitations
No rectangular area greater than 30% of any story's facade, as measured from floor to floor, and no horizontal segment of a story's facade greater than 15 feet in width may be solid, blank wall.

(c) Entry Tower
A defined pedestrian entrance/exit is required separate from the vehicular entrance and directly accessing the sidewalk. If the space is enclosed, windows are required to provide transparency of at least 65%.

(d) Cap
The top story of the parking structure must include a parapet or cap type along the street facades. See the building cap regulations of 14-39.



Figure 9-14. Illustration of Parking Structure

(3) Fueling Stations
Fueling stations and car washes must comply with the following. Refer to Figure 9-15 for one illustration of a compliant Fuel Station.

(a) Location of Pumps
Any fueling pumps shall be located in the rear or interior side yard.

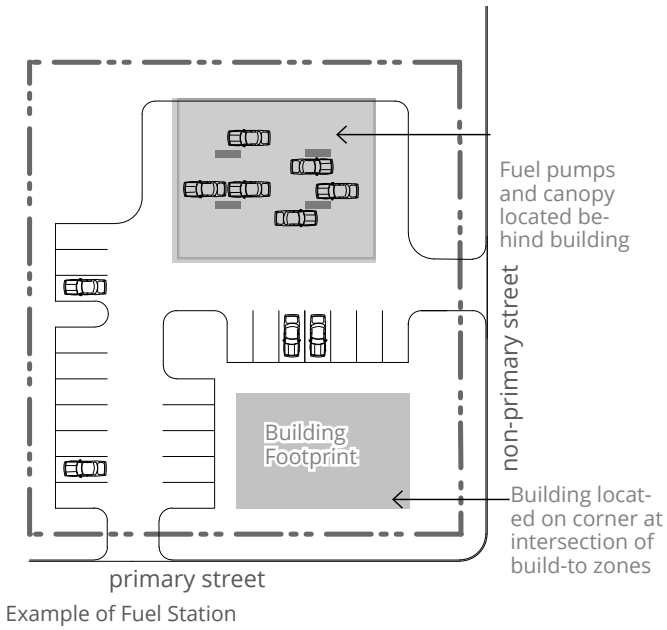
(b) Convenience Store/Building
A building on the premises of a fueling station shall be located in the build-to zone and shall occupy any corner. The building shall fulfill all requirements of the building type with the exception of the minimum primary frontage coverage and the minimum height requirement.

(c) Car Wash Facility
Any car wash facility shall be located in the rear of the lot. Vehicle entrance doors may be located on the rear facade, non-primary street facade, or an interior facade not visible from the primary street. Vehicular entrances are prohibited on the primary street facade, unless otherwise approved through a design exception.

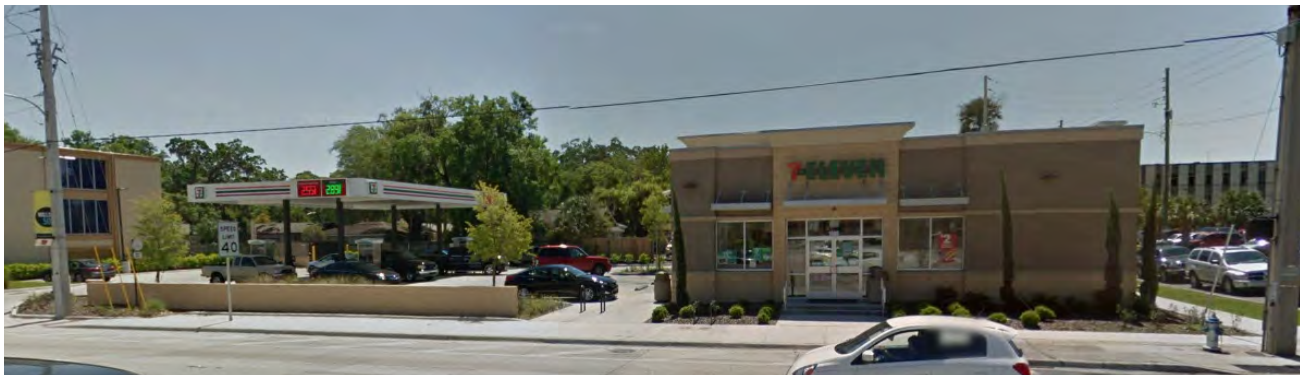
(d) Additional Drive Entrance
One driveway entrance, in addition to the driveways permitted by building type, is permitted on the lot, maximum width 22 feet. With a design exception, the driveway may be located on the primary street.

[Remainder of Page Intentionally Blank]

Figure 9-15. Side or Rear Fueling Pumps and Storefront Building



Example of Fuel Station



14-94 Refuse and Recyclable Materials Storage

(1) Applicability

Refuse and recyclable materials storage is required in the RM, X, O, C, BP, I, and P Districts.

(2) Regulations

(a) Refuse and recyclable materials containers must be stored within an enclosure.

(b) Refuse and recyclable materials enclosures may not be used for storage of anything other than refuse and recyclable materials receptacles.

(c) The enclosure must be opaque and provide complete visual screening of the refuse and recyclable materials receptacles.

(d) The enclosure and gate must be a matching metal building material, vinyl, brick, masonry, or composite wood. Chain-link fencing (with or without slats) is not allowed.

(e) The enclosure must be at least one foot taller than the receptacles. No refuse or recycle may be stored higher than the top of the enclosure.

(f) The refuse and recycle storage area must be located on a paved, dust-free surface, not including gravel.

(g) Landscaping is required around screening enclosures wherever they abut a non-paved surface or a required landscape area. Required landscaping shall be a coniferous species that is at least 3 feet tall and planted no more than 5 feet apart on center.

14-95 Outdoor Lighting

(1) Purpose

The outdoor lighting regulations of this section establish lighting levels for various permitted uses that promote visual surveillance, reduce the potential for criminal activity and prevent unnecessary glare and light trespass onto adjacent properties.

(2) Light trespass.

(a) Outdoor lighting must be designed, installed and maintained to confine illumination to the subject property. Maximum light trespass onto adjacent property is limited to the levels established in Table 9-5, as measured at any point along the property line of the lot receiving the spillover light. Compliance with these light trespass regulations must be achieved by fixture shielding, directional control designed into fixtures, fixture locations, height, aim or a combination of these or other factors.

TABLE 9-5 — MAXIMUM LIGHT TRESPASS (SPILLOVER)

Zoning (Lot Receiving Spillover Light)	Maximum (Footcandles)
Residential	0.20
All Other Zoning	0.50

(c) The illuminance from a typical 150-watt reflectorized incandescent floodlight at a distance of 150 feet can be 0.10 vertical footcandles, when facing almost full. Spotlights and floodlights must be aimed so that they do not shine (aim point) across property lines. Lumen rating is typically shown on the bulb packaging in conjunction with the wattage rating.

TABLE 9-6 — COMPARISON OF EFFICACY OF POWER

Output (Lumens)	Power (Watts)		
	Incandescent	CFL	LED
500	40	8 to 10	9
850	60	13 to 18	12 to 15
1,200	75	19 to 22	15
1,700	100	23 to 28	18

(3) Neon Lighting

Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas, hereafter referred to as "neon lighting," are excluded from shielding and line-of-sight requirements. Such lighting shall, however, be subject to the light trespass requirements of this chapter.

(4) Dark Sky-Compliant Lighting

The city requires the use of dark sky-compliant lighting fixtures and installation practices.

(5) Light Color Standard

The correlated color temperature of any outdoor light source may not exceed 3,000 Kelvin unless introduced as part of a facade or landscape lighting scheme used exclusively for the decorative illumination through color of certain building facade or landscape features. Any decorative illumination must be turned off between 10:00 p.m. and 6:00 a.m., local time.

(6) Mounted Fixture Height

Parking lot lighting must be mounted no higher than 30 feet of average grade at the base. All other on-site lights must be mounted no higher than 15 feet above grade directly below the fixture.

ARTICLE X. LANDSCAPE AND SCREENING

14-100 Purposes 10-1
14-101 Applicability 10-1
14-102 Street Trees 10-1
14-103 Parking Lot Screening 10-2
14-104 Parking Lot Interior Landscaping 10-3
14-105 Foundation Landscaping 10-4
14-106 Landscape and Screening Material 10-4
14-107 Installation and Maintenance 10-6
14-108 Landscape Plans 10-7
14-109 Alternative Compliance 10-7

14-100 Purposes

The landscape and screening regulations of this article establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this zoning ordinance and to help:

(1) Maintain and enhance the city's appearance;

(2) Mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;

(3) Reduce the impacts of noise and glare;

(4) Maintain and improve air quality;

(5) Protect surface water quality and reduce the negative impacts of stormwater runoff by providing vegetated areas that filter and absorb stormwater;

(6) Moderate heat by providing shade;

(7) Encourage wise use of water resources; and

(8) Encourage preservation and replacement of existing trees and vegetation.

14-101 Applicability

(1) The landscape and screening regulations of this article apply in X, O, C, BP, I, and P zoning districts, as further identified in the individual subsections of this article.

(2) The landscape and screening regulations do not apply to any of the following:

(a) Agricultural uses;

(b) Public parks and open spaces;

(c) Reconstruction of any building that is damaged or destroyed by fire, natural disaster or other means beyond the reasonable control of the property owner.

14-102 Street Right-of-Way Trees

(1) Purpose

Street right of-way trees help maintain and enhance the appearance of the city, contribute to pedestrian safety and comfort and offer environmental benefits by allowing the infiltration of stormwater, reducing urban heating and improving air quality.

(2) Applicability

The street tree planting requirements of this section apply to all of the following, except as otherwise expressly stated:

(a) Construction of any principal building or non-accessory parking;

(b) Any addition to or enlargement of an existing principal building when the addition or enlargement exceeds 50% of the building's existing floor area; and

(c) Any increase in impervious coverage on the subject lot that exceeds 50% of the lot's existing impervious coverage.

(3) Requirements

(a) Number

At least one large tree is required per 35 feet of street frontage. If large trees are not appropriate due to the presence of overhead lines, other obstructions or site visibility considerations, as determined by the city forester, at least one small tree is required per 30 feet of street frontage.

(b) Location

1. Required street trees must be centered in the terrace area of the right-of-way.

2. The city forester is expressly authorized to approve an alternative compliance landscape plan for installation of street trees in alternative locations when circumstances prevent street tree planting or when compliance with street tree planting location requirements would result in improper aesthetics or a poor growing environment for the tree or damage to public or private improvements.

3. Required street trees must be located within pervious landscape areas or within tree wells.

(4) Spacing

Street trees are not required to be evenly spaced, but the distance between street trees may not exceed 75 feet.

(5) Removal

Removal of street trees requires approval from the city forester. Property owners who remove any street tree for any reason are required to replace the tree with an equivalent or higher quality tree in the same location or in a new location, as approved by the city forester.

(6) Materials, Installation and Maintenance

See 14-106 and 14-107.

14-103 Parking Lot Screening

(1) Purpose

The parking lot screening regulations of this section are intended to help mitigate the visual and operational impacts of parking lots when such areas are adjacent to streets or residential zoning districts.

(2) Applicability

Unless otherwise expressly stated, the parking lot screening regulations of this section apply to all the following:

(a) The construction or installation of any new parking lot with a contiguous paved area of 3,500 square feet or more; and

(b) The expansion of any existing parking lot that results in the addition of 3,500 square feet of paved area, in which case the parking lot screening requirements of this section apply only to the expanded area; and

(c) The reconstruction of a parking lot with a contiguous paved area of 3,500 square feet or more, where "reconstruction" is defined as removal and replacement of pavement material.

(3) Requirements

(a) Screening from Street Frontage

1. When a parking lot is located adjacent to a street right-of-way, parking lot screening must be provided in accordance with the regulations of this section to visually screen the parking lot from the right-of-way.
2. Parking lot screening is required only when the parking lot is located within 100 feet of the right-of-way and there are no intervening buildings between the parking lot and the right-of-way.
3. Parking lot screening areas must be at least 7 feet in width; however, in the MX1 zoning district, required parking lot screening areas must be at least 3 feet in width.
4. Parking lot screening must be provided in the form of one of the following:
   a. A vegetative screen consisting of shrubs planted to form a continuous visual barrier (hedge) at least 3 feet in height accompanied by wrought-iron fencing between 3 and 6 feet in height installed on the street side of the shrubs; or
   b. A screening wall with a minimum height of 3 feet and a maximum height of 3.5 feet. Walls used to satisfy parking lot screening requirements must be constructed of brick, stone, cast stone, formed concrete or similar durable, low-maintenance materials.

(b) Screening from R District

1. Parking lots must be screened from view of R districts when the parking lot is located within 100 feet of an abutting R-zoned lot and there are no intervening buildings between the parking lot and the abutting R-zoned lot.
2. Required screening of parking lots from R districts must be provided in the form of either of the following options:
   a. The installation of an opaque fence at least 6 feet in height and at least

one tree per 30 linear feet of fence; or

b. The installation of a masonry wall with a minimum height of 6 feet.

3. When located in a required street setback, R district screening fences and walls may not exceed 4 feet in height.

(c) Vehicle Overhangs

A portion of a motor vehicle parking space may be landscaped instead of paved to meet parking lot screening requirements. The landscaped area may be up to 2.5 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space. Groundcover plants or mulch must be provided in the allowed vehicle overhang area.

(4) Materials, Installation and Maintenance

See 14-106 and 14-107.

14-104 Parking Lot Interior Landscaping

(1) Purpose

The parking lot interior landscaping regulations of this section are intended to help mitigate the visual and stormwater runoff impacts of parking lots and provide shade for parked vehicles and pedestrians.

(2) Applicability

Unless otherwise expressly stated, the parking lot interior landscaping regulations of this section apply to all the following:

(a) The construction or installation of any new parking lot containing 20 or more parking spaces;

(b) The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 33%; and

(c) The reconstruction of a parking lot with a contiguous paved area of 3,500 square feet or more, where "reconstruction" is defined as removal and replacement of pavement material.

(3) Exception

Parking areas used solely for the display of motor vehicles for sale, lease or rental are exempt from the parking lot interior landscaping requirements of this section.

(4) Requirements

(a) Trees

Required parking lot interior landscape areas must include at least one large tree per 20 parking spaces. Small trees may be substituted for large trees if the zoning administrator determines that the presence of overhead lines or other obstructions or site visibility considerations make the installation of large trees unsafe or impractical.

(b) Location and Design

1. Required trees must be reasonably distributed throughout the parking lot and provided in landscape islands or medians that comply with all the following requirements:

   a. They must be bordered by a paved surface on at least 2 sides;

   b. They must be at least 7 feet wide, as measured from the back of the curb; and

   c. They must be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape area.

2. Parking rows that end abutting a paved driving surface must have a landscape terminal island (end cap) with at least one tree at each end of the parking row. All other parking lot landscape islands must be located to comply with all applicable regulations of this section.

3. The zoning administrator is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.

(5) Vehicle Overhangs

A portion of a motor vehicle parking space may be landscaped instead of paved to meet interior parking lot interior landscaping requirements. The landscaped area may be up to 2 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space. Groundcover plants or mulch must be provided in the allowed overhang area.

(6) Relationship to Screening Regulations

Landscape areas and plant material provided to satisfy the parking lot screening regulations of 14-103 may not be counted toward satisfying the parking lot interior landscaping regulations of this section (14-104).

(7) Materials, Installation and Maintenance

See 14-106 and 14-107.

14-105 Foundation Landscaping

(1) Purpose

The foundation landscaping regulations of this section are intended to provide landscape next to buildings.

(2) Applicability

The foundation landscaping regulations of this section apply to all the following when located outside of the R1, R2, and MX1 zoning district:

(a) Construction of any principal building;

(b) Construction of parking garage, whether it is a principal or accessory building; and

(c) Any addition to or enlargement of an existing principal building when the addition or enlargement exceeds 20% of the building's existing floor area.

(3) Requirements

(a) Foundation planting areas must be provided abutting each principal building along at least 60% of length of any street-facing building walls.

(b) Foundation planting areas must have a minimum width of 5 feet, as measured from the exterior wall of the building.

(c) Required foundation planting areas must contain any combination of ornamental trees, evergreen trees, shrubs, flowering plants, ground cover plants, and other native or ornamental grasses and plants.

(d) All areas abutting a building that are not paved and not otherwise landscaped as required by this section must be covered by mulch, grass or ground cover plants.

(e) Foundation planting areas must:

1. Screen mechanical equipment, air conditioning units and other equipment from view of street;
2. Provide visual relief along large expanses of building walls and accent building entrances and architectural features; and
3. Enhance walkways, entrances, outdoor seating areas, and other pedestrian areas.

14-106 Landscape and Screening Material

(1) General

(a) Applicability. The regulations of this section apply to all trees, plant materials, and other features used to satisfy the landscaping and screening requirements of this zoning ordinance.

(b) City Forester Approval. The size, species, location and installation of all proposed trees are subject to approval by the city forester.

(c) Prohibited Tree and Plant Lists. The city forester is authorized to prepare a list of prohibited tree and plant species for use in administering and enforcing the regulations of this article.

(d) Selection. Trees and plants used to satisfy the requirements of this zoning ordinance must:

1. Meet or exceed the plant quality standards established in the latest edition of the American Standard for Nursery Stock (ANSI Z60.1);
2. Be native or naturalized to Wisconsin and adapted for growing conditions in the De Pere area, as determined by the city forester; and

3. Not be artificial plants or plants listed as prohibited species on the recommended and prohibited tree and plant species list.

(e) Planting Areas

1. All planting areas must have amended soil to help ensure the health of newly installed plant material.
2. All planting areas must be contained by edging material other than vegetation.

(2) Trees

(a) Size of New Trees. New or transplanted trees provided to satisfy the requirements of this zoning ordinance must comply with the following minimum size requirements:

1. Large trees must be deciduous, with a minimum caliper size of 2 inches and a minimum height of 10 feet at the time of installation.
2. Medium trees must have a minimum caliper size of 2 inches and a minimum height of 8 feet at the time of installation.
3. Small trees must have a minimum caliper size of 1.5 inches and a minimum height of 6 feet at the time of installation.
4. Evergreen trees must have a minimum height of 6 feet at the time of installation.

(b) Species. If more than 10 trees are required, no more than 40% may be of a single species. If more than 25 trees are required, no more than 25% may be of a single species. This requirement applies to trees being planted, not to existing trees.

(3) Credits for Existing Trees

(a) Preserved trees will be credited toward satisfying the tree planting requirements of this zoning ordinance in accordance with the following:

1. Preserved trees up to 6 inches in diameter at breast height (DBH) will be credited as 3 trees.
2. Preserved trees larger than 6 inches DBH, up to 12 inches DBH will be credited as 4 trees;
3. Preserved trees that are more than 12 inches DBH up to 24 inches DBH will be credited as 5 trees; and
4. Preserved trees that are more than 24 inches DBH will be credited at a ratio of 10 trees.

(b) To receive tree preservation credit, the following additional conditions must be met:

1. Preserved trees for which credit is given must be in good health and condition and may not be prohibited species;
2. The original grade of the dripline area of a preserved tree may not be changed; and
3. Tree protection fencing must be installed around the outer limits of the dripline area and remain in place from commencement of construction activity until all exterior work is complete. Tree protection fencing must consist of orange vinyl construction fencing, chain link fencing, snow fencing or other similar fencing at least 42 inches in height and supported at no more than 10-foot intervals by posts or stakes to keep the fence upright and in place. A visible warning/no-disturb sign must be affixed to fence at 100-foot intervals.
4. Credit only applies to the specific parcel that the tree is on.
5. Credit does not apply to street trees.

(c) The zoning administrator is expressly authorized to reduce off-street parking requirements to allow for the preservation of existing trees.

(4) Shrubs

(a) New Shrubs

1. Shrubs must have a minimum container size of 5 gallons.
2. Shrubs may also be balled and burlapped.

(b) Existing (Preserved) Shrubs. Existing shrubs may be used to satisfy the landscaping

and screening requirements of this zoning ordinance if protected and maintained during site development and construction phases of work.

(5) Ground Cover

(a) All required landscape areas that are not planted with trees or shrubs must be covered with ground cover plants, which may include turf. Mulch must be confined to areas underneath trees and shrubs and is not an allowed substitute for ground cover.

(b) Ground cover plants other than turf must be minimum 4-inch pot or plug size. Areas planted in ground cover other than turf must be planted at distances appropriate for the species and at a density that will achieve complete coverage after the second full growing season.

(6) Mulch

All required trees and shrubs must be located within a mulched area and be separated from turf by a minimum distance of 2 feet (4-foot diameter mulched area). Mulch must be applied to provide a 2-inch (minimum) to 4-inch (maximum) soil cover, with no weed barrier material visible.

(7) Fences and Walls

Unless otherwise expressly stated, fences and walls provided to meet the regulations of this article are subject to the regulations of this section.

(a) Fences must durable and constructed with materials that are customarily used for fences, including wood, decorative rigid vinyl (polyvinyl chloride), metal or wrought iron. Fence posts must be structurally stable.

(b) The finished side of all fences other than tree protection fences must face the adjacent property or street. Chain-link fencing may not be used to satisfy the regulations of this article.

(c) Walls, raised planting beds and planters must be constructed of brick, stone or other durable masonry material approved by the zoning administrator.

14-107 Installation and Maintenance

(1) Installation

(a) Required landscaping must be installed in accordance with an approved landscape plan.

(b) All trees and plant material must be installed in accordance with sound nursery practices, in a manner designed to encourage vigorous growth.

(c) All newly installed trees must be staked.

(d) Trees and plant material suitable for planting must be balled and burlapped, bare root, or container grown. Planting areas should be at least twice the diameter of the root system or the container.

(e) All landscaped areas that are adjacent to pavement must be protected with curbs or equivalent barriers. Flush curbs, curb cuts, or other methods must be used to direct stormwater to landscape areas that abut paved areas.

(f) Landscaping may not obstruct traffic visibility at street intersections or driveways and must comply with all applicable intersection sight distance regulations.

(g) When landscaping is placed or installed within the public right-of-way, the city has no obligation to replace or repair such landscaping if removed or damaged by city field operations or other governmental functions. The city also has no obligation to maintain above ground or below ground improvements or landscaping within the public right-of-way.

(2) Protection

All landscape areas provided to meet the requirements of this zoning ordinance must be protected from potential damage by adjacent uses and development, including parking and storage areas.

(3) Timing of Installation

All required landscaping and appurtenances must be installed within 120 days after issuance of a certificate of occupancy or temporary certificate of occupancy.

(4) Maintenance

(a) Required landscaping and screening must be continuously maintained, including necessary watering; weeding; pruning; pest control; litter and debris clean-up; and replacement of dead, diseased or damaged plant material.

(b) Failure to comply with an approved landscaping plan, including failure to maintain required landscaping and screening and failure to replace dead, diseased or damaged landscaping, constitutes a violation of this zoning ordinance.

(c) The property owner is responsible for maintenance of trees and landscaping in accordance with the approved landscape plan and the regulations of this zoning ordinance. Any dead, diseased or damaged trees, landscaping or screening materials must be removed and replaced by the property owner within 90 days of date that written notice of the obligation to remove and replace required landscaping is issued by the city. Property owners have no obligation to replace or restore required landscaping that is damaged or destroyed as a direct result of government action or lawful action of a franchise utility provider.

14-108 Landscape Plans

(1) Required Information

All site plans and building permit applications for sites requiring landscaping must include a landscape plan and a WDNR planting detail that complies with the landscape plan submittal requirements specified by zoning administrator. Such submittal requirements must be in writing and made available to the public.

(2) Administrative Review

After receipt of a complete landscape plan, the zoning administrator must:

(a) Approve the landscape plan as complying with the requirements of this article;

(b) Approve the landscape plan with conditions of approval that will bring it into compliance with the requirements of this article; or

(c) Reject the landscape plan as failing to comply with the requirements of this article.

14-109 Alternative Compliance

(a) To accommodate creativity in landscape and screening design and to allow for flexibility in addressing site-specific development/ redevelopment challenges, the zoning administrator is authorized to approve alternative compliance landscape plans sealed by a landscape architect licensed to practice in the State of Wisconsin. In order to approve an alternative compliance landscape plan, the zoning administrator must determine that one or more of the following conditions or opportunities are present:

1. The subject site has space limitations, an unusual shape or other factors that make strict compliance with applicable landscaping and screening regulations impossible or impractical;
2. Physical conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this article;
3. Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or
4. Creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this article.

(b) The zoning administrator is expressly authorized to approve alternative compliance landscape plans for projects implementing low-impact development practices or seeking sustainable development or green building certification from nationally recognized organizations, such as the International Code Council, the U.S. Green Building Council, the International Living Future Institute, the U.S. Green Building Initiative or SITES.

this page intentionally blank

DRAFT

ARTICLE XI. SIGNS

14-110 General 11-1
14-111 Permanent Signs 11-4
14-112 Temporary Signs 11-9
14-113 Regulations for Specific Sign Types 11-11
14-114 Administration and Enforcement 11-14
14-115 Construction, Installation & Maintenance . 11-17
14-116 Nonconforming Signs 11-18
14-117 General Design and Maintenance 11-18
14-118 Measurements 11-19

14-110 General

(1) Applicability

Signs may be erected or maintained in the city only as permitted by this article and are subject to the restrictions contained in this article. The sign regulations of this article are not intended to and do not apply to signs required by law or a government entity. If one or more of the sign regulations of this article, or if the application of a sign regulation is held to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, such provisions must be revised to reflect the least possible change that avoids the violation of law. The remaining sign regulations remain in full force and effect and must be interpreted as closely as possible to the original intent without violating state or federal law. Regardless of any provision of this article, noncommercial messages may be placed or substituted on any lawfully permitted sign.

(2) Intent and Findings

The sign regulations of this article are intended to achieve compelling, substantial, and important government interests in a manner that represents the least restrictive means of accomplishing those interests and to promote important and substantial government interests that would not be effectively achieved absent the regulations. Regulating the size and location of signs in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and wayfinding and property identification for emergency response purposes. Nothing in the sign regulations of this article is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical, or other types of speech protected by the First Amendment of the United States Constitution.

The following subsections describe some, but not necessarily all, of the compelling, substantial, and important government interests that the city intends to achieve through the sign regulations of this article:

(a) Pedestrian and Vehicular Safety

1. The city finds that pedestrian and vehicular safety and efficiency are compelling, substantial, and important government interests. Public rights-of-way and private streets in the city are used concurrently by a variety of vehicles of varying speeds, sizes, and vulnerability, including trucks, buses, trains, cars, motorcycles, mopeds, bicycles, and scooters, all of which may travel in close proximity. Interactions among vehicles and between vehicles and pedestrians create compelling, substantial, and important safety concerns. Most signage is visible to vehicle or pedestrian traffic and at least partly intended or designed to attract the attention of vehicle operators or pedestrians, thereby creating distractions that diminish traffic and pedestrian safety.
2. The city finds that a mix of traffic types, including vehicles and pedestrians, is beneficial to the general welfare, including allowing density sufficient to sustain a healthy economic base, meeting the transportation needs of a wide variety of residents and nonresidents, and ensuring adequate access to employment, entertainment, retail, business, housing, and services.
3. In order to promote pedestrian and vehicular safety, the purposes of the sign regulations of this ordinance include the following:
    a. To reduce distractions to vehicle operators and pedestrians and thereby reduce the risk for crashes,

property damage, injuries, and fatalities.

b. To permit signs that provide adequate information or direction to both pedestrians and vehicle operators without conflicting with other signs, structures, or improvements.

c. To reduce clutter and confusion and to accommodate wayfinding signs.

d. To maintain clear lines of sight along public rights-of-way and at intersections, driveways, and other points of interaction among vehicles and pedestrians.

(b) Character and Quality of Life. The city finds that achieving and maintaining attractive, orderly, and desirable places to live, conduct business, celebrate civic events, entertain people, and provide for housing opportunities are directly related to the stability of property values needed to provide and finance quality public services and facilities within the city, and therefore are compelling, substantial, and important government interests. In order to protect the unique character of the environment and quality of life of the city, the purposes of the sign regulations of this ordinance include the following:

1. To permit signs that are of sufficient, but not excessive, size to perform their intended function.
2. To prohibit signs that may cause conflicts between vehicular- and pedestrian-targeted messages, hinder sight distances, or detract from a safe and pleasant pedestrian experience.
3. To regulate signs by zoning district or other geographic area.

(c) Economic Development and Property Values. The city finds that there is a clear relationship between the promotion of a set of specifications and restrictions for signs and the promotion of economic development and property values, which are compelling, substantial, and important government interests. Unregulated or haphazard sizes, locations, or other characteristics of signs have a realistic tendency to result in an appearance that reduces economic development and property values. The sign regulations of this ordinance are intended to create stability and predictability, allowing each private interest reasonable exposure through signs for purposes including expression and the promotion of business. The application of the sign regulations of this ordinance is intended to allow businesses and other Persons to reasonably command attention to their messages in a manner that promotes economic development and preserves property values.

(d) Property Identification and Wayfinding. The city finds that avoiding confusion in public rights-of-way, minimizing unnecessary intrusions onto private property, and ensuring the ability for emergency responders to navigate to and identify emergency locations are compelling, substantial, and important government interests. Therefore, these sign regulations are also intended to ensure understandable, unambiguous, uncluttered, and coordinated wayfinding for vehicular and pedestrian purposes, including the regulation of location addresses and the limitation of signs in the public right-of-way.

(3) Purpose

(a) The sign regulations of this article are intended to help safeguard life, health, and property and to promote the public welfare by the regulation, administration and enforcement of outdoor sign advertising and display within the city. These regulations recognize the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community, and the need for adequate business identification, advertising, and communication, while acknowledging that careful control of signs can protect and enhance the community.

(b) This article further intends to protect and enhance the historical and cultural role of the city. Given the unique attributes of the city, including the Fox River and the city's downtown areas, and the extensive investment made in revitalizing

the downtown, a significant degree of regulation over the aesthetic nature of signs in this district is considered an important public interest. The downtown philosophy combines historic preservation with development to establish a thriving and aesthetically pleasing business center that strengthens the economic vitality and values of the community.

(c) To carry out these general purposes, these regulations are intended to:

1. Permit the effective use of signs as a means of commercial and non-commercial communication; maintain and enhance the ability of the city to attract sources of economic development and growth;
2. Maintain and enhance the ability of the city to preserve and protect special and unique natural and architectural features and historic landmarks;
3. Maintain pedestrian and traffic safety and minimize the distractions, hazards and obstructions causes by signs;
4. Minimize the possible adverse effects of signs on nearby public and private property;
5. Preserve property values within the city and allow signs appropriate to the character of each zoning district;
6. Enable fair and consistent enforcement of these sign regulations; and
7. Provide broadly for the expression of individual opinions and freedom of speech through the use of signs on private property.

(4) Basic Requirements

This article authorizes the use of exterior and window signs that are visible from streets and from outside a building, provided that the signs are:

(a) Designed, constructed, installed, and maintained in such a manner that the signs do not endanger public safety or traffic safety;

(b) Legible, readable, and visible in the circumstances in which the signs are used; and

(c) Respectful of the reasonable rights of other advertisers whose messages are displayed.

(5) Content Neutrality

Any sign allowed under this ordinance may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, as long as the sign complies with all applicable regulations governing:

(a) Sign location;

(b) Sign size and height;

(c) Sign type;

(d) Sign materials;

(e) Number of signs;

(f) Sign illumination;

(g) Fixed messages, changeable copy, and electronic messages;

(h) Moving parts; and

(i) Portability/moveability.

[Remainder of Page Intentionally Blank]

14-111 Permanent Signs

(1) Allowed and Prohibited Permanent Signs

identifies permanent signs that are permitted in various zoning districts.

(a) Permitted without a Sign Permit
Signs identified with a "○" are permitted as-of-right, and do not require issuance of sign permit.

(b) Permitted with a Sign Permit
Signs identified with a "●" are permitted as-of-right, upon issuance of sign permit.

(c) Prohibited Signs
Signs identified with an "–" are prohibited. Signs that are not listed in and that cannot be reasonably interpreted as equivalent to one of the listed sign types are also prohibited. The following signs and signs characteristics are also expressly prohibited under this zoning ordinance:

1. Signs not expressly permitted by this zoning ordinance;
2. Signs that move, pulse, scroll, blink, flash, sparkle, or give the appearance thereof, other than flags;
3. Exterior pennants, spinners, inflatables, feather flags, and streamers;
4. Signs that are structurally or electrically unsafe;
5. Signs placed on a tree or utility pole or structure;
6. Signs on a motor vehicle or trailer that is parked on a lot so as to be visible from a public right-of-way, outside of the hours that any business on the premises is open to the public, and displayed for the primary purpose of advertising;
7. Rope lights, string lights or similar lighting attached to, surrounding or otherwise drawing attention to a sign;
8. Signs erected on or projecting into a public right-of-way, except for signs expressly permitted in a public right-of-way by this zoning ordinance. The city may remove and destroy or otherwise dispose of, without notice to any person, any sign erected on a public right-of-way in violation of this zoning ordinance;
9. Signs that imitate a traffic control device;
10. Feather signs;
11. Signs that emit smoke, visible vapor, particulate matter, sound, or odor; and
12. Sign structures that no longer contain a sign.

[Remainder of Page Intentionally Blank]

TABLE 11-1 — PERMITTED PERMANENT SIGNS

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

KEY: ○ permitted without permit | ● permitted subject to issuance of sign permit | – prohibited

(2) Total Number of Signs Permitted Per Street Frontage

Multiple types of signs may be displayed on each street frontage, subject to the limits established in .

TABLE 11-2 — TOTAL NUMBER OF PERMANENT SIGNS PERMITTED PER STREET FRONTAGE

District Type	Zoning District	Maximum Number of Sign Types Allowed per Street Frontage
Residential	RM-1, RM-2	2
Mixed-Use	MX1, MX2, MX3, GX1, GX2	2
Office and Commercial	O, C	3
Business Park and Industrial	BP-1, BP-2, I	3
Special	AG, CON, PI-1, PI-2	3

(3) Permanent Sign Regulations: Residential Districts

Permanent signs allowed in residential zoning districts upon issuance of a permit are subject to the regulations of .

TABLE 11-3 — PERMANENT SIGN REGULATIONS: RESIDENTIAL DISTRICTS

Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Art	RM-1, RM-2	1	8	40	NA	5	External, backlit, halo
Monument	RM-1, RM-2		6	30			

(4) Permanent Sign Regulations: Mixed-Use Districts

Permanent signs allowed in mixed-use zoning districts upon issuance of a permit are subject to the regulations of .

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

Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Art	MX1, MX2, GX1	1	8	40	NA	5	External, backlit, halo, internal
	MX3, GX2		10	70			
Awning	MX1, MX2, GX1	1 per tenant	20, but not higher than bottom of 2nd floor window	1 per linear foot of frontage, not to exceed 30	7	NA	External, backlit, halo
	MX3, GX2			1 per linear foot of frontage, not to exceed 60			
Business Center	MX1, MX2, GX1	1	20	80	7	5	External, backlit, halo, EMS
	MX3, GX2			160			
Canopy	MX1, MX2, GX1	1 per tenant	20, but not higher than bottom of 2nd floor window	1 per linear foot of frontage, not to exceed 30	7	7	External, backlit, halo
	MX3, GX2			1 per linear foot of frontage, not to exceed 60			
Electronic Message	MX3, GX2	Allowed only as part of a Business Center, Marquee, or Monument sign face. Regulations of subject sign type govern number, height, dimensions, setbacks etc.,					EMS

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

Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Marquee	MX1, MX2, GX1	1 per tenant	20, but not higher than bottom of 2nd floor window	1 per linear foot of frontage, not to exceed 30	7	7	External, backlit, halo, EMS
	MX3, GX2			1 per linear foot of frontage, not to exceed 60			
Menu Board (drive through)	MX2, MX3, GX1, GX2, C	1 per drive through lane	8	40	NA	10	External, backlit, halo, digital/monitor
Monument	MX1, MX2, GX1	1	6	30	NA	5	External, backlit, halo, EMS
	MX3, GX2	1		50			
Pole	MX3, GX2	1	15	50	10	10	External, backlit, halo
Projecting	MX1, MX2, MX3, GX1, GX2	1 per first floor tenant with street frontage. Upper floors may share 1 sign per building.	20, but not higher than bottom of 2nd floor window	8	7	NA	External, backlit, halo
Sandwich Board	MX1, MX2, MX3, GX1, GX2	1	4 (2 foot max. width)	8	NA	0 (see)	None
Wall	MX1, MX2, GX1	1 per tenant on first floor with street frontage	20; higher by conditional use approval	25 (each sign) or 1 per linear foot of frontage (each sign), not to exceed 50	NA	NA	External, backlit, halo. Internal if lettering only
	MX3, GX2			25 (each sign) or 1.5 per linear foot of frontage (each sign), not to exceed 75			
Window	MX1, MX2, MX3, GX1, GX2	1 per street fronting window (2 window signs maximum)	NA	30% of 1st floor street fronting window area	NA	Inside window only	None
Interior (visible from ROW)	MX1, MX2, MX3, GX1, GX2	1 per street fronting window (2 interior signs maximum)	NA	30% of 1st floor street fronting window area	NA	5 (from interior of window)	NA

(5) Permanent Sign Regulations: Office and Commercial Districts

Permanent signs allowed in office and commercial zoning districts upon issuance of a permit are subject to the regulations of .

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

Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Art	O, C	1	10	100	NA	5	External, backlit, halo, internal

TABLE 11-5 — PERMANENT SIGN REGULATIONS: OFFICE AND COMMERCIAL DISTRICTS							
Sign Type	**Zoning District**	**Max. Number Per Street Frontage**	**Maximum Height** (ft.)	**Maximum Area** (sq. ft.)	**Minimum Clearance**	**Minimum Setback** (ft.)	**Allowed Illumination**
Awning	O, C	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Business Center	O, C	1 total per property	20	200	7	5	External, backlit, halo, internal
Canopy	O, C	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo , internal
Electronic Message	O, C	Allowed only as part of a Business Center, Marquee, or Monument sign face. Regulations of subject sign type govern number, height, dimensions, setbacks etc.,					EMS
Marquee	O, C	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Monument	O, C	1	8	75	NA	5	External, backlit, halo, internal, EMS
Pole	C	1 (per property)	20	100	10	10	External, backlit, halo, internal, EMS
Wall	O, C	1 per tenant on first floor with street frontage	20; higher by conditional use approval	2 per linear foot of frontage, not to exceed 150, or 250 if 200 ft. from ROW, or 350 if 500 ft from ROW, or 450 if 750 ft from ROW	NA	NA	External, backlit, halo, internal
Window	O, C	1 per street fronting window (2 window signs maximum)	NA	30% of 1st floor street fronting window area	NA	Inside window only	None
Interior (visible from ROW)	O, C	1 per street fronting window (2 interior signs maximum)	NA	30% of first floor street fronting window area	NA	5 (from interior of window)	NA

(6) Permanent Sign Regulations: Business Park and Industrial Districts

Permanent signs allowed in business park or industrial zoning districts upon issuance of a permit are subject to the regulations of .

TABLE 11-6 — PERMANENT SIGN REGULATIONS: BUSINESS PARK AND INDUSTRIAL DISTRICTS							
Sign Type	**Zoning District**	**Max. Number Per Street Frontage**	**Maximum Height** (ft.)	**Maximum Area** (sq. ft.)	**Minimum Clearance**	**Minimum Setback** (ft.)	**Allowed Illumination**
Art	BP-1, BP-2, I	1	10	100	NA	5	External, backlit, halo, internal

TABLE 11-6 — PERMANENT SIGN REGULATIONS: BUSINESS PARK AND INDUSTRIAL DISTRICTS							
Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Awning	BP-1, BP-2, I	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Business Center	BP-1, BP-2, I	1 total per property	20	200	7	5	External, backlit, halo, internal
Canopy	BP-1, BP-2, I	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Marquee	BP-1, BP-2, I	1 per tenant	20, but not higher than bottom of 2nd floor window	2 per linear foot of frontage, not to exceed 200	7	NA	External, backlit, halo, internal
Monument	BP-1, BP-2, I	1	8	75	NA	5	External, backlit, halo, internal
Wall	BP-1, BP-2, I	1 per tenant on first floor with street frontage	20; higher by conditional use approval	2 per linear foot of frontage, not to exceed 150, or 250 if 200 ft. from ROW, or 350 if 500 ft from ROW, or 450 if 750 ft from ROW	NA	NA	External, backlit, halo, internal
Interior (visible from ROW)	BP-1, BP-2, I	1 per street fronting window (2 interior signs maximum)	NA	30% of first floor street fronting window area	NA	5 (from interior of window)	NA

(7) Permanent Sign Regulations: Special Districts

Permanent signs allowed in agricultural, conservancy, public & institutional and PUD zoning districts upon issuance of a permit are subject to the regulations of .

TABLE 11-7 — PERMANENT SIGN REGULATIONS: SPECIAL DISTRICTS							
Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Art	CON	1	10	100	NA	5	External, backlit, halo, internal
	PI-1		8	40			
	PI-2, PUD	In accordance with city-approved master plan (PI-1regulations apply if no master plan sign regulations)					
Business Center	PI-2 , PUD	In accordance with city-approved master plan (PI-1regulations apply if no master plan sign regulations)					
Electronic Message	AG, CON, PI-1, PI-2 , PUD	Allowed only as part of a Business Center, or Monument sign face. Regulations of subject sign type govern number, height, dimensions, setbacks etc.					EMS

TABLE 11-7 — PERMANENT SIGN REGULATIONS: SPECIAL DISTRICTS							
Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Monument	AG	1	6	30	NA	5	External, backlit, halo, EMS
	CON		8	75	NA	5	
	PI-1		6	50	NA	5	
	PI-2 , PUD	In accordance with city-approved master plan (PI-1regulations apply if no master plan sign regulations)					
Wall	CON, PI-1	1 per tenant on first floor with street frontage	20; higher by conditional use approval	1 per linear foot of frontage, minimum of 25 and maximum of 50	NA	NA	External, backlit, halo, internal
	PI-2 , PUD	In accordance with city-approved master plan (PI-1regulations apply if no master plan sign regulations)					
Interior (visible from ROW)	CON, PI-1	1	NA	30% of first floor street fronting window area	NA	5 (from interior of window)	External, backlit, halo, internal
	PI-2 , PUD	In accordance with city-approved master plan (PI-1regulations apply if no master plan sign regulations)					

(8) Permanent Signs Permitted without Permits

Permanent signs permitted without a sign permit are subject to the sign regulations of .

TABLE 11-8 — REGULATIONS FOR PERMANENT SIGNS PERMITTED WITHOUT A SIGN PERMIT							
Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Clearance	Minimum Setback (ft.)	Allowed Illumination
Address Nameplate	All	1 per street entry	NA	NA	NA	NA	External, backlit, halo
Construction	All	1	6	50	NA	5	None
Directional (Driveway)	All	1 per driveway	6	6	NA	5	None
Door	RM-1, RM-2, MX1, MX2, MX3, GX1, GX2, O, C, BP1, BP2, I, AG, CON, PI1, PI2, PUD	1	NA	NA	NA	NA	None
Engraved	All	1	NA	50	NA	NA	None
Flag (official government)	All	NA	NA	NA	NA	5	External, backlit, halo
Flag (non-government)	All	5	NA	90 (total for all flags)	NA	5	None
Government	All	NA	NA	NA	NA	NA	External, backlit, halo

14-112 Temporary Signs

In addition to the permanent signs allowed in accordance with , temporary signs are allowed as indicated in . Such signs do not require a sign permit.

TABLE 11-9 — TEMPORARY SIGN REGULATIONS

Sign Type	Zoning District	Max. Number Per Street Frontage	Maximum Height (ft.)	Maximum Area (sq. ft.)	Minimum Setback (ft.)	Maximum Duration of Display (Days)	Allowed Illumination
Free-Standing	R1, R2	6	6	12 per sign; 20 total	5	60 continuous, not to exceed 240 per year	None
	RM-1, RM-2	6	6		5		None
	All Other	4	6	32 per sign; 75 total	5		None
Wall	R1, R2	2	10	12 per sign; 20 total	NA	30 continuous, not to exceed 120 per year	None
	RM-1, RM-2	1	10		NA		None
	All Other	No maximum	10	32 per sign; 75 total	NA		None

[Remainder of Page Intentionally Blank]

14-113 Regulations for Specific Sign Types

(1) Art Signs

Art signs are subject to the following supplemental regulations.

(a) The art sign must be a representation that has a meaning beyond what is literally represented.

(b) A description/narrative about the meaning behind the art display or art sign must be included with a submittal.

(c) The art sign must be unique when compared to the typical appearance of a business sign.

(d) Details such as three-dimensional design and the ability to view the art sign from all sides should be considered.

(e) Unique illumination, shading, and colorization should be considered.

(f) The submittal of any sign and calling it art does not guarantee approval by plan commission.

(2) Awning/Canopy/Marquee Signs

Awning, canopy, and marquee signs are subject to the following supplemental regulations.

(a) Awning/canopies without signs are permitted above doors and windows with a building permit.

(b) Awning/canopy signs are only permitted at the ground-level of a building.

(c) Awning, canopy, and marquee signs may not extend above the roof or parapet of the structure to which it is attached.

(d) Awning, canopy, and marquee signs may not interfere with street trees or traffic signs.

(e) Awning, canopy, and marquee signs must be supported solely by the building to which it is attached and no columns or posts are permitted as supports within the right-of-way.

(f) The roofs of marquees/awnings and canopies may not be used for any purpose other than to form and constitute a roof. The roofs of all marquees/awnings and canopies on private property may not drain directly onto the public right-of-way. The roofs of all marquees/awnings and canopies

Figure 11-1. Awning Sign



Figure 11-2. Canopy Sign



Figure 11-3. Marquee Sign



must be constructed to support a live load of not less than 60 pounds per square foot. Any text, logos, or other graphic representation qualifying as a sign that is placed on an awning, canopy, or marquee must be included within the calculation of total allowable wall sign area and are subject to the wall sign area regulations of this article.

(g) Lettering and logos may not exceed more than 30% of the total exterior of awning/ canopy and cannot exceed 30 square feet.

(h) Awnings and canopies may not be white or translucent.

(i) Awnings with back-lit graphics or other kinds of interior illumination are prohibited.

(j) Matte-finish canvas or acrylic coated fabric is required for awnings. Vinyl awnings are prohibited.

(k) Lettering or logos must be painted or otherwise permanently affixed in letters not exceeding 20 inches in height on the front and side portions of an awning or canopy.

(l) Awnings must be designed to project over individual windows and door openings and not project as a single continuous feature extending over masonry.

(m) In mixed-use districts, the sign may project into the public right-of-way, but may not extend closer than 3 feet to any street curb line.

(3) Business Center Signs

Business center signs are subject to the following supplemental regulations.

(a) Business center signs must keep the first 2 feet of the sign closest to the ground free of sign copy for the purposes of snow storage and landscaping. This portion of the sign is not counted toward the calculation of allowable sign.

(b) Business center signs in mixed-use districts must be monument signs.

(c) Electronic message signs are prohibited on business center signs.

(4) Electronic Message Signs (EMS)

Electronic Message signs are subject to the following supplemental regulations.

(a) EMS must not be utilized as a stand-alone sign and must be incorporated into or attached to an otherwise allowed wall or freestanding sign so that separation between the 2 signs is limited to one foot.

(b) EMS may not occupy more than 30% of the sign area.

(c) EMS are allowed on monument and pole signs.

(d) EMS must be perpendicular to the street frontage.

(e) EMS must have a minimum display time of 8 seconds.

(f) The transition time between messages and/ or message frames is limited to 3 seconds and these transitions may employ fade, dissolve, and/or other transition effects. Flashing or video is prohibited.

(g) The EMS must be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Such sign may not be illuminated at a level greater than necessary for adequate visibility. Message center signs that are found to be too bright must be modified upon an order by the city.

(h) Including an EMS as part of a permanent sign will prohibit the use of any portable signs.

(i) EMS signs may not display off-premise commercial advertising.

(j) EMS signs in mixed-Use districts must be extinguished (turned off) between 30 minutes after the close of all businesses on the lot and 30 minutes before the opening of any business on the same lot.

(k) EMS signs in the Special districts must be extinguished (turned off) between 10:00 p.m. and 6:00 a.m.

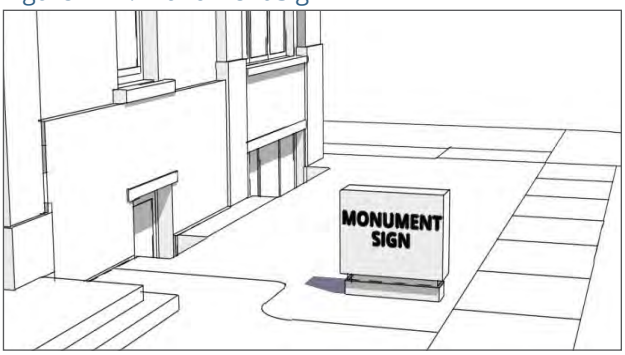
(5) Monument Signs

Monument signs are subject to the following supplemental regulations.

(a) Monument signs must have a base that is at least 18 inches in height. This base must remain free of sign copy and may not exceed 33% of the total sign height.

(b) Monument signs must incorporate design details, materials, and colors of the associated building(s). EIFS is not allowed on monument signs.

Figure 11-4. Monument Sign



(6) Pole Signs

Pole signs are subject to the following supplemental regulations.

(a) The structure must be constructed and designed to incorporate design details, materials, and colors of the associated building(s). EIFS is not allowed on pole signs. Poles must be shrouded and integrated into the overall sign design.

(b) Sign panels may not extend more than 2 feet beyond the width of the architectural support elements on the sign except in the primary view of any freeway.

Figure 11-5. Projecting Sign



(7) Projecting Signs

Projecting signs are subject to the following supplemental regulations.

(a) Projecting signs must project from the wall at a 90° angle. Projecting signs are not allowed at the intersection of streets except at right angles to a building front.

(b) Projecting signs must have a minimum clearance of 12 inches between building face and sign and may not project more than 4 feet from the building or closer than 3 feet to the edge of the sidewalk, whichever is less.

(c) Projecting signs may not be erected within 15 feet of any other projecting sign; however, this provision does prohibit at least one projecting sign per property tax parcel.

(d) Upper floor businesses may have one shared projecting sign per building entrance.

(e) Mounting hardware must be an attractive part of the sign design. Simple round pipe brackets with plugged ends or

Figure 11-6. Wall Sign



added decorative elements are generally appropriate for signs.

(8) Wall Signs

Wall signs are subject to the following supplemental regulations.

(a) Wall signs may not project more than 12 inches from the building surface which must also include the mounting brackets.

(b) Wall signs may not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

(c) Wall signs may not obscure architectural features of the building, including but not limited to windows, arches, sills, moldings, cornices, and transoms.

(d) For multiple story buildings in mixed-use districts, wall signs are permitted only as follows (except as provided for in this chapter):

1. On the building frieze;
2. In the area between the first floor and the window sill of the 2nd story window; if no windows are present, then no higher than 20 feet.

(e) In mixed-use districts, wall signs may not be erected within 15 feet of any other projecting sign; however, this provision does not prohibit at least one wall sign per property tax parcel.

(f) In mixed-use districts, the width of the sign may not exceed the width of the storefront.

(g) Existing buildings with signs above the height of the window sill of a second-story window may replace sign copy with a sign of the same size, shape, and lettering.

(9) Window Signs

Window signs are subject to the following supplemental regulations.

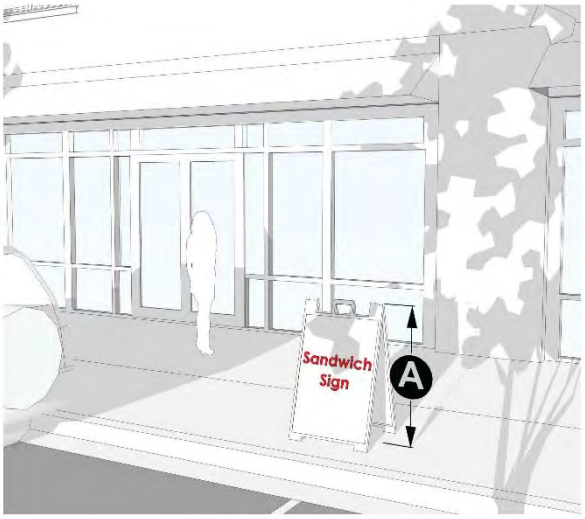
(a) Window signs must be applied directly to the interior surface of the glazing or hung inside the window thereby concealing all mounting hardware and equipment. Signs attached to the exterior of windows are prohibited.

(b) Neon signs displayed indoors constitute permanent window signs. Only one neon sign is permitted per business per street frontage.

Figure 11-7. Window Sign



Figure 11-8. Sandwich Board Sign



(10) Sandwich Board Signs

(a) Uses

A sandwich board sign may be permitted within the city right-of-way for uses with public sidewalk frontage in mixed-use districts, subject to compliance with the regulations of this subsection (6):

(b) Dimensional/Design Standards

1. Sign face area may not exceed 8 square feet per sign face.
2. Sign face width may not exceed 2 feet measured at the widest point of the sign face.

3. Sign height may not exceed 4 feet measured from the sidewalk beneath the sign to the top of the sign.
4. A ballast must be installed at the base of a sandwich board sign to ensure stability in windy conditions.
5. Signs must be portable and may not be permanently affixed to any structure or sidewalk.
6. The sign may not be painted traffic yellow or construction zone orange, nor may it be reflective, fluorescent or illuminated.
7. Signs may not resemble or contain any MUTCD-compliant traffic control devices in size, shape, message, or color.
8. A maximum of one sandwich board sign per individual business per street frontage is permitted. No supplemental sign, notice, flag, balloon or other decoration may be attached to the sign.
9. The sandwich board must be manufactured to a professional standard of construction, finish and graphics; be fabricated of sign grade wood or metal and be free-standing and self-supporting and not be affixed to or mounted on wheels.
10. The sign must be fold-over or breakaway in design, and not be capable of producing serious injury to pedestrians, bicyclists, and motorists.
11. The sign must be maintained in good repair.
12. The sign may not obstruct building exits.

(c) Placement

1. Sandwich board signs must be placed on the sidewalk fronting the place of business.
2. Signs may not be placed within 10 linear feet of another sandwich board sign, measured from the base of each sign.
3. Signs may be placed only on sidewalks where a minimum 5-foot clear sidewalk area is maintained to allow the passage of pedestrians and wheelchairs and where they will not interfere with building access other allowed uses of the public right-of-way or compromise public safety.
4. Signs may not block or interfere with any permanent or temporary traffic control devices.
5. Sandwich board signs may not be located in a manner that would interfere with passengers boarding or alighting from a transit vehicle.
6. Signs may not be closer than 2 feet from the face of the street curb.
7. Sandwich board signs may be displayed only during the period a business is open to the public and must be removed at close of business each day. Sandwich board signs may not be placed in such a way as to interfere with snowplowing of the streets. The area around the sandwich board sign must be free of snow and ice and must be placed on the ground at all times. Sandwich board signs may not be placed on snow banks. Businesses that utilize sandwich board signs must hold the city harmless from damage to the signs due to snow removal.
8. Sign placement must comply with all applicable ADA (Americans with Disabilities Act) requirements.

(d) Enforcement

More than 2 violations of the sandwich board sign regulations in one calendar year will result in the removal of the sandwich board sign. A new sandwich board sign will not be permitted for the business for a minimum of 12 months from the date of the sign permit revocation.

14-114 Administration and Enforcement

(1) Sign Inspector

The city building inspector is designated as the sign inspector with responsibility for:

(a) Reviewing all applications for permits for the erection of signs;

(b) Issuing permits and denials of sign permits;

(c) Authorizing the continued use of signs that comply with the requirements of this ordinance;

(d) Recording and filing all applications for permits with any accompanying plans and documents;

(e) Conducting inspections of signs;

(f) Making such reports as the city may require; and

(g) Enforcing the regulations of this article.

(2) Licensing; Indemnification; Insurance; Permits; Sign Variances

(a) Annual License

Every person/company engaged in the business of installing, maintaining, or removing signs within the city must first obtain an annual license to perform such work. The fee for such licenses is determined by resolution of the common council.

(b) Indemnification

All persons engaged in the business of installing or maintaining signs that involves, in whole or in part, the erection, alteration, relocation, maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way, or public property is used or encroached upon by the sign contractor, must agree to hold harmless and indemnify the city, its officers, agents and employees from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of this sign or any other sign work insofar as this article has not specifically directed the placement of the sign.

(c) Insurance

Every sign installer must file with the sign inspector a certificate of insurance indicating the applicant holds a public liability and property damage specifically to include the hold harmless with bodily limits of at least $1,000,000.00 per occurrence, and $2,000,000.00 aggregate, and property damage insurance of at least $250,000.00 per occurrence, and $250,000.00 aggregate. Such insurance may not be canceled or reduced without the insured first giving at least 30 days' notice in writing to the city of such cancellation or reduction.

(d) Permits Required

Except as otherwise expressly stated in this ordinance, it is unlawful for any person to erect, construct, enlarge or structurally modify a sign, or cause the same to be done in the city, without first obtaining a sign permit for each such sign from the sign inspector as required by this article. Permits are not required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure. If the work authorized by the permit has not been completed within 12 months after the date of permit issuance, the permit lapses and becomes null and void.

(e) Sign Permit Application and Fee

Applications for sign permits must be filed with the sign inspector together with such the application fee established by resolution of the common council. Such fee may include inspection fees, reinspection fees, and late fees. Applications must be submitted on forms provided by the sign inspector and contain at least the following information:

1. The name and contact information of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.
2. The following information in PDF format:
    a. A scaled and dimensioned site plan showing:
        i. All buildings on subject property,
        ii. The location, size, and types of existing signs on the subject property, and
    b. Clear and legible scale drawings with:
        i. Description and nominal dimensions of the proposed sign, and
        ii. The construction size, dimensions, and kind of materials to be used in such structure.
    c. A time-stamped photo of the proposed sign location, with the photo no more than one-year old.

d. A color rendering showing before-and-after images of the sign at the proposed location.

3. Calculations or evidence showing that the structure, design, and mounts comply with the requirements of this article for wind pressure load.
4. Evidence of liability, insurance policy or bond, as required in this article.
5. Such other information as the sign inspector may require to demonstrate full compliance with these sign regulations and all other applicable city regulations.
6. Signature of the applicant and property owner.

(f) Signs Encroaching on Right-of-Way

If a sign application involves the installation of a sign that encroaches upon or over right-of-way, such permit application must also include the following information:

1. Location of encroachment identified in drawings/renderings required under paragraph (e)(2);
2. Acknowledgment by the property and business owner that the city may revoke permission to encroach upon right-of-way based on public safety, maintenance, other use, or other legitimate reasons;
3. Property owner agreement to hold the city harmless from any and all injury that may occur to any party as the result of the use of the right-of-way. This provision is intended to indemnify and hold harmless the city to the fullest extent permitted by law and includes the payment of reasonable attorney fees for the defense of any claims brought that can fairly be said to be under the intent and purpose of this hold harmless agreement. To secure such hold harmless agreement, property or business owner must maintain a general liability insurance policy on its business operations in an amount of not less than $1,000,000.00 per occurrence and produce a certificate of insurance demonstrating to the satisfaction of the city that the city is entitled to coverage thereunder under the terms and conditions of the hod harmless agreement. A copy of the certificate of insurance must be provided and maintained or the permission to encroach on right-of-way will be revoked.
4. The authority to encroach upon right-of-way does not transfer to any new business or property owner. A new right-of-way encroachment permit is required.

(g) Permit Issuance and Denial

The sign inspector must issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the city when the permit application is properly completed, all required fees have been paid, and the sign complies with all applicable regulations. If the sign permit is denied, the sign inspector must give written notice of the denial to the applicant and property owner, together with a brief statement of the reasons for the denial. The sign inspector's failure to either formally grant or deny a properly completed sign permit application within 10 days of the date of application meeting the requirements of this article constitutes cause for appeal to the plan commission.

(h) Sign Permit Variance

If a sign permit is denied due to the regulations of this article causing undue or unnecessary hardship on any person, firm or corporation, a variance from the sign regulations may be requested in accordance with .

(3) Violations and Penalties

Violations of or failure to comply with the provisions of this article are declared to be unlawful.

(a) Any sign erected, altered, moved, or structurally modified without a permit, or altered with a permit but in violation with the provisions of this article, must be removed at the owner's expense or brought into compliance within 5 days of written notification by the sign inspector. If the violation is failure to obtain a permit, a permit fee is required, and the permit fee

will be 2 times the normal fee. If the owner does not remove the sign or bring it into compliance, the sign inspector may order removal, the expenses of which will be assessed to the tax roll of the property on which the unlawful sign is located.

(b) This section does not preclude the city from maintaining any appropriate action to prevent or remove a violation of this article. If the owner does not remove or bring into compliance, the sign inspector may order the sign removed. If such sign is not removed by the owner within the time period specified, the city may cause removal, with the owner being responsible for all costs. These expenses will be assessed to the tax roll of the property on which the unlawful sign is located.

14-115 Construction, Installation & Maintenance

(1) Construction

(a) All signs must comply with the provisions of the city building ordinance.

(b) All monument sign structures must be self-supporting structures and permanently attached to sufficient foundations.

(c) Electrical service to ground signs must be concealed and comply with the state and national electrical code.

(d) All signs, except those attached flat against the wall of a building, must be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:

1. For solid signs, 30 pounds per square foot on the largest face of the sign and structure.
2. For skeleton signs, 30 pounds per square foot of the total face cover of the letters and other sign surfaces, or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

(e) Signs may not be suspended by chains or other devices that allow the sign to swing due to wind action. Signs must be anchored to prevent any lateral movement that could cause wear on supporting members or connections.

(f) Cables, anchors, guys, fasteners, lag screws, bolts, or other equipment or materials used in securing any non-temporary sign to its mounting must be made of galvanized metal or of equal corrosion resisting metal or metal treated so as to be equally corrosion resistant. Supports and braces used to secure or support a sign must be designed as an integral part of the sign design or sign structure or be screened from view of public rights-of-way.

(g) All electric signs must also include:

1. The number of lamp holders (for incandescent lamp signs);
2. The input amperes at full load; and
3. The input voltage (for electric discharge lamp signs).

(2) Safety

(a) All signs must be installed and maintained in a workmanlike manner using equipment that is adequate and safe for the task.

(b) At the time of permit application, plans must be filed with the sign inspector for footings for signs 8 feet to 20 feet in height, methods of attachment of projecting signs, and engineering specifications and calculations as required by the sign inspector.

(3) Electric Signs

This article recognizes that electric signs are controlled under the special equipment provisions of the state and national electrical code. Electric sign contractors and their employees are herein authorized to perform the following specific tasks:

(a) Install exterior electric signs, ballasts, or high voltage transformers to sockets or outline lighting tubes, and may connect such signs to primary branch circuit, if such circuit already exists outside of the building.

(b) Install interior electric signs but may not connect such signs to the primary branch circuit.

(4) Maintenance and Repair

(a) Every sign including, but not limited to, those signs for which permits are required,

must be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of such sign.

(b) The sign inspector is responsible for requiring compliance with all regulations of this article. If the sign is not modified to comply with applicable regulations and safety standards, the sign inspector must require its removal.

(5) Abandoned Signs

All signs or sign messages must be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertises is no longer conducted or, for an off-premise sign, when lease payment and rental income are no longer provided. If internal sign components (wiring, lights, etc.) are visible after a sign face is removed, a new blank sign face must be added to visually screen the internal components. Reversing the old or abandoned sign face does not constitute compliance with this visual screening requirement. If the owner or lessee fails to remove the sign, the sign inspector will give the owner 30 days' written notice to remove such sign. Upon failure to comply with this notice, the city may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

(6) Deteriorated or Dilapidated Signs

The sign inspector is authorized to cause the removal of any deteriorated or dilapidated sign under the provisions of Wis. Stats. § 66.0413.

14-116 Nonconforming Signs

(1) Description

A nonconforming sign is a sign that was lawfully established but that no longer complies with applicable sign regulations because of annexation or the adoption or amendment of regulations after the sign was established.

(2) Loss of Nonconforming Status

(a) Criteria

All nonconforming sign lose their nonconforming status if one or more of the following occurs:

1. The sign is abandoned;
2. The sign is structurally altered in any way that brings the sign further out of compliance with these sign regulations than it was before alteration;
3. The sign is relocated. However, relocation of a sign pursuant to the exercise or the threat of exercise of eminent domain by a governmental authority does not result in a nonconforming sign losing its nonconforming status if the sign is relocated to an area on the same tax parcel and as close as practicable to the original site acquired by government action;
4. The sign fails to conform to this zoning ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs; and

(b) Removal of Signs

On the date that any sign meets one or more of the criteria triggering a loss of nonconforming status (above), the sign must be immediately brought in compliance with this article with a new permit secured or it must be removed.

(3) Maintenance and Repair

Nothing in this article relieves the owner or user of a nonconforming sign or the owner of the property on which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs.

14-117 General Design and Maintenance

(1) Design

Signs must be designed to be compatible with the character of building materials and landscaping to promote an overall unified design theme. The use of high-intensity colors or florescent pigments is prohibited.

(2) Maintenance

Every sign must be constructed and maintained in good structural condition at all times. All signs must be kept neatly painted, stained, sealed, or preserved including all parts and supports.

(3) Illumination

Illumination of signs is permitted subject to the following regulations:

(a) Illumination of signs must be directed or shaded so that the illumination does not:

1. Interfere with the vision of persons on adjacent streets or properties;
2. Direct onto adjacent properties; or
3. Create a nuisance condition as determined by the sign inspector and/or designee.

(b) In all cases, sign illumination shall not project light that exceeds 0.1 foot candles above the ambient light at a Lot Line bordering a residential district.

(c) When internal illumination of signs is permitted, signs must be designed to minimize the amount of light that is transmitted through the sign panel. The display of white light should be limited to the sign copy. The display of internal illumination through the background must be controlled by one or more of the following:

1. Limiting the illuminated background to 30% of the sign area;
2. Changing the shape of the sign to reduce the lighted surface area;
3. Using a dark color; or
4. Using an opaque screen.

(d) Underground wiring is required for illuminated signs that are not attached to a building.

14-118 Measurements

(1) Sign Height

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

1. The existing grade prior to construction; or,
2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

(b) Architectural, structural design and similar elements of the sign are allowed to exceed maximum stated sign heights by up to 2 feet for a ground-mounted sign and up to 4 feet for a pole sign.

(2) Sign Area

Except as otherwise expressly stated in this section, the area of a sign is based on the of a rectangle or rectangles enclosing the extreme limits of writing, representation, emblem, or any figure of similar character on a sign, regardless of opacity or missing space within the rectangle or rectangles. The area does not include the sign base, frame, or the supporting sign structure except as expressly stated in this section.

(a) All faces of a multi-sided sign that are legible when viewed from one direction must be counted in determining the area of a sign.

(b) The area of spherical, 3-D, free-form, sculptural or other non-planar signs is based on the area of the largest three sides of the smallest six-sided cube that completely encloses the sign.

(c) If the area of a sign structure and sign base is more than 3 times the area of the supported sign, then the area of the sign structure and sign base is included in calculating the area of the sign.

(d) The following artistic design features are not counted as part of area of sign:

1. Artistic features that do not reference the name or logo of the facility.
2. Religious or school symbols that do not reference the name of the facility
3. Street name and address.

this page intentionally blank

DRAFT

ARTICLE XII. APPROVAL PROCEDURES

14-120 Common Provisions 12-1
14-121 Ordinance Text Amendments 12-3
14-122 Zoning Map Amendments 12-3
14-123 Conditional Uses 12-4
14-124 Site Plan Review 12-6
14-125 Design Exceptions 12-10
14-126 Planned Unit Developments 12-11
14-127 Zoning Variances 12-13
14-128 Sign Variances 12-15
14-129 Reasonable Accommodation 12-15
14-130 Appeals of Administrative Decisions 12-16

14-120 Common Provisions

(1) Applicability

The common provisions of this section apply to all of the procedures in this article unless otherwise expressly stated.

(2) State Law

The procedures of this zoning ordinance are intended to comply with state statutes. If any provision of this zoning ordinance is in conflict with any provision of state statutes or if this zoning ordinance fails to incorporate a provision required for the implementation of state statutes, Wisconsin Statutes govern.

(3) Review and Decision-making Authority

Table 14-1 provides a summary of review and decision-making authority. In the event of conflict between this summary table and the written procedures contained elsewhere in this article, the written procedures govern.

Table 14-1: Review and Decision-making Authority

Procedure	ZA	BoA	PC	CC
Zoning Ord. Text Amendments	R	–	R	DM*
Zoning Map Amendments	R	–	R	DM*
Conditional Uses	R	–	R	DM*
Site Plan Review	DM	–	–	–
Minor Design Exceptions	DM	–	–	–
Major Design Exceptions	R	–	DM	–
Planned Unit Development				
Prelim. Development Plan	R	–	R	DM*
Final Development Plan	R	–	R	DM*
Variances, Zoning	R	DM*	–	–
Sign Permits	DM	–	–	–
Variances, Sign	R	–	DM	–
Appeals of Admin, Decisions	–	–	DM*	–

Table notes:
R = review and recommendation authority
DM = final decision-making authority
ZA = zoning administrator
BoA = board of appeals
P&Z = plan commission
CC= common council
***** = public hearing

(4) Development Procedures Manual

The provisions this article are intended to provide a description of general procedures to be followed in processing zoning-related applications. The Development Procedures Manual serves as a supplement to the provisions of this article and provides a more detailed description of the procedures to be followed in processing zoning-related applications.

(5) Applications and Fees

(a) Applicability

The application and fee provisions of this subsection apply to zoning applications filed by "eligible applicants."

(b) Eligible Applicants

When the procedures of this article allow an application to be filed by an "eligible applicant," such application must be submitted by, or on behalf of, a person, firm, corporation or organization that has one or more of the following interests that are specifically enforceable in the land that is subject to the application:

1. A freehold interest;
2. A possessory interest entitled to exclusive possession;
3. A contractual interest which may become a freehold possessory interest;
4. Any exclusive possessory interest; or
5. City property authorized for sale.

(c) Form of Application

Applications required under this zoning ordinance must be submitted in a form and in such numbers as specified in the Development Procedures Manual

(d) Fees and Notification Costs

All applications filed by property owners must be accompanied by the application fee that has been established by the common council. Application filing fees are intended to cover the cost of providing public hearing notices and other costs related to reviewing and processing applications. Such fees are nonrefundable and may include late fees, penalties, and fees for expedited processing.

(e) Completeness, Accuracy and Sufficiency[1]

An application will be considered complete and ready for processing, as specified in the Development Procedures Manual.

(6) Application Processing Cycles

Application processing cycles and timelines for processing applications, including deadlines for receipt of complete applications are specified in the Development Procedures Manual.

(7) Public Notices

Notices of public meetings and hearings must be provided in accordance with state law and the Development Procedures Manual.

(8) Conditions of Approval

Review bodies, including staff, are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions. Any conditions recommended or approved must reasonably relate to a situation likely to be created or aggravated by the proposed use or development.

(9) Required Time-frames for Action

Any time limit specified in this zoning ordinance for any decision or action on behalf of a review or decision-making body may be extended if the applicant and staff agree to an extension. Unless otherwise expressly stated, if a review or decision-making body does not render a decision or take action within any time period required under this zoning ordinance and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

14-121 Ordinance Text Amendments

(1) Authority to Initiate

Amendments to the text of this zoning ordinance may be initiated by the common council, any alderperson, the plan commission, the city attorney or the zoning administrator.[2]

(2) Plan Commission Recommendation

Proposed zoning ordinance text amendments must be referred to the plan commission for review. Following their review of the proposed text amendment, the plan commission must make a recommendation on the proposed amendment to

1 New proposed section.

2 The current ordinance allows any interested party to submit proposed text amendments.

the common council, including approval, approval with modifications, referral back to staff or denial.

(3) Public Notices

Public notice of hearings on a zoning ordinance text amendment must be published as required by state law.

(4) Common Council Hearing and Decision

(a) Upon receipt of the plan commission's recommendation, the common council must hold a public hearing on the proposed text amendment. Following the close of the public hearing, the common council must take action of the proposed zoning ordinance text amendment, including approval, approval with modifications, referral back to staff or the plan commission or denial.

(b) If the common council does not take final action on a proposed zoning map amendment application within 90 days of the common council's public hearing, the amendment application is deemed to have been denied. This "deemed-denied" provision does not apply when the application is referred back to staff or committee after the public hearing is held.

Figure 14-1 – Text Amendment Process (Generally)



14-122 Zoning Map Amendments

(1) Authority to Initiate

Amendments to the official zoning map may be initiated by the common council or filed by an eligible applicant or an eligible applicant's authorized agent (see 14-120(5)(b)).

(2) Preapplication Meeting

Before filing a zoning map amendment application, the applicant or the applicant's authorized agent must meet with the zoning administrator to discuss the proposed amendment and the applicable procedures.

(3) Application Filing

Zoning map amendment applications must be filed with the zoning administrator.

(4) Neighbor Communication

The applicant or the applicant's authorized agent is encouraged to contact owners of properties that abut the subject property and owners of properties to whom mailed notice is required by state law in order to provide information on the proposed rezoning and to gauge neighbor support for the proposal.

(5) Public Notices

(a) Published
Public notice of hearings on a zoning ordinance text amendment must be published as required by state law.

(b) Mailed
Notice must be mailed as required by state law.

(c) Posted
At least one notice sign must be posted on each street frontage abutting the subject property at least 7 days before the plan commission meeting.

(d) Courtesy Notice
Courtesy notice must be mailed to all property owners within 300 feet of the subject property at least 10 days before the plan commission meeting.

(6) Plan Commission Recommendation

Zoning map amendments must be referred to the plan commission for review. Following their review of the proposed zoning map amendment, the plan commission must make a recommendation to the

common council, including approval, approval with modifications, referral back to staff or denial.

(7) Common Council Hearing and Decision

Upon receipt of the plan commission's recommendation, the common council must hold a public hearing on the proposed zoning map amendment. Following the close of the public hearing, the common council must act to approve the zoning map amendment, approve the map amendment with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification), refer the matter back to plan commission or staff or deny the proposed zoning map amendment. If the plan commission's recommendation has not been forwarded to the common council within 60 days of referral of the proposed zoning map amendment to the plan commission, the common council may hold the required hearing and take action without receipt of the recommendation.

(8) Successive Applications

If the common council denies a proposed zoning map amendment, no zoning map amendment application requesting the same or more intensive zoning the subject property may be filed for or accepted for processing by the city for one year from the date of final action by the common council unless the council expressly acts to deny the previous application without prejudice or the new application is substantially different than the one that was denied.

Figure 14-2 – Zoning Map Amendment Process (Generally)



14-123 Conditional Uses

(1) Purpose

This ordinance identifies certain uses that, because of their unique or widely varying characteristics or their potential adverse impacts on adjacent land uses, are not permitted as a matter of right but that may be approved through case-by-case review as a "conditional use." They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address specific reasonable concerns, or to deny the use if the concerns cannot be resolved.

(2) Authority to Initiate

Applications for approval of a conditional use may be initiated by the common council or filed by an eligible applicant or an eligible applicant's authorized agent.

(3) Preapplication Meeting

Before filing a conditional use application, the applicant or the applicant's authorized agent must meet with the zoning administrator to discuss the proposed amendment and the applicable procedures.

(4) Application Filing

Conditional use applications must be filed with the zoning administrator.

(5) Staff Recommendation

The zoning administrator must review the proposed conditional use and prepare a recommendation for consideration by the plan commission and common council.

(6) Public Hearing Notice

(a) Published

Notice of required public hearings on a zoning map amendment must be published in accordance with the Class 2 notice requirements of Wis. Stats. Chapter 985.

(b) Mailed

Notice must be mailed to all of the following at least 10 days before required public hearings:

1. The subject property owner; and
2. All owners of property within 300 feet of the subject property.

(c) Posted

At least one notice sign must be posted on each public street frontage abutting the subject property at least 10 days before required public hearings.

(7) Plan Commission Recommendation

Applications for approval of a conditional use must be referred to the plan commission for consideration in a public meeting. Following review of the proposed zoning map amendment, the plan commission must act to recommend that the conditional use application be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.

(8) Common Council Hearing and Decision

Upon receipt of the plan commission's recommendation, the common council must hold a public hearing on the proposed conditional use. Following the close of the public hearing, the common council must act to approve, approve with modifications or deny the proposed zoning map amendment. If the plan commission's recommendation has not been forwarded to the common council within 60 days of referral of the proposed conditional use to the plan commission, the common council may hold the required hearing and take action without receipt of the recommendation.

(9) Review Criteria and Standards.

(a) To aid in review of and decision-making on proposed conditional uses, the plan commission and common council must, at a minimum, evaluate whether the following criteria, are met:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
2. That the uses, values and enjoyment of surrounding properties for purposes already permitted in the district will be not be substantially impaired or diminished by the establishment, maintenance or operation of the proposed conditional use;
3. That establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district;
4. That adequate utilities, access roads, drainage and other necessary improvements have been or are being provided;
5. That adequate measures have been or will be taken to provide ingress and egress that will minimize on- and off-site traffic congestion; and
6. That the conditional use complies with all other applicable regulations of this zoning ordinance.

(b) The review criteria and standards of this subsection are deemed reasonable and, to the extent practicable, measurable. An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this ordinance and conditions established by the city relating to the conditional use are or will be satisfied constitute grounds to deny the conditional use. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

(10) Conditions and Requirements

In approving a conditional use application, the common council may impose conditions and requirements that it determines are necessary to prevent or minimize adverse effects from the

Figure 14-3 – Conditional Use Process



proposed use on other properties in the area and on the general health, safety, and welfare of the city.

(a) Any conditions or requirements imposed must be:

1. Reasonable.
2. Measurable, to the extent practical;
3. Consistent with the general purpose of this ordinance; and
4. Based on substantial evidence.

(11) Successive Applications

If the common council denies approval of the conditional use, no application requesting approval of the same conditional use on the subject property may be filed for or accepted for processing by the city for one year from the date of final action by the common council unless the common council expressly acts to deny the previous application without prejudice or the new application is substantially different than the one that was denied.

14-124 Site Plan Review

(1) Purpose

This section establishes a procedure to ensure timely, competent review of site plans as a means of determining whether such plans comply with the applicable regulations of this zoning ordinance, and to enable the city to plan for and review certain proposed improvements of property in order to:

(a) Implement community policies on physical development;

(b) Provide for efficient, rational allocation of scarce facilities and resources;

(c) Promote economy and efficiency in the provision and improvement of municipal services through the regulation of development; and

(d) Ensure the orderliness, quality and character of the development of property in the city, prevent foreclosure of future development opportunities, and facilitate coordination of land usage with planned and available facilities and resources.

(2) Applicability

Site plan review is required for all multi-family, mixed-use and nonresidential development.

(3) Application Filing

Applications must be submitted to the zoning administrator. All applications must include plans and other information necessary to allow for thorough review of the proposed plans, as indicated by the requirements on the site plan review submittal checklists developed by the zoning administrator.

(4) Review Process

(a) Preapplication Meeting
Before filing a site plan application, the applicant or the applicant's authorized agent must meet with the zoning administrator to discuss the proposed site plan and the applicable procedures.

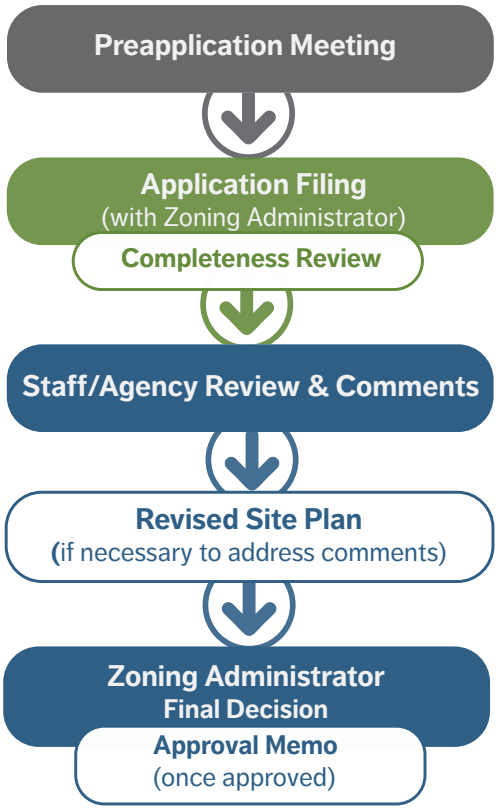
(b) Department and Agency Comments
Following receipt of a complete site plan application, the zoning administrator is

authorized to request comments from any city departments and external agencies who have regulatory responsibility or related interests in the review of the proposed site plan.

(c) Review and Decision-Making Process

1. Upon receipt of a complete application for approval of a site plan, the zoning administrator must review the proposed site plan, obtain any department or agency comments and share all administrative review comments with the applicant.
2. To be considered for further review, the applicant must resubmit any revised site plan along with an explanation of how each administrative comment was addressed. Upon receipt of a complete resubmittal package, the zoning administrator must provide any written administrative comments that require further revision.
3. The zoning administrator must take action to approve the proposed site plan, approve the proposed site plan subject to conditions or deny approval of the proposed site plan within 60 days of the date of latest site plan submittal unless the required time-frame for action is waived by the applicant.
4. If an application for site plan approval is denied, the reasons for denial must be stated in writing, specifying the aspects of the plan that are not in compliance with applicable regulations. If a site plan application is denied, a new application may be submitted for further consideration.
5. If a site plan is approved subject to specific conditions and all administrative review comments, the applicant must revise the site plan in accordance with those conditions and comments and resubmit the plan for review. The zoning administrator must act on all resubmitted site plans within 20 business days of their receipt.
6. If a site plan is approved, the applicant must submit signed and dated digital and reproducible copies of the site plan to the zoning administrator, and the zoning administrator will issue an approval memo..
7. The zoning administrator will retain a copy of the approved site plan in the department's permanent files..

Figure 14-4 – Site Plan Process (Generally)



(5) Effective Date of Site Plan Approval

An approved site plan becomes effective upon certification by the zoning administrator. If an appeal is filed, a site plan does not become effective until all appeals have been decided.

(6) Lapse of Site Plan Approval

An approved site plan will lapse and have no further effect one year after it is approved, unless:

(a) A building permit has been issued (if required);

(b) The use or structure has been lawfully established; or

(c) A different lapse of approval period or point of expiration has been expressly established by the decision-making body.

(7) Permits and Continuing Compliance

(a) No permit may be issued for any development requiring site plan approval until a site plan has been submitted and certified approved for such development in accordance with this section unless the zoning administrator determines that the site plan is in substantial conformance and phased permits can be issued.

(b) No permanent certificate of occupancy may be issued for such development until all terms and conditions of the approved site plan have been satisfactorily completed or provided for.

(c) Construction, grading, or other development activities may be carried out only in compliance with the certified site plan.

(d) When a site plan has been approved for property pursuant to this section, the property must be used and maintained in compliance with the approved site plan. No person may use property in a manner or physical condition that does not conform to the approved site plan for such property.

(8) Resubmissions and Amendments

(a) Resubmission of any site plan due to changes required or made to the site plan as previously submitted may be made in accordance with schedule of fees adopted by the common council.

(b) An approved site plan may be amended in accordance with the site plan review procedures of this section. However, the development services director is authorized to waive applicable review and approval procedures and fees if the development services director determines that a proposed amendment involves only a minor change in the approved site plan. Any waiver by the development services director must be in writing.[3]

(c) If a site plan is resubmitted for final approval and the zoning administrator, determines that the site plan does not comply with conditions imposed by the decision-making body, the applicant may elect to either:

1. Revise the site plan to comply with required conditions in accordance with the interpretation of the conditions by the zoning administrator; or
2. Submit a written request by letter or email communication that the resubmission is to be processed as an amendment to the site plan.

(9) Appeals

(a) The applicant may appeal a final site plan decision of the zoning administrator by filing a written notice of and reasons for the appeal with the zoning administrator no later than 30 days after the date of the action from which the appeal is sought.

(b) All appeals of interpretations or final decisions of the zoning administrator must be placed on the agenda of the plan commission within 30 days of the date that written notice of the appeal was filed with the zoning administrator unless the applicant agrees to an extension of time for plan commission action.

14-125 Design Exceptions

(1) General

This section establishes regulations governing the granting of requests for design exceptions to the regulations of Article III or Article IX. These exception regulations are divided into 2 categories:

(a) Minor, staff-approved design exceptions, referred to as minor design exceptions; and

(b) More significant design exceptions, which must be reviewed and approved by the plan commission, referred to as major design exceptions).

(2) Intent

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

3 Include examples of minor changes and/or additional criteria for determination of "minor" changes.

purpose and consistency with the comprehensive plan.

(3) Burden of Proof or Persuasion
The burden is on the applicant to demonstrate that the requested exception meets the criteria for approval or demonstrates that the result of the exception would equal or exceed the results of strict compliance with the subject regulation.

(4) Applications
Requested exceptions must be noted on the required application and plan, and the application must include a written statement describing why the exception is necessary and all efforts to mitigate any adverse impacts resulting from a grant of the exception.

(5) Minor Design Exceptions
During the site plan review process, the zoning administrator is authorized to approve the following as minor design exceptions, based on consideration of the general intent statement of 14-125(2):

(a) Build-to Zone. Increase or decrease any build-to-zone requirement by 25% or 2 foot, whichever is greater.

(b) Primary Frontage Lot Line Coverage. Decrease the minimum primary frontage lot line coverage requirement by 15% or 3 feet, whichever is greater.

(c) Building Entrances. Increase the maximum permitted distance between required building entrances by up to 20% or 20 feet, whichever is greater.

(d) Building Setbacks. Decrease any setback by up to 15% or 1 foot, whichever is greater.

(e) Building Coverage. Increase the maximum total impervious coverage allowance by up to 15%, provided that such increase does not result in impervious coverage that exceed the total permitted impervious plus semi-pervious coverage.

(f) Height. Increase the minimum or maximum height for any story by up to 3 feet.

(g) Occupied Space. Reduce the minimum depth of required occupied space by up to 15% or approve unoccupied space on up to 20% of the frontage.

(h) Transparency. Reduce minimum transparency requirements by up to 15%.

(i) Other measurements. Reduce or increase by up to 10% any minimum requirements of Article III or Article IX that are expressed as a dimension or distance.

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

(6) Major Design Exceptions

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

(b) 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);
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.

14-126 Planned Unit Developments

(1) Overview
Planned Unit Development (PUD) zoning districts are established through the approval of a zoning map amendment in accordance with the zoning map amendment procedures of 14-122. PUD zoning map amendments must be processed concurrently with a preliminary development plan application. Final development plan approval is required after approval of the PUD zoning map amendment and preliminary development plan. This section describes the required review and

approval procedures for PUD preliminary and final development plans.

(2) Development Plan Approval Required

Approval of PUD preliminary and final development plans must occur before any building permit is issued and before any development takes place in a PUD district. Permits may be issued for a development phase if a preliminary development plan has been approved for the entire PUD and a final development plan has been approved for the subject phase.

(3) Preliminary Development Plans

At the option of the applicant, the preliminary development plan may serve also as the preliminary subdivision plat if such intention is declared before the plan commission's hearing and if the plans include all information required for preliminary plats and preliminary development plans.

(a) Preapplication Meeting

Before submitting a PUD application, the applicant must schedule a meeting with the zoning administrator to discuss the proposed plan and the required process. The zoning administrator is responsible for coordinating the involvement of other relevant city departments in the preapplication meeting.

(b) Application Contents

An application for a preliminary development plan must contain all items of information specified in the development manual.

(c) Application Filing

Complete applications for preliminary development plan approval must be filed with the zoning administrator at the same time that the PUD zoning map amendment application is filed. Preliminary development plan applications may be filed only by the common council, the plan commission or by petition of an eligible applicant or an eligible applicant's authorized agent.

(d) Plan Commission Recommendation

PUD preliminary development plans must be referred to the plan commission with the PUD zoning map amendment. Following review of the proposed zoning map amendment and preliminary development plan, the plan commission must act by simple majority vote of those members present and voting to recommend that the proposed zoning map amendment and preliminary development plan be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.

(e) Common Council Hearing and Decision

Upon receipt of recommendations from the plan commission, the common council must hold a public hearing on the proposed PUD zoning map amendment and accompanying preliminary development plan. Following the close of the public hearing, the common council may act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed PUD zoning map amendment. If plan commission recommendation has not been forwarded to the common council within 60 days of referral of the proposed PUD zoning map amendment to the plan commission, the common council may hold the required hearing and take action without receipt of the recommendation. Final action on a PUD zoning map amendment by the common council requires a simple majority vote of those members present and voting, except when a valid protest petition is filed with the city clerk before the date of the meeting that the common council takes final action on the amendment approval of the zoning map amendment requires at least a ¾ majority vote of those common council members present and voting.

(f) Review Criteria

Zoning map amendments are legislative decisions of the common council based on their consideration of the public, health, safety and general welfare.

(g) Lapse of Approval

If the subject landowner fails to file an application for PUD final development plan approval within one year of the date of PUD preliminary development plan approval, the landowner or the landowner's agent may request that the common council approve a one-time extension for a period of up to one additional year. If the landowner or agent does not request such an extension, or if the landowner does not file an application for a PUD final development plan within the one-

year extension period, approval of the PUD preliminary development plan will lapse and be of no further effect. For projects to be developed in phases, phase limits must be shown on the preliminary development plan. The common council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

(4) Final Development Plans

(a) Application Filing

Final development plan applications must be filed with the zoning administrator before the lapse of a preliminary development plan.

(b) Plan Commission's Recommendation

PUD final development plans must be referred to the plan commission. The plan commission must review the final development plan and vote to recommend that the final development plan be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the common council.

(c) Common Council Decision

Following receipt of recommendations from the plan commission, the common council may act to approve, approve with conditions or deny the final development plan. If the design review board has received all the required items of information in the final development plan, but has not forwarded a recommendation to the common council within 60 days of referral of the final development plan to the plan commission, the common council may take action without receipt of the recommendation. Final action on a PUD final development plan by the common council requires a simple majority vote of those members present and voting.

(d) Review Criteria

In reviewing PUD final development plans, review and decision-making bodies must determine if the submitted final development complies with the approved preliminary development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance.

(e) Lapse of Approval

In the event the landowner fails to commence development shown on the final development plan within one year after final approval has been granted, then such final approval will lapse and be of no further effect unless the time period is extended for up to one additional year by the common council upon written application by the landowner. Requests for extensions must be submitted to the zoning administrator before the final development plan approval expires and must be processed in accordance with the procedures for approval of a PUD preliminary development plan, including applicable filing fees (for time extension), notices and hearings. In considering extension requests, the plan commission is authorized to recommend and the common council is authorized to approve any of the following actions based on surrounding land use patterns and other relevant information presented at the time of reconsideration by the plan commission and common council:

1. An extension of time to commence development;
2. An amendment to the approved development plan; or
3. Rezoning to another zoning district in accordance with the zoning map amendment procedures of 14-122.

(5) Amendments

(a) Amendment Determination

The common council is authorized to determine whether a proposed PUD amendment constitutes a minor or major amendment.

(b) Major Amendments

Major amendments may be approved only through the procedure required for approval of the PUD. A major amendment is one that constitutes a substantial change to the approved final development plan that is likely to create more significant adverse impacts on surrounding property owners or the community as a whole, such as:

1. Increases in the number of dwelling units or the amount of nonresidential floor area;

2. Reductions in the amount of land area set side as open space, recreation area or natural resource conservation area; or
3. Failure to provide public amenities or public benefit features approved as part of the PUD.

(c) Minor Amendments
The common council is authorized to approve minor PUD amendments through the approval of an amended final development plan, in accordance with the procedures of 14-126(4) .

14-127 Zoning Variances

(1) Intent
Zoning variances are intended as a way to provide relief from unnecessary hardships resulting from strict application of zoning ordinance requirements, other than those pertaining to signs.

(2) Applicability
Except as expressly authorized under Chapter 46 of the municipal code and the sign variance provisions of 14-128, only the board of appeals is authorized to grant zoning variances. The plan commission is the final decision-making authority on sign regulation variances (see 14-128) and variances authorized under Chapter 46 of the municipal code.

(3) Authorized Variances
These zoning variance procedures may not be used to:

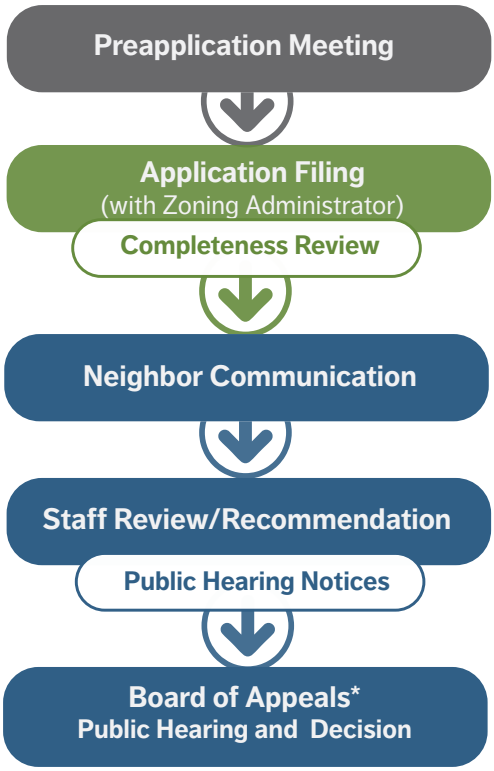
(a) Waive, modify or amend any definition or interpretation of a use classification;

(b) Waive, modify or otherwise vary any of the review and approval procedures;

(c) Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government;

(d) Waive, vary or modify applicable "minimum lot area per unit" (density) standards (Note: this provision is not intended to prohibit variances of minimum lot area requirements for individual lots);

Figure 14-5 – Zoning Variance Process (Generally)



*The plan commission hears and decides sign regulation variances and variances authorized under Chapter 46 of the municipal code.

(e) Waive, vary or modify provisions over which jurisdiction for exceptions or other modifications is assigned to another decision-making body; or

(f) Waive, vary or modify provisions for which variances are expressly prohibited.

(4) Authority to File
Zoning variance applications may be filed by eligible applicants or an eligible applicant's authorized agent (see 14-120(5)(b)).

(5) Application Filing
Zoning variance applications must be filed with the zoning administrator.

(6) Neighbor Communication
The applicant or the applicant's authorized agent must contact owners of properties that abut the subject property to provide information on the requested variance and to gauge neighbor support for the variance

request. Lists of neighbors contacted and any signed and dated statements of support, opposition or no-opinion must be provided before or at the time of the required public hearing.

(7) Public Notices

(a) Published
Public notice of hearings on a zoning variance must be published as required by state law.

(b) Mailed
Notice must be mailed by first class mail to all of the following at least 10 days before the board of appeals' public hearing on the matter:

1. The subject property owner; and
2. All owners of property within 100 feet of the subject property.

(8) Hearing and Final Decision[4]

(a) The board of appeals must hold a hearing to consider the zoning variance request.

(b) Following the close of the hearing, the board of appeals must make findings of fact and act to approve the requested zoning variance, approve the variance with modifications and/or conditions, refer the zoning variance request back to staff or deny the zoning variance request based on the review criteria and standards of 14-127(9).

(9) Review Criteria and Standards

No zoning variance may be approved unless the board of appeals finds, based on evidence presented in the specific case, that the criteria in Wis. Stat. 62.23(7)(e)7 are addressed.

(10) Transferability

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.

(11) Lapse of Approval

An approved zoning variance will lapse and have no further effect one year after it is approved by the board of appeals, unless:

(a) A building permit has been issued (if required);

(b) The structure has been lawfully established; or

(c) A different lapse of approval period or point of expiration has been expressly established by the board of appeals.

(12) Successive Applications

Once a zoning variance request has been denied by the board of appeals, no application for the same or substantially similar variance application may be accepted for 12 months of the date of denial.

(13) Review by Court of Record

Any person aggrieved by a zoning variance decision of the board of appeals may appeal the decision in accordance with state law.

14-128 Sign Variances

Requests for variances from the sign regulations of Article XI, are processed following the zoning variance procedures of 14-127, except that the plan commission, rather than the board of appeals, holds the required hearing and makes the final decision.

14-129 Reasonable Accommodation[5]

(1) Purpose

For the purposes of this zoning ordinance, "reasonable accommodation" means providing an individual with a disability or developers of housing for individuals with a disability, flexibility in the application of zoning regulations (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities. The purpose of this section is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the *Americans with Disabilities Act* and the federal *Fair Housing Amendments Act* in the application of this zoning ordinance.

4 The existing 30-day shot-clock provision on zoning appeals has been omitted from this draft. The requirement for board action within 30 days of filing seems unreasonably short and there is no indication of the consequence of not acting within the 30-day period.

5 New proposed authority/procedure.

(2) Application Filing
Applications for reasonable accommodation must be filed with the zoning administrator.

(3) Review and Approval
The zoning administrator, in consultation with the city attorney, is authorized to consider and act on requests for reasonable accommodation. The zoning administrator must issue a written decision in which the request is approved, approved subject to conditions or denied. In making the decision, the following factors must be considered:

(a) Special need created by the disability;

(b) Potential benefit expected to result from approval of the requested modification;

(c) Need for the requested modification, including alternatives that may provide an equivalent level of benefit;

(d) Physical attributes of and any proposed changes to the subject property and structures;

(e) Potential impact on surrounding uses and property owners;

(f) Whether the requested modification would constitute a fundamental alteration of the zoning regulations, policies or procedures of the city;

(g) Whether the requested modification would impose an undue financial or administrative burden on the city; and

(h) Any other factor that my have a bearing on the request.

(4) Notice of Decision
The written decision of the zoning administrator must be mailed to the applicant and to all owners of record of all properties abutting the property that is the subject of the reasonable accommodation request. Only the applicant and property owners entitled to notice of the written reasonable accommodation determination have a right to appeal the decision on a reasonable accommodation request. All written decisions must give notice of the right to appeal a decision of the zoning administrator pursuant to 14-130. The decision of the zoning administrator constitutes the final decision of the city, unless appealed.

(5) Transfer
Approved requests for reasonable accommodation are granted to that individual and do not run with the land unless the zoning administrator determines that the modification is physically integrated into the structure and cannot easily be removed or altered to comply with this zoning ordinance or the accommodation is to be used by another individual with a disability.

14-130 Appeals of Administrative Decisions

(1) Applicability
The plan commission is authorized to hear and decide appeals when it is alleged there has been an error in any order, requirement, decision or determination made by the zoning administrator or any other administrative official in the administration, interpretation or enforcement of this zoning ordinance.

(2) Right to Appeal
Except as otherwise expressly stated, appeals of administrative decisions may be filed by any person aggrieved by the administrative official's decision or action, including officials, departments, boards or agencies affected by decisions.

(3) Filing of Appeal
Appeals of administrative decisions must be filed with the zoning administrator within 30 days of the date of the written decision or order.

(4) Procedure
Appeals are processed in accordance with the procedures set forth in the Development Procedures Manual.

(5) General Review Criteria and Standards
An administrative decision may be reversed only if the plan commission finds that the zoning administrator or other administrative official erred.

(6) Successive Appeals
Once an appeal has been denied by the plan commission, no rehearing on the same or

substantially similar appeal may held except upon a simple majority vote of board members present and voting and a finding that substantial new evidence is submitted that could not reasonably have been presented at the previous hearing on the appeal.

(7) Review by Court of Record

Any person aggrieved by the decision of the plan commission may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. The petition must be presented to the court within 30 days after the filing of the decision in the office of the plan commission.

this page intentionally blank

DRAFT

ARTICLE XIV. NONCONFORMITIES

14-140 General 14-1
14-141 Nonconforming Lots 14-2
14-142 Nonconforming Structures 14-2
14-143 Nonconforming Uses 14-2
14-144 Nonconforming Signs 14-3
14-145 Nonconforming Development Features 14-3

14-140 General[1]

(1) Scope

The regulations of this article govern nonconformities, which are lots, uses and structures that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more provisions of this zoning ordinance.

(2) Purpose

Occasionally, lots, uses, and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) are made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through zoning map changes or amendments to the text of the zoning ordinance). The regulations of this article are intended to clarify the effect of this "nonconforming" status and avoid confusion with "illegal" buildings and uses (i.e., those established in violation of applicable zoning regulations). The regulations of this article are also intended to:

(a) Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;

(b) Promote maintenance, reuse and rehabilitation of existing buildings; and

(c) Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

(3) Authority to Continue

Any nonconformity that existed on the effective date specified in 14-03 or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance may be continued in accordance with the regulations of this article unless otherwise expressly stated.

(4) Determination of Nonconformity Status[2]

(a) The burden of proving a nonconformity was lawfully established and that the situation has not lost its nonconforming status rests entirely with the subject landowner.

(b) The zoning administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject landowner.

(c) Appeals of the zoning administrator's decision on nonconforming status determinations may be appealed in accordance with the appeal procedures of 14-130.[3]

(5) Repairs and Maintenance

(a) Nonconformities must be maintained to be safe and in good repair.

(b) Repairs and normal maintenance that do not increase the extent of nonconformity and that are necessary to keep a nonconformity in sound condition are permitted unless otherwise expressly prohibited by this zoning ordinance.

(c) Nothing in this article is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized city official.

(6) Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected solely by changes of tenancy, ownership or management.

1 These general provisions are mostly new, but are not believed to represent a substantive change from current practice.

2 Current provisions requiring the keeping of records (14-18) of nonconforming situations has not been carried over in this draft. Does this really occur? Should they be included?

3 Under the current ordinance (14-18), appeals of such decisions are heard by the plan commission.

14-141 Nonconforming Lots

(1) Description

A nonconforming lot is a lawfully created lot that does not comply with currently applicable minimum lot area or minimum lot width regulations of this zoning ordinance.

(2) Use of Nonconforming Lots[4]

(a) A single dwelling unit and allowed accessory structures may be constructed on a nonconforming lot that has never been developed in any zoning district that permits detached houses by-right, subject to compliance with all applicable setback and building regulations (e.g., coverage, height, floor area, etc.).

(b) Nonconforming lots in districts that do not permit detached houses by-right, may be used in accordance with the use regulations that apply in the subject zoning district, and buildings may be erected, subject to compliance with all applicable setback and building regulations (e.g., coverage, height, floor area, etc.).

14-142 Nonconforming Structures

(1) Description

A nonconforming structure is any building or structure, other than a sign, that was lawfully established but no longer complies with the lot and building regulations of the zoning district in which it is located.

(2) General

Nonconforming structures may remain, subject to the regulations of this section.

(3) Alterations and Expansions

Alterations, including enlargements and expansions, are prohibited unless the proposed alteration or expansion complies with all applicable lot and building regulations, and does not increase the extent of the existing nonconformity. A building with a nonconforming front setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards and all other applicable lot and building regulations. On the other hand, building additions on the front, may not increase or extend the front setback nonconformity.

(4) Use

A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

(5) Replacement

If a nonconforming structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity, the nonconforming structure may be re-established to the extent it existed before the damage or destruction, provided that no new or greater nonconformities are created and a permit application to allow the re-establishment is filed within one year of the date of damage or destruction.[5]

14-143 Nonconforming Uses

(1) Description

A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another land use) are also deemed to be nonconforming uses.

(2) Change of Use

A nonconforming use may only be changed to another use if the new (changed) use is allowed in the subject zoning district. Once changed to a conforming use, a nonconforming use may not be re-established.

(3) Expansion of Use

A nonconforming use may not be expanded unless such expansion would eliminate or reduce the extent of nonconformity, except that a nonconforming use of a building may be extended into those interior parts of the building that were manifestly designed for such use before the date that the use became nonconforming.

(4) Remodeling and Improvements

A building in which a nonconforming use is located may be remodeled or otherwise improved as long

4 This approach is somewhat different that in current ordinance (14-17(5)), which allows N/C lots to be developed with any use allowed in the subject district.

5 This provision is intended to comply with changes in state law, per 2017 Wisconsin *Act 67*.

as the remodeling or improvements do not violate the other regulations of this zoning ordinance.

(5) Moving

(a) A nonconforming use may be moved in whole or in part to another location on the same lot only if the movement or relocation eliminates or reduces the extent of nonconformity.

(b) A nonconforming use may be moved to another lot only if the use is allowed under the zoning regulations that apply to that (relocation) lot.

(6) Loss of Nonconforming Status

(a) Abandonment

1. Once a nonconforming use is abandoned, its nonconforming status is lost and any new, replacement use must comply with the regulations of the zoning district in which it is located.
2. A nonconforming use is presumed abandoned when the use is discontinued or ceases for a continuous period of 12 months or more.
3. The presumption of abandonment may be rebutted upon showing, to the satisfaction of the zoning administrator, that during such period the owner of the land or structure has been:
    a. Maintaining the land and structure in accordance with all applicable municipal code requirements and did not intend to discontinue the use;
    b. Actively and continuously marketing the land or structure for sale or lease for that particular nonconforming use; or
    c. Engaged in other activities that affirmatively prove there was not intent to abandon.
4. Any period of discontinued use caused by government action, acts of God, unintended fire or other causes beyond the control of the subject property owner are not counted in calculating the length of discontinuance.

(b) Change to Conforming Use
If a nonconforming use is changed to a conforming use, no matter how short the period of time, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.

(c) Re-establishment

1. Intentional Destruction
When a building containing a nonconforming use is intentionally destroyed, razed or dismantled by a deliberate act of the owner or the owner's agent, re-establishment of the nonconforming use is prohibited.
2. Accidental Destruction
Unless a building containing a nonconforming use is loses its nonconforming use rights pursuant to 14-142, the building and use may be restored or repaired provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged building must be obtained within 2 years of the date of occurrence of such damage.

14-144 Nonconforming Signs

See 14-116.

14-145 Nonconforming Development Features

(1) Description

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming structure or nonconforming use—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more regulations of this zoning ordinance. Common examples of nonconforming development features are off-street parking or loading areas that contain fewer spaces than required by current regulations and sites that do not comply with current landscaping or screening requirements.

(2) General

Nonconforming development features may remain except as otherwise expressly stated in this zoning ordinance, but the nature and extent of nonconforming site features may not be increased

except as otherwise expressly stated in this zoning ordinance.

remainder of page intentionally blank

DRAFT

ARTICLE XIII. ADMINISTRATION

14-130 Common Council 13-1
14-131 Plan Commission 13-1
14-132 Board of Appeals 13-1

14-130 Common Council

See Chapter 6 of the city code of ordinances.

14-131 Plan Commission

See Chapter 10, Sec. 10-10 of the city code of ordinances.

14-132 Board of Appeals

(1) Established

See Chapter 10, Sec. 10-11 of the city code of ordinances.

(2) Powers and Duties

The board of appeals has the powers and duties expressly identified in this zoning ordinance and Wis. Stats. § 62.23(7)(e)., including the following:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of this zoning ordinance (See also 14-130);

(b) To authorize variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning ordinance will be observed, public safety and welfare secured and substantial justice done (See also 14-127).

(3) Oaths and Witnesses

The chairperson of the zoning board has the authority to administer oaths and compel the attendance of witnesses.

(4) Appeals

All decisions and findings of the board of appeals on appeals of administrative decisions and variances are final administrative decisions and are subject to judicial review, as provided by law.

this page intentionally blank

DRAFT

ARTICLE XV. VIOLATIONS, PENALTIES AND ENFORCEMENT

14-151 Violations.....15-1
14-152 Remedies and Enforcement Powers.....15-1
14-153 Previous Enforcement Actions 15-2
14-154 Remedies Cumulative.....15-2
14-155 Persons Subject to Penalties.....15-2

14-150 Responsibility for Enforcement

The development services director is responsible for the interpretation, administration and enforcement of the provisions of this zoning ordinance unless otherwise expressly stated.

14-151 Violations

(1) It is unlawful and a violation of this zoning ordinance for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the city, or cause any of these actions, contrary to or in violation of any of the provisions of this zoning ordinance. Any violation of a provision of this zoning ordinance—including but not limited to all of the following—may be subject to the remedies and penalties provided for in this zoning ordinance.

(a) To use land or buildings in any way not consistent with the requirements of this zoning ordinance;

(b) To erect a building or other structure in any way not consistent with the requirements of this zoning ordinance;

(c) To engage in the use of a building or land or any other activity requiring one or more permits or approvals under this zoning ordinance without obtaining such required permits or approvals;

(d) To engage in the use of a building or land or any other activity requiring one or more permits or approvals under this zoning ordinance in any way inconsistent with any such permit or approval or any conditions imposed on the permit or approval;

(e) To violate the terms of any permit or approval granted under this zoning ordinance or any condition imposed on the permit or approval;

(f) To obscure, obstruct or destroy any notice required to be posted or otherwise given under this zoning ordinance;

(g) To violate any lawful order issued by any person or entity under this zoning ordinance; or

(h) To continue any violation after receipt of notice of a violation.

(2) Each day that a violation remains uncorrected after receiving notice of the violation from the city constitutes a separate violation of this zoning ordinance.

14-152 Remedies and Enforcement Powers

The city has all remedies and enforcement powers allowed by law, including the following:

(1) Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization, the development services director may grant such authorization subject to the condition that the violation be corrected.

(2) Withhold or Revoke Permits

Any permit, certificate or other form of authorization required under this zoning ordinance may be withheld or revoked by the development services director, as set forth in §106-2 of the municipal code, when the development services director determines that there is departure from the plans, specifications, or conditions as required under terms of the permit.

(3) Municipal Citations

The city may issue municipal citations for violations of this zoning ordinance, as set forth in §1-11 of the municipal code.

(4) Other Legal Remedies

In addition to all other remedies and enforcement powers, the city is authorized to use all remedies available under state law, including seeking injunctive relief and payment of damages,

14-153 Previous Enforcement Actions

Nothing in this zoning ordinance prohibits the continuation of previous enforcement actions, undertaken by the city pursuant to previous valid ordinances and laws.

14-154 Remedies Cumulative

The remedies and enforcement powers established in this zoning ordinance are cumulative, and the city may exercise them in any combination or order. Each day that a violation continues is considered a separate offense.

DRAFT

ARTICLE XVI. LANGUAGE, MEASUREMENTS AND DEFINITIONS

14-160 Language and Ordinance Construction ... 16-1
14-161 Measurement-Related Terms ... 16-2
14-162 Use Classifications and Terminology ... 16-8
14-163 General Definitions ... 16-8

14-160 Language and Ordinance Construction

(1) Meanings and Intent

(a) Words and terms expressly defined in this zoning ordinance including those defined in 14-163 have the specific meanings assigned unless the context indicates another meaning.

(b) Words that are not expressly defined in this zoning ordinance must be interpreted as having their plain meaning unless such an interpretation would have an unintended result.

(2) Computation of Time

(a) References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular city government working days, excluding Saturdays, Sundays and holidays observed by city government.

(b) The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, holiday observed by city government or other day on that city offices are closed, that day is excluded.

(c) A day concludes at the close of business and any materials received after that time will be considered to have been received the following day.

(3) Tenses and Usage

(a) Words used in the singular include the plural. The reverse is also true.

(b) Words used in the present tense include the future tense. The reverse is also true.

(c) The words "shall," "will," and "must" are mandatory.

(d) The word "may" is permissive, not mandatory or required, but the phrase "may not" means that the referenced action is expressly prohibited.

(e) Phrases that include numbers, such as "up to x," "not more than x" and "a maximum of x" all include "x."

(f) The word "person" includes a firm, association, organization, partnership, limited liability company, trust, or corporation, as well as an individual.

(g) The words "used" and "occupied" include "intended and designed to be used or occupied."

(4) Conjunctions

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

(a) "And" indicates that all connected items or provisions apply; and

(b) "Or" indicates that the connected items or provisions may apply singularly or in combination.

(5) Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure or illustration, the text governs.

(6) Versions and Citations

All references in this zoning ordinance to other city, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, zoning ordinance requirements for compliance with the other specifically referenced city, state or federal regulation are no longer in effect.

(7) Lists and Examples

Unless otherwise expressly indicated, lists of examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

(8) Public Officials and Agencies

References in this zoning ordinance to public officials and agencies will be interpreted as follows:

(a) References to the "city" are references to the City of De Pere.

(b) References to the "common council" are references to the City of De Pere Common Council.

(c) References to the "community development director" are references to the director of the City of De Pere community development department who is responsible for overall zoning ordinance administration and assignment of day-to-day staffing duties and responsibilities.

(d) References to the "plan commission" are references to the City of De Pere Plan Commission.

(e) References to the "board of appeals" are references to the City of De Pere Board of Appeals.

(f) Unless otherwise expressly stated, all other employees, public officials, bodies and agencies to that references are made are those of the City of De Pere or individuals or agencies legally authorized to act on behalf of the city.

14-161 Measurement-Related Terms

(1) Fractions and Rounding

When calculations required under this zoning ordinance result in fractions, the results must be rounded as follows:

(a) Minimum Requirements

When a requirement other than off-street parking is expressed as a minimum requirement, any fractional result must be rounded up to the next consecutive whole number. See 14-82 for rounding rules applicable to off-street parking requirements,

(b) Maximum Limits

When a regulation is expressed as a maximum limit, any fractional result must be rounded down to the preceding whole number. For example, if a maximum limit of 3.33 parking spaces per 1,000 square feet of floor area is applied to an 8,000 square foot building, the resulting fraction of 26.64 is rounded down to 26 allowed parking spaces. This provision is not to be interpreted as allowing fractional results to be rounded down when determining compliance with percentage-based limits. For example, if maximum allowed lot coverage is 45%, a lot with 45.33% coverage is not considered to be in compliance.

(2) Lot Area

Lot area is measured as the total ground-level surface area contained within the lot lines of a lot but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.

(3) Lot Width

Lot width is the horizontal distance between the side lot lines of a lot, measured along the minimum front setback line. If no minimum front setback is required, lot width is measured long the front lot line.

(4) Lot Frontage or Street Frontage

Lot frontage is measured between side lot lines of a lot along the front lot line.

(5) Building Coverage

Building coverage is the total area of a lot covered by principal and accessory buildings.

(6) Impervious Coverage

Imperious coverage is the total area of a lot covered by impervious surfaces, including principal and accessory buildings and structures, driveways, patios, parking lots and sidewalks.

(7) Floor Area

The sum of the gross, horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating 2 buildings. The "floor area" of a building includes basement floor area, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of 7 feet 10 inches or more, interior balconies

and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading is not counted as "floor area."

(8) Setbacks

(a) Measurement

1. Required setbacks are measured from the applicable lot line, right-of-way, or specific location referred to in the applicable regulation. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for that a setback is required. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way.
2. Street (front and street-side) setbacks are measured from the actual right-of-way line of the street (other than an alley).
3. Interior side setbacks are measured from the nearest side lot line that does not abut a street.
4. Rear setbacks are measured from the rear lot line.
5. On double-frontage lots, the required front setback must be provided from both streets, other than alleys.

(b) Setbacks on Irregular Lots

Setbacks are measured from lot lines towards the center of the lot, except as follows:

1. When lot lines are curvilinear, setbacks must be measured parallel to the curvilinear lot line.
2. When there are multiple rear lot lines, the rear setback must be measured from each of rear lot lines.
3. When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

(9) Primary Frontage or Front Lot Line Coverage

The minimum percentage of building facade along the primary frontage of a lot is measured as follows:

(a) The primary frontage or front lot line coverage must at least equal the width of the principal structures, as measured within the build-to zone along the frontage edge, divided by the length of the lot line parallel to the primary street minus side setbacks. See Figure 18-1.

(b) For some X district building types, courtyards located along the facade in the build-to zone count towards coverage. See the building type regulations in Article III.

(10) Build-to Zone

The build-to zone is calculated and measured as follows. See Figure 18-2.

(a) If no additional pedestrian area is required, the build-to zone is measured from the right-of-way line into the lot perpendicular to the frontage.

(b) When additional pedestrian area is required by the supplemental regulations that apply to the subject building type, the build-to zone is measured from the edge of the new pedestrian area into the lot.

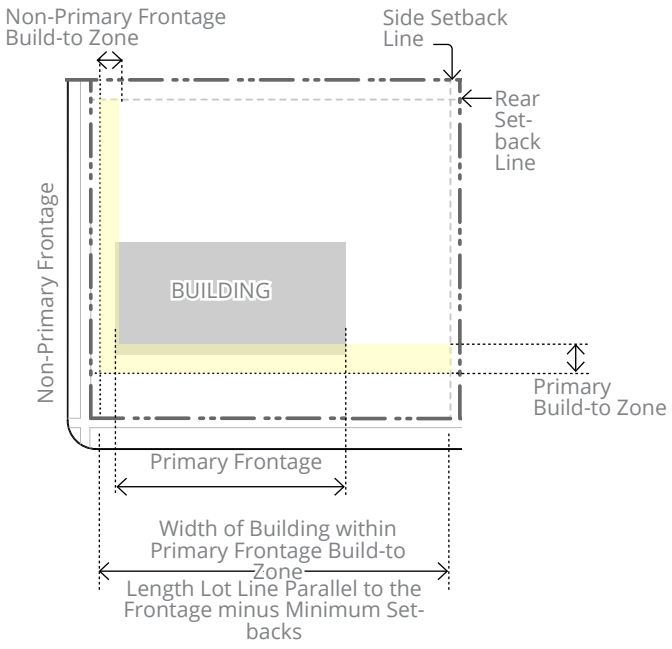


Figure 18-1. Primary Frontage Coverage

(c) All building facades located within the build-to zone shall meet the required minimum building height.

(d) Upper-story recessed balcony facades are not required to be located within the build-to zone.

(e) Awnings, steps, porches, balconies, and building mounted signs may extend beyond the build-to zone but may not extend into the street right-of-way unless approved with an encroachment permit.

(11) Building Width

Minimum and maximum building width applies to all facades on a building parallel and facing the front lot line and is measured horizontally across those facades.

(12) Building and Site Coverage

Building coverage, impervious area, and additional semi-pervious area are calculated and measured as follows. See Figure 18-3.

(a) Maximum Building Coverage

The maximum building coverage is the maximum percentage of a lot permitted to be covered by principal and accessory buildings.

(b) Maximum Site Impervious Area

The maximum site impervious area is the maximum percentage of a lot permitted to be covered by structures, pavement, and other impervious surfaces.

(c) Additional Semi-Pervious Area

In addition to the allowable impervious area on a site, a maximum amount of additional semi-pervious area is permitted.

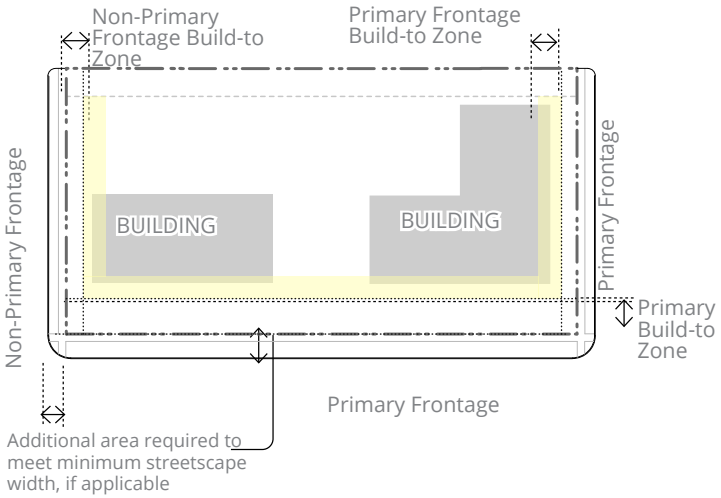


Figure 18-2. Build-to Zones

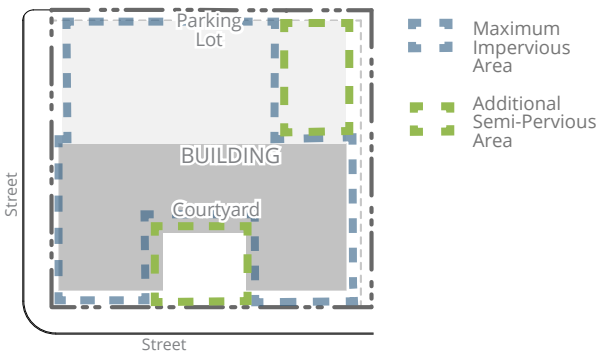


Figure 18-3. Impervious and Semi-Pervious Area

(13) Building Height

See Figure 18-4. Building height is measured from the primary street abutting the lot.

(a) Minimum Overall Height
Each building type requires a minimum number of stories. The building must meet the minimum required height along all primary frontage facades and for a depth of at least 30 feet into the building.

(b) Maximum Overall Height
Maximum heights are specified in number of stories and, where required in the building regulations, overall feet. This requirement applies to the entire building. When both number of stories and overall maximum in feet is shown, both regulations must be met.

(c) Towers
When expressly allowed in the building type tables, towers may exceed the overall maximum height of the subject building type (see 14-39.).

(d) Roof Type
When expressly allowed by the regulations of 14-39, certain roof types may allow additional height.

(e) Two Half Stories
If a building has both a half story within the roof and a half story that is a visible basement, the combined height of the two half stories is considered one full story.

(f) Basements
When basements are incorporated, the basement may be located mainly below ground or a visible basement. See Figure 18-5 for illustration of visible basement. A visible basement counts as a half story and with the ground-story would fulfill a minimum height requirement of 1.5 stories.

(g) Minimum and Maximum Height per Story
Each story is measured with a range of permitted floor-to-floor heights. See Figure 18-4.

1. Measurement
All story heights are measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights are required to be met along facades for a minimum of 80% of each story.

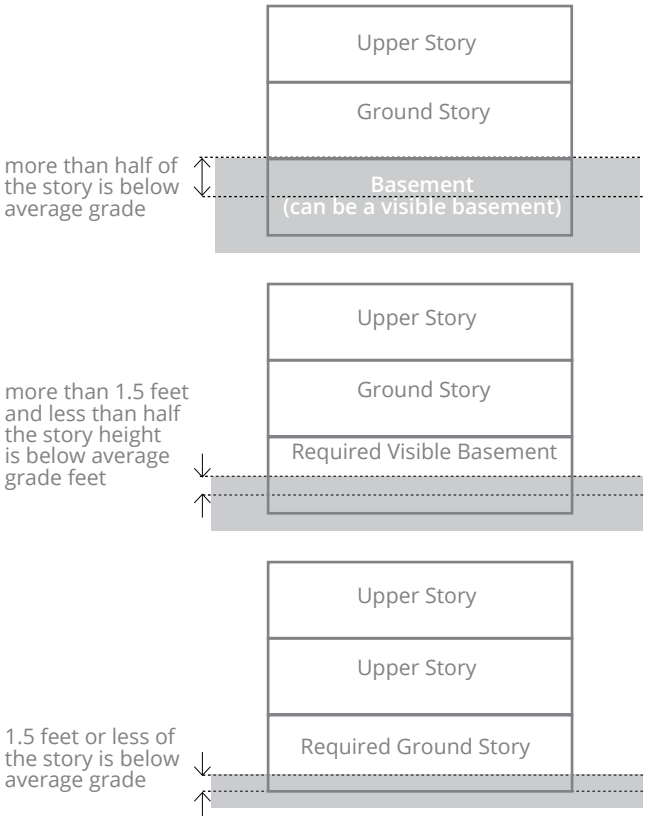


Figure 18-5. Basement and Visible Basement

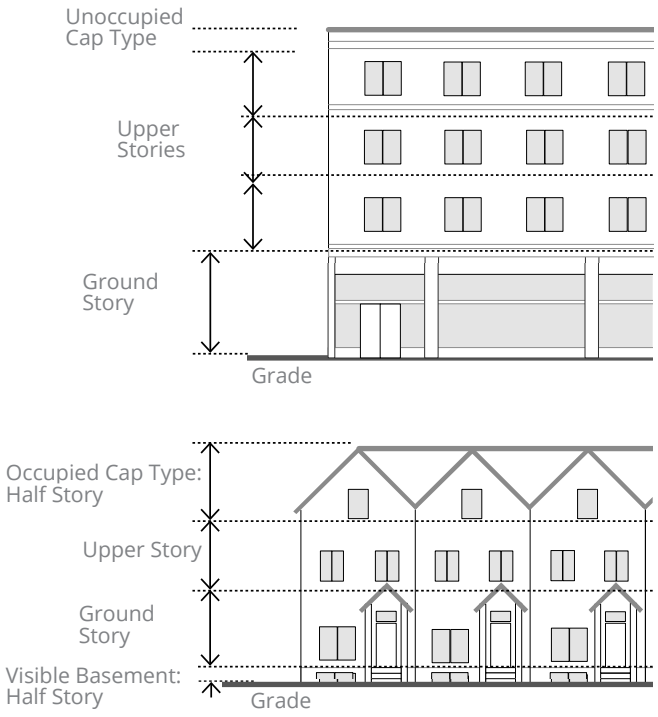


Figure 18-4. Measuring Stories with Floor-to-Floor Height

2. Primary Frontage Ground Story
When noted as a separate height range, the primary frontage ground-story height must extend from the primary frontage facade into the building a minimum of 20 feet. The remainder of the ground-story may meet either the primary frontage ground-story heights or the height range permitted for all stories.

3. Single-Story Buildings and Top-Story Measurement
For single-story buildings and the uppermost story of a multi-story building, the minimum floor-to-floor height is measured from the floor of the story to the ceiling.

4. Mezzanines
Mezzanines may be included within the floor-to-floor height of any story. Mezzanines occupying more than 30% of the floor area below and extending above the story's allowable floor-to-floor height counts as an additional story and must comply with minimum transparency requirements for the subject building type.

5. Taller Spaces
Spaces exceeding the allowable floor-to-floor heights of the building type are permitted for a maximum of 20% the length of primary frontage facades.

(14) Transparency

(a) Definition of Transparency
For the purposes of this zoning ordinance, transparency is the measurement of the percentage of a facade that contains highly transparent, low-reflectance glass.

1. Storefront
When transparency is required separately for primary street ground-story facades, glass must be a minimum of 60% transmittance factor and a reflectance factor of not greater than 0.25.

2. All Other Windows
Transparency for all window and door glass other storefront glass must be a minimum of 50% transmittance factor and a reflectance factor of not greater than 0.25.

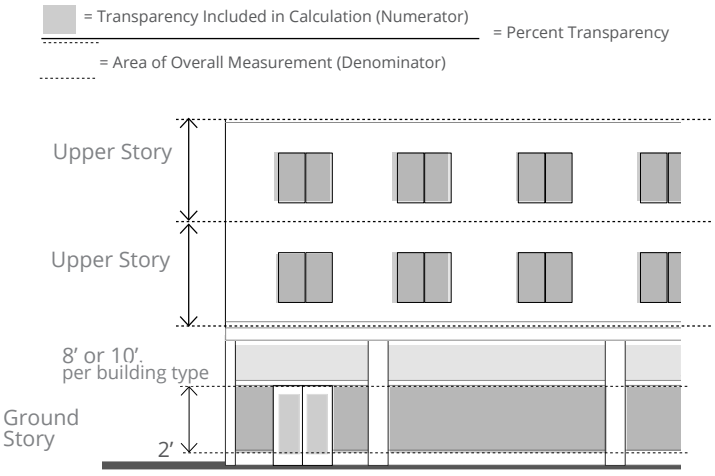


Figure 18-6. Minimum Facade Transparency

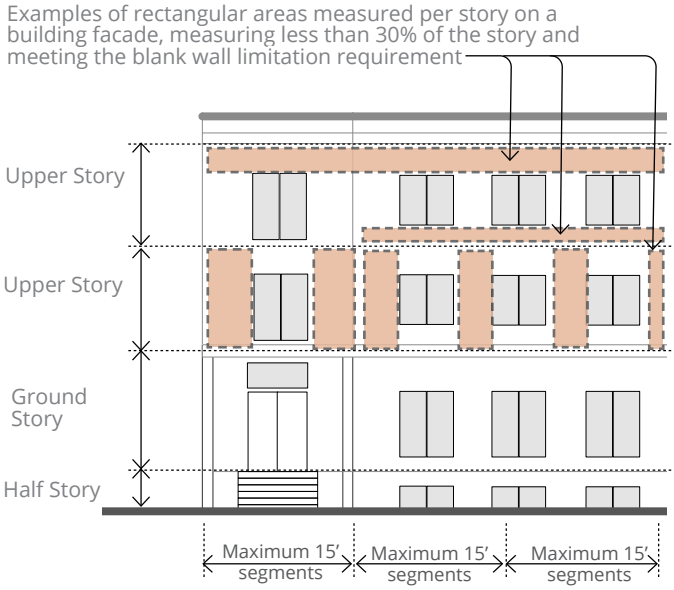


Figure 18-7. Measuring Blank Wall Limitations

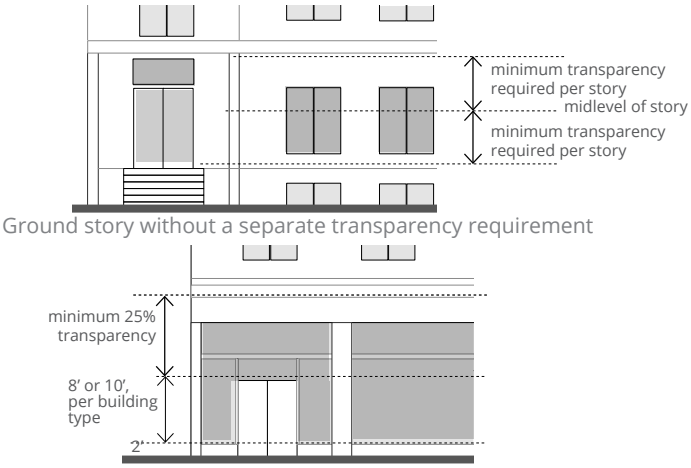


Figure 18-8. Transparency on Tall Stories

(b) Measurement
Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground-story transparency as defined below. See Figure 18-6. Transparency requirements must be met with windows or glass in doors that comply with applicable transmittance and reflectance factors. The measurement may include the frame, mullions, and muntins, but may not include trim or casing.

(c) Blank Wall Segments
All rectangular areas greater than 30% of the story's facade, as measured floor to floor, must include transparent elements. Additionally, all horizontal segments of a story's facade greater than 15 feet in width must include transparent elements. See Figure 18-7.

(d) Exception[1]
When the facade of any story is located less than 6 feet from another parallel building facade, no minimum transparency is required for that story.

(e) Minimum Ground-Story Transparency
When a separate minimum ground-story transparency is required per the building types requirements of Article III, the following applies:

1. Ground-story transparency is measured between 2 feet and either 8 or 10 feet, as specified per building type, from the average grade at the base of the facade.
2. The minimum ground-story transparency requirements supersedes the minimum transparency required per story for the building type. The facade design must fulfill that requirement in addition to a minimum of transparency for the remainder of the ground-story.

(f) Mezzanines
Mezzanines are treated as a separate story and must include the required upper-story transparency amounts.

(g) Tall Stories
Stories that are 18 feet or taller in height must include additional transparency consistent with the following standards. See Figure 18-8.

1. Separate Ground-Story Transparency Required
When a separate minimum ground-story transparency is required per the building types requirements of Article III, the facade design must fulfill that requirement in addition to the minimum transparency for the remainder of the ground-story.
2. No Separate Ground-Story Transparency Required
Except on a ground-story facade to which a primary frontage ground-story facade transparency requirement applies, a tall-story is treated as 2 separate stories, divided in half horizontally, with the minimum transparency per story applied to each half.

(h) Half Stories
All half stories located within the roof structure and within visible basements are required to meet the minimum required transparency.

(15) Building Entrances
Entrances must be provided consistent with the entrance location and number requirements established for the subject building type and consistent with Figure 18-9.

14-162 Use Classifications and Terminology

See 14-70 for a description of the use categorization system used in this zoning ordinance and for use-related definitions.

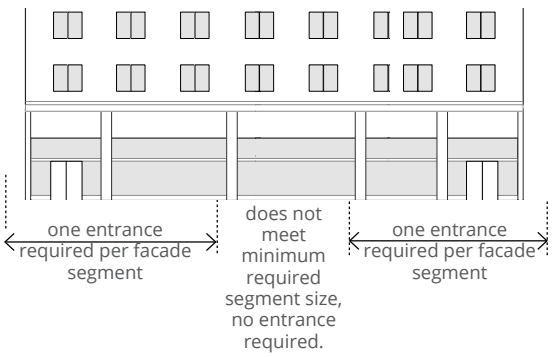


Figure 18-9. Number of Required Entrances

1 Only needed if transparency is required for facades other than public way facades.

14-163 General Definitions

(1) Terms Beginning with "A"

Abut or Abutting. To touch or share a contiguous boundary or border.

Accessory Building or Use. A building or use that is:

(a) Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance;

(b) Clearly incidental to, subordinate in purpose to, and serves the principal use; and

(c) Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Access Road (Service Drive). A facility providing ingress and egress for pedestrians and vehicles to properties that front it.

Adjacent. Near or in the immediate vicinity.

Advertising Vehicle. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way when the apparent purpose is to advertise a product or direct people to a business or activity. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, when the sign is incidental to the primary use of the vehicle or trailer.

Agent. A person duly authorized to act on behalf of the owner of the subject property.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Alteration. Any change, addition, or modification in construction or occupancy.

Art/Public Art. Items expressing creative skill or imagination in a visual form, such as painting, graphic art, murals and sculpture that are intended to beautify or provide aesthetic influences to public areas or areas that are visible from public areas.

Awning. A roof-like covering consisting of fabric, plastic or structural protective cover that projects from the wall of a building that generally serves the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction.

(2) Terms Beginning with "B"

Bait, Live. Living worms, night crawlers, minnows, insects, leaches and other live lures that are placed on a hook and used to attract and take fish.

Basement. That portion of a building having more than one-half (½) of its height below lot grade.

Basement, Visible. A basement having more than 3 feet of its floor-to ceiling height above the average finished grade of the adjoining ground.

Base (Zoning) District. Any zoning district that is not an overlay district.

Basin, Detention. A basin or ponding area that temporarily stores runoff water and releases it at a controlled rate until the basin is dry.

Basin, Recharge. A basin or ponding area that collects runoff but has no outlet to a receiving stream. All water is intended to soak into the ground.

Basin, Retention. A basin or ponding area that contains a permanent body of water, receives additional water from runoff, stores it temporarily, and releases it at a controlled rate, but normally maintains some minimum water level.

Berm. A vegetated, elongated earthen mound.

Billboard. See off-premises sign.

Bioretention. The use of soil and plants to remove pollutants from stormwater runoff.

Block. A tract of land bounded on all sides by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or municipal boundary lines.

Block Face. All lots abutting one side of a street between the 2 nearest intersecting streets.

Building. Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and that is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all floors to and above the roof, each part is deemed a separate building. The term "building" includes

all other structures of every kind regardless of similarity to buildings.

Building, Detached. A building surrounded by an open space on the same lot.

Building Facade. That portion of a building that is parallel or nearly parallel to the abutting roadway.

Business Center. Multiple businesses located on a single parcel meeting any of the following criteria:

(a) Utilizing shared or inter-connected parking areas;

(b) Utilizing shared access drives.

Build-to zone. An area in which the street facade of a building must be placed, dictated by the minimum and the maximum distance a structure may be placed from the lot line.

(3) Terms Beginning with "C"

CAFO. Concentrated Animal Feeding Operation as defined under Wis. Admin. Code Wis. Admin. Code Ch. NR 243.

Caliper. The diameter of the tree trunk measured at a point 6 inches above the root ball or soil level.

Canopy. A roof-like structure projecting from a wall and supported in whole or in part by the building and/or vertical supports from the ground and erected primarily to provide shelter from the weather.

Channel. Natural or artificial watercourse of perceptible extent with definite bed and banks to confine or conduct continuously or periodically flowing water.

Channel Flow. Water that is flowing within the limits of the defined channel.

Character. Any letter of the alphabet or any numeral.

Commercial Message. Any sign, wording, logo, or other representation that, directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity. Commercial message does not include contact or social media information.

Courtyard. A courtyard is any open air, uncovered landscape, sidewalk, patio, terrace, or deck area, enclosed on at least 3 sides and with a maximum opening of 50% of any street facade.

Cul-de-sac. A short minor street having one end open to motor traffic and the other end terminated by a vehicle turnaround.

(4) Terms Beginning with "D"

Daytime Use. Business, commercial, or service uses whose hours of operation are principally between 6:00 a.m. and 6:00 p.m., Mondays through Saturdays.

Develop. The act of constructing buildings or installing site improvements.

Developable land. Land that may be subdivided and utilized in accordance with the comprehensive plan of the city and other city policies.

Diameter at Breast Height (DBH). The diameter of a tree trunk measured at a point 4.5 feet above ground level at the base of the tree.

Display Time. The amount of time a message and/or graphic is displayed on an electronic message sign.

Dissolve. A mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Drive-in or Drive-Through Use. A use accessory to a principal use that offers service directly to occupants of motor vehicles. Such uses are typically associated with restaurants, banks and pharmacies. Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees or amplified sound are not classified as drive-in or drive-through facilities if they meet the general criteria for classification as an accessory use.

Driveway (or Drive). A hard surface for motor vehicles that leads from a public way to a residential garage or other building.

Dumpster. A container with a capacity of more than 1.5 cubic yards or a height of more than 4.5 feet that is designed for receiving, transporting, and depositing waste materials produced by uses that are on the subject site. Dumpsters are typically designed to be hoisted and emptied into a garbage truck.

Dwelling. A building or portion thereof, but not a lodging use, designed or used exclusively for residential occupancy.

Dwelling Unit. One or more rooms arranged, designed, and used as living quarters for one household only. Individual bathroom(s) and complete kitchen facilities, permanently installed, must always be included for each "dwelling unit."

Dynamic Frame. An electronic message sign frame effect in which the illusion of motion and/or animation is used.

(5) Terms Beginning with "E"

Easement. Any area of land reserved for public utilities, sanitation, or other specific uses having limitations, the title to that must remain in the property owner's name, subject to the right of use designated in the reservation of servitude.

Electric Vehicle . Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. "Electric vehicle" includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

Electric Vehicle (EV) Charging Station. A public or private parking space that is served by battery charging station equipment.

Electric vehicle charging station, private (restricted-access). An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

Electric Vehicle Charging Station, Public. An EV charging station that is accessible to and available for use by the general public.

Electric Vehicle Parking Space . Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

(6) Terms Beginning with "F"

Fade. A mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Facade, Non-Primary. A building facade generally parallel to and facing the right-of-way line along a non-primary street.

Facade, Primary. A building facade generally parallel and facing the right-of-way line along a primary street.

Facade, Rear. Any facade of a building generally parallel to and facing the rear lot line.

Facade, Side. Any facade of a building generally parallel to and facing a side or interior side lot line.

Facade, Street. Any facade of a building generally parallel to and facing any street right-of-way and including bays or minor walls perpendicular to the facade. The facade may be a primary or non-primary facade, depending on whether it is facing a primary or non-primary street, respectively.

Fence. A human-made barrier constructed of wood, iron, stone, or other material erected for the purpose of protection, confinement, enclosure, or privacy.

Foot-candle . A measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

Frame. A complete, static display screen on an electronic message sign.

Frame Effect. A visual effect on an electronic message sign applied to a single frame. See also dynamic frame effect.

Freeway. A divided traffic way in respect to that abutting property owners and others have only limited access to and from as determined by the public authority having jurisdiction over such trafficway. Freeway also means Interstate Highway.

Frontage Road. A public street generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by culminating ingress and egress to the main traveled way and by providing safe and orderly points of access at fairly uniformly spaced intervals (as approved by the public authority having jurisdiction over such main traveled way).

Frontage, Non-Primary. The portion of a lot or building abutting or directly adjacent to a non-primary street right-of-way.

Frontage, Primary. The portion of a lot or building abutting or directly adjacent to a primary street right-of-way.

Frontage, Street. The portion of a lot or building abutting or directly adjacent to a street right-of-way.

(7) Terms Beginning with "G"

Garage, Attached. An enclosed building for the storage of motor vehicles that is connected to a structure by a common wall.

Garage Door. A large door that covers the opening through which a motor vehicle enters and leaves a garage.

Garage, Private (Residential). Enclosed building space accessory to a single-household of two-household use for the storage of motor vehicles.

Garage Sale. The sale of personal household goods on a residential property. The term garage sale includes rummage sales, lawn sales, yard sales, attic sales, moving sales and the like; provided however that rummage sales are allowed on a residential property no more than three times per calendar year with a maximum duration of 3 consecutive days.

Geothermal Heat Exchange System . Equipment that exchanges thermal energy between the ground (or a water source) and a building. This includes vertical closed loop, horizontal closed loop, water body closed loop system and open loop systems. Also known as ground source heat pumps and geothermal heat pumps.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Grade, Finished. The vertical location of the ground or pavement surface after site grading work is completed in accordance with an approved plan.

Green Roof. An extension of an above-grade building roof that includes at least a waterproof membrane, a root repellent system, a drainage system, a filtering layer, soil with a minimum depth of 3 inches and native or naturalized plants. Also commonly referred to as a "vegetated roof."

Ground Cover. Herbaceous broad leaf plants that do not exceed 2 feet in height.

Ground Floor. That level of a building on a site that has its floor line at or not more than 3 feet above the grade of its principal discharge.

Guest. A person who occupies or has the right to occupy a lodging room as an overnight or temporary residence.

(8) Terms Beginning with "H"

Hedge. A dense row of shrubs forming a boundary fence or barrier.

Home Occupation. An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the regulations of 14-78(6).

Household. One or more persons living in a dwelling unit with common housekeeping arrangements, except that no more than 5 unrelated persons living together on the premises may constitute a "household."

(9) Terms Beginning with "I"

Intersection Vision Triangle (Sight Clearance). A triangular area enclosing an isosceles triangle scribed by two 25-foot equal legs extended each way from the vertex of 2 intersecting streets, such corner determined by projecting the curb lines out to where they meet, or the triangular area enclosing an isosceles triangle scribed by two 15-foot equal legs extended each way from the vertex of an intersecting street and alley or two alleys, such corner determined by projecting the curb lines out to where they meet.

(10) Terms Beginning with "J"

Reserved

(11) Terms Beginning with "K"

Reserved

(12) Terms Beginning with "L"

Landscape Material. Materials used to make a plot of ground more attractive and/or stable or to control the use of the land by providing barriers. These materials may include, but are not limited to, trees, ground cover, shrubs, vines, flowers, earthen berms, rocks and stones, and wood chips.

Lawfully Established. A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning code regulations in effect at the time of its establishment.

Light Trespass. Light that is emitted into an unintended area.

Limited Access Highway. A traffic way, including toll roads, for through traffic, in respect to that owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Living Area. Those portions of a dwelling unit that are utilized by the inhabitants on a regular basis, including, but not limited to, bathrooms, bedrooms, dens, dining areas, great rooms, hallways, living rooms, and recreation rooms.

Loading Berth. That portion of a building and lot designed to serve the purpose of loading or unloading all types of vehicles.

Lot. A parcel of land that is either a "lot of record" or a "zoning lot." The term "lot" includes the terms "piece," "parcel," and "plots."

Lot, Corner. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot, Double Frontage. A lot having a pair of opposite lot lines along 2 more or less parallel public streets and that is not a corner lot. On a "through lot," both street lines are deemed front lot lines.

Lot, Improved. A lot of record with either street improvements of pavement, curb, sewer and water, or building improvements with a structure.

Lot, Interior. A lot other than a corner or reversed corner lot.

Lot Line, Front. The boundary of a lot that is along an existing or dedicated public street or, where no public street exists, along a public way. In cases of lots with more than one frontage, the zoning administrator is authorized to determine which boundary is the front lot line.

Lot Line, Rear. The boundary of a lot that is most distant from and is, or is most nearly, parallel to the front lot line.

Lot Line, Side. Any boundary of a lot that is not a front lot line or a rear lot line.

Lot of Record. A lot that is part of a subdivision, the plat of that has been recorded in the Office of the Register of Deeds for Brown County, or a parcel of land, the deed to that was recorded in the Office of said Register of Deeds prior to the adoption of this ordinance.

Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Zoning. A single tract of land located within a single block, that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon, as a unit, under single ownership or control. Therefore, a "zoning lot" or "zoning lots" may or may not coincide with a lot of record.

Low-Impact Development (LID). An approach to land development (or redevelopment) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing impervious area to create functional and appealing site drainage features that treat stormwater as a resource rather than a waste product. Common LID practices include bioretention facilities, rain gardens, green roofs, rain barrels or cisterns, and permeable paving.

(13) Terms Beginning with "M"

Manufactured Building. A building produced in a factory, designed and constructed to be transported to a site for installation and use when connected to utilities, either independent or as a module in combination with other elements, to form a building on a site.

Manufactured Housing Unit. Any structure, or component thereof, other than a mobile home, that is intended for use as a dwelling and:

(a) Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site; or

(b) Is a building of open construction that is made or assembled in manufacturing facilities away from the building site for installation on the building site and for which certification is sought by the manufacturer.

Marquee. A roof-like structure of a permanent and structural nature that projects from the wall of a building.

Mechanical Equipment. All air conditioning units, cooling towers, heaters, ventilators, compressors, flues, stacks, chimneys, and similar items exposed to view on the outside of a building.

Mezzanine. An intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

Mobile Home. Any vehicle or structure intended for, or capable of, human dwelling, or designed primarily for sleeping purposes, mounted upon wheels or supports and/or capable of being moved by its own power or transported by another vehicle.

Mobile Home Park. Any park, court, camp, site, plot, parcel, or tract of land designed, maintained, intended, or used for the purpose of supplying

a location or accommodations for more than 2 mobile homes and include all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. "Mobile home park" does not include automobile or mobile home sales lots on that unoccupied mobile homes are parked for purposes of inspection and sale.

Mobile Storage Unit, Temporary. A mobile, fully enclosed container that is specifically designed and used for the temporary storage of household goods, wares, and materials for the purpose of moving, relocation, or temporary storage during construction. This definition does not include a shipping or cargo container, modified or otherwise.

Motor Vehicle. Any licensed passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

(14) Terms Beginning with "N"

NIT. A unit of illuminative brightness equal to one candela per square meter, measured perpendicular to the rays of the source.

Noncommercial Message. A message intended to direct attention to a political, social, community or public service issue or an idea, aim viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.

Nonconforming Development Feature. See 14-145.

Nonconforming Lot. See 14-141.

Nonconforming Sign. See 14-116.

Nonconforming Structure. See 14-142.

Nonconforming Use. See 14-143.

Nonconformity. A nonconforming lot, nonconforming use, nonconforming structure, nonconforming development feature or nonconforming sign.

Nonresidential District or Nonresidential Zoning District. Any zoning district other than an R (residential) district.

(15) Terms Beginning with "O"

Occupied Space.

Official Map. The map of the city showing streets, highways, parkways, parks and playgrounds, and the exterior lines of planned new streets, highways, parkways, parks and playgrounds, as provided by State Statutes.

Open Space. An area or portion of a lot, or an area of water or combination thereof, that is sought to be reserved in its natural state or for agriculture, outdoor recreation use or for scenic purposes, or for the enjoyment of the inhabitants of a dwelling unit.

Outlot. A parcel of land other than a lot or block, a remnant parcel of land not to be used by itself for building purposes.

Operable Vehicle. Any passenger vehicle, truck, truck trailer, trailer, semi-trailer, or any vehicle propelled or drawn by mechanical power, or heavy equipment machinery that is licensed for the current year and/or can be operated in a manner consistent with the user's manual.

Overlay District. A zoning district that over-lays one or more base zoning districts and imposes requirements in addition to those of the base district or modifies the regulations otherwise applicable in the base zoning district.

(16) Terms Beginning with "P"

Parking, Off-Street. When vehicles are parked or temporarily stored, between trips, in garages, lots or ramps specifically set aside for idle vehicles.

Particulate Matter. Dust, smoke, or any form of airborne pollution in the form of the minute separate particles.

Pedestrian Way. A right-of-way designed for the purpose of providing pedestrian access.

Person. A living human body.

Philanthropic. A charitable institution.

Photovoltaic Cell. A semiconductor device that converts solar energy into electricity.

Plant Material. Ornamental, organic shrubs, and other landscaping.

Principal Building. A building or combination of buildings of chief importance or function on a lot. In general, the principal use is carried out in the principal building.

Principal Use. A use or activity or combination of which are of chief importance on the lot; one of the main purposes for which the land, buildings or structures are intended, designed or ordinarily used.

Property Lines. The lines bounding a zoning lot as defined herein.

Public Way. Any sidewalk, street, alley, highway, or other public thoroughfare.

(17) Terms Beginning with "Q"

Reserved

(18) Terms Beginning with "R"

Radio Antennas (Including Dish Antennas). Any combination of:

(a) Antenna, the purpose of that is to transmit or receive communication or other signals through electromagnetic waves;

(b) An amplifier, the purpose of that is to magnify and transfer signals; and

(c) A cable, the purpose of that is to carry the signals to and from the interior of the building. An antenna is considered a structure and thus requires a permit from the Building Inspector before it can be installed.

Recreational Vehicles. A vehicle primarily used for leisure activities, including, but not limited to, camper trailers, boats, with or without trailers, all terrain vehicles, and snowmobiles. For the purpose of this ordinance, recreational vehicles do not include four-wheel drive passenger vehicles or motorcycles.

Reservoir Parking. Off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

Right-of-Way. A strip of land occupied, or intended to be occupied, for a public or quasi-public use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency, must be dedicated to public use by the maker of the plat on that such right-of-way is established. The usage of the term "right-of-way" for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from other lots or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

(19) Terms Beginning with "S"

Screening. A hedge, wall, fence, or other durable landscape barrier or plantings that provide reasonable concealment or direct attention away from the structure or area required to be screened. Screening may consist of a shrub border, trees, hedge, wall, fence, earthen berm or combination thereof, or other durable landscape barrier or combination thereof, to be located along the perimeter of the defined area to be screened.

Scroll. A mode of message transition on an electronic message sign in which the message appears to move vertically across the display surface.

Setback. An open, unobstructed area that is required to be provided by this zoning ordinance.

Setback Area. The horizontal area required to be provided between the front, side, and/or rear line of the building or use and the lot lines or street right-of-way lines.

Setback, Street Side. The horizontal distance required between the side line of the building or use that runs perpendicular to a fronting street and the side right-of-way line perpendicular to the fronting street.

Setback, Front. The horizontal distance required between the front line of the building or use and the street right-of-way line.

Setback Lines. Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on.

Setback, Rear. The horizontal distance required between the back line of the building or use and the rear lot lines.

Setback, Side. The horizontal distance required between the side line of the building or use and the side lot lines, unless the side line of the building or use is parallel to a street, in which case it is considered street side setback.

Sewage Disposal System, Individual. A septic tank seepage tile sewerage disposal system or any other sewerage treatment device that services only one lot and is approved by the Brown County Zoning Administrator as being in accordance with the rules of the State Department of Health and Social Services, the State Department of Natural Resources, and applicable local ordinances.

Shadow Line. An architectural feature consisting of a typically decorative, 3-dimensional, linear element, horizontal or vertical, protruding or indented at least 1.5 inch in depth from the exterior facade of a building, and creating a shadow on the facade with light overhead, and extending, with limited interruption, the height or length of the designated story. Examples may

include cast stone cornices or lintels, pilasters, or stepped brick coursing.

Shopping Center. A group of retail commercial establishments involved in the sale of a general line of clothing apparel and accessories, home furnishings, major and minor household appliances, hardware, toys, electronic goods, eating establishments, and other consumer products and services that are planned and developed as a unit with a minimum of 50,000 square feet of gross floor area and off-street parking provided on the lot or parcel on that the shopping center is located.

Sidewalk. That portion of a street right-of-way or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

Sign. Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or nonilluminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs also include all sign structures. Signs as defined herein do not include temporary holiday decorations or landscape features that do not display a commercial message.

Sign, Abandoned. A sign that no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere for a period of 6 months.

Sign, Address Nameplate. A sign that identifies the street number and/or street name for identification purposes, as designated by the United States Postal Service.

Sign, Art. See definition "Art/Public Art."

Sign, Awning. Any sign attached to or constructed in, on, or under an awning.

Sign, Backlit/Halo. A sign that has a source of copy illumination designed to project lighting against the surface behind the copy.

Sign, Banner. A sign of lightweight fabric or similar non-ridged material that is mounted with no enclosing framework.

Sign, Billboard. Same as "off-premise sign."

Sign, Business Center. A sign identifying the entrance to a business center and/or the names of the businesses located within the business center.

Sign, Campaign. A temporary sign displayed on a lot during an active local, state or federal campaign for public office or ballot issue or referenda, generally intended to promote the ultimate exercise of voting by the general public.

Sign, Canopy. Any sign attached to or constructed in, on, or under a canopy.

Sign, Changeable Copy (manual). A sign upon which the message can be readily modified by changing letters and/or symbols by other than electronic means.

Sign Contractor. Any person, partnership or corporation engaged, in whole or in part, in the erection or maintenance of signs, excluding the business that the sign advertises.

Sign, Construction. A temporary sign located on a lot upon which building or construction is actively occurring.

Sign, Directional (driveway). A sign located near a driveway entrance from a street or near an internal site driveway or drive aisle.

Sign, Double-Faced. A sign with copy on two parallel faces that are back to back, facing in opposite directions.

Sign, Electronic Message (EMS). A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. (See also following terms principally associated with electronic message signs: display time, dissolve, dynamic frame effect, fade, frame, frame effect, scroll, transition, travel).

Sign, Engraved. A sign whose characters are engraved or etched onto the exterior wall of a building or onto a plaque mounted on the exterior wall of a building.

Sign, Externally Illuminated. A sign illuminated by or exposed to artificial lighting by lights on the sign or directed toward the sign.

Sign, Feather. A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which may resemble a sail, bow, or teardrop.

Sign, Flag. A generally rectangular or triangular sign or part of a sign made of fabric or other pliant material attached to a flagpole only along one side and which predominately displays distinctive colors, images, shapes or designs rather than legible words, letters, numbers or other linguistic characters.

Sign, Flashing/Strobe. Any sign that contains an intermittent or flashing light source, or that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source, not including changeable message signs.

Sign, Freestanding. A sign that is part of a self-supporting structure, other than a building or portion of a building. Sometimes referred to as a "ground sign."

Sign, Government. A sign installed by or on behalf of the city or other branch of government,

Sign, Holiday Display. A displays erected on a seasonal basis in observance of religions, national or state holidays that are not intended to be permanent in nature and that contain no commercial message.

Sign, Inflatable. A sign whose shape or structure is provided by inflation or by the affect of forced air.

Sign, Interior. A sign mounted or located in the interior of a building that is legible by a person with 20/20 vision when standing at ground level from outside the lot on which the subject building is located.

Sign, Internally Illuminated. A sign lighted by or exposed to artificial lighting by lights in the sign.

Sign, Marquee. Any sign attached to or constructed in, on, or under a marquee.

Sign, Menu Board (drive-through). A sign located on the site of an allowed drive-through use.

Sign, Message Board. A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Sign, Monument. A sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles. Monument sign also means ground sign.

Sign, Off-Premise. A sign that advertises goods, products, facilities, events or services not on the premises where the sign is located, or directs persons to a different location from where the sign is located.

Sign, Mural or Ghost. Signs painted directly onto a building wall.

Sign, Pole. A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

Sign, Portable. Any sign not permanently attached to the ground or a building.

Sign, Projecting. A sign, normally double-faced, that is attached to, and projects from, a structure or building facade. Awning, canopy and marquee signs are not be considered projecting signs.

Sign, Roof. A sign erected upon, against or above a roof.

Sign, Sandwich Board. A portable sign that is generally temporary in nature and that is free-standing.

Sign, Searchlight. A light source and a reflector for projecting a high-intensity beam of light into the sky or surrounding area.

Sign, Special Event. A sign approved in connection with a special event permit approved by the common council.

Sign Structure. Any device or material that supports, has supported, or is capable of supporting, a sign in a stationary position, including decorative covers.

Sign, Swinging. A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Sign, Temporary. A banner, pennant, poster or advertising display that is not permanently attached to a building or the ground and that is intended to be displayed for a limited period of time only.

Sign, Wall. A sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall.

Sign, Window (or Door). A non-illuminated sign that is placed inside the glass of a window or door and that is visible from the exterior of the window or door.

Solar Energy System . A system intended to convert solar energy into thermal, mechanical or electrical energy.

Solar Energy System, Building-Integrated. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows,

skylights, shading devices and similar architectural components.

Solar Energy System, Structure-Mounted . A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

Solar Energy System, Flush-Mounted . A solar energy system that is mounted flush with a finished building surface, at no more than 6 inches in height above that surface.

Solar Energy System, Ground-Mounted . A solar energy system mounted on the ground and not attached to any other structure other than structural supports.

Solar Panel . A group of photovoltaic cells assembled on a panel. Panels are assembled on-site into solar arrays.

Special Event. An temporary event or group of related temporary events typically involving a mass gathering of people on public right-of-way or public property; or on private property in a manner that results in significant impacts on public property or right-of-way.

Stand, Fruit or Produce. Building or premises used primarily for sale of fruit or produce from a service window, counter, or exterior area of a building; and major display of goods in an exterior or semi-enclosed area associated with a building.

Story, Ground. Also called ground floor. The story closest to the ground level that does not meet the definition of a basement.

Story, Half. See measuring of building height,

Street Lot Line. A line dividing a lot from a public right-of-way.

Streetscape area. The area behind the back of curb designed for pedestrian travel, including the sidewalk and buffer zone between the sidewalk and street for street planting and/or street furnishings.

Streetwall. The portion of the building facade that is located generally parallel and facing the street right-of-way line.

Street. A public or private right-of-way that affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, thruway, or however otherwise designated, but does not include driveways to buildings.

Street, Arterial. A major high capacity street designed to carry large volumes of traffic between major activity areas of the city.

Street, Collector. A street that provides moderate speed movement within major activity areas and collects and distributes traffic between arterials and local streets. Included would be principal entrance and traffic movement streets within a residential development.

Street, Local (Minor). A street designed for low speed travel and generally low traffic volumes that provides land access from neighborhoods and minor activities to the collector and arterial systems.

Structural Alteration. Any change, other than incidental repairs, that would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structure. Anything constructed, the use of that requires location on the ground or attachment to something having location on the ground.

Structure, Decorative. Any structure, other than a building constructed or installed on a zoning lot, the principal purpose of that is to provide a decoration or architectural accent, including, but not limited to, arbors and trellises, flagpoles, approved free-standing signs and light posts.

(20) Terms Beginning with "T"

Tent. Any temporary structure or enclosure, the roof of that and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

Transition. A visual effect used on an electronic message sign to change from one message to another.

Travel. A mode of message transition on an electronic message sign in which the message appears to move horizontally across the display surface.

(21) Terms Beginning with "U"

Use of Property. The purpose or activity for that the land or building thereon is designed, arranged or intended, or for that it is occupied or maintained. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied by."

Use, Permitted. A use that may be lawfully established in a particular district or districts,

provided it conforms with all requirements, regulations, and standards of such district.

Use, Principal. The primary use of land or buildings, as distinguished from a subordinate or accessory use.

Utility-scale Energy Production. An energy production facility that produces electric energy for widespread distribution through the electric power grid.

(22) Terms Beginning with "V"

Vehicle Fuels, Alternative. Electricity, CNG (compressed natural gas), LNG (liquefied natural gas), LPG (liquefied petroleum gas), and hydrogen.

Vehicle Fuels, Conventional. Gasoline and diesel fuel.

(23) Terms Beginning with "W"

Walkable or Walkability. The extent to which the built environment is safe and inviting for pedestrians and for the presence of people living, shopping, visiting, enjoying or spending time in an area.

Walkway. A clearly defined path for non-motorized movement between buildings, structures, destinations, or other walkways on or adjacent to a sit

(24) Terms Beginning with "X"

Reserved

(25) Terms Beginning with "Y"

Yard. An area on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky. A "yard" extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

Yard, Street Side. A side yard that adjoins a public street.

Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.

Yard, Interior Side. A side yard that is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side. A yard extending along a side lot line from the front yard to the rear yard.

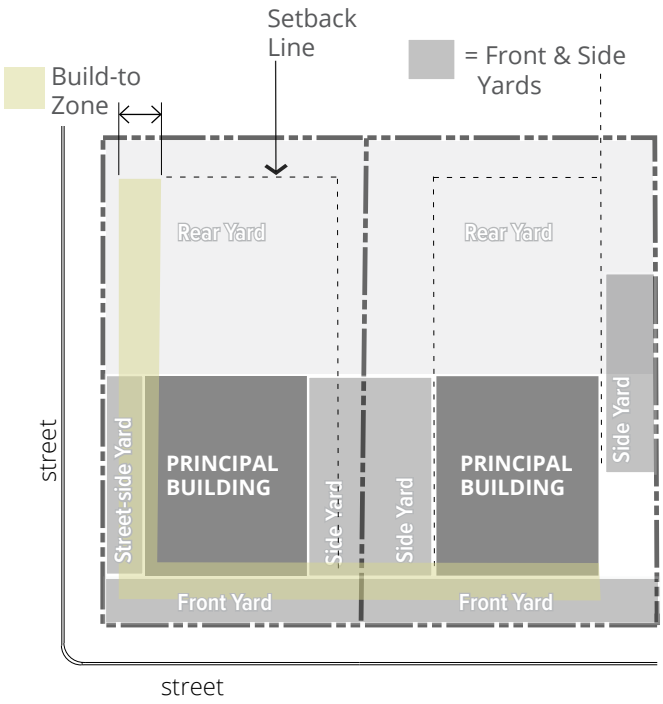
Yard, Street. Any yard between the principal building and a street right-of-way.

Yard, Transitional. That yard that must be provided when higher intensity land uses are located on lots abutting R-zoned lots.

(26) Terms Beginning with "Z"

Reserved

Figure 1.1-A. **Yards**



City of De Pere - Zoning Map (DRAFT NOV 2022)

Primary Frontage Map

0 0.125 0.25 0.5 Miles

DE PERE RUNS DEEPER

- City Boundary
- Pre-Existing PDD (Prior to Jan 1, 2023)
- Parcels
- A:Agricultural
- 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
- TBD
- Water
- CityDatav2.GIS.MunicipalDistrict

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

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Voucher approval.**

ATTACHMENTS:

- 12-6-2022 VOUCHERS (PDF)

PACKET: 06905 DEC 2022 COUNCIL - 1 12-6-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
8410	1ST CHOICE PEST CONTROL							
	I-25998	1ST CHOICE PEST CONTROL	R	12/06/2022		390.00CR	100878	390.00
8412	ABEDNEGO FIRE PROTECTION LLC							
	I-152104	ABEDNEGO FIRE PROTECTION LLC	R	12/06/2022		2,064.00CR	100879	2,064.00
0302	AIRGAS USA LLC							
	I-9131445122	AIRGAS USA LLC	R	12/06/2022		351.93CR	100880	
	I-9131492654	AIRGAS USA LLC	R	12/06/2022		168.28CR	100880	
	I-9131658929	AIRGAS USA LLC	R	12/06/2022		84.56CR	100880	
	I-9131794286	AIRGAS USA LLC	R	12/06/2022		252.67CR	100880	
	I-9992078065	AIRGAS USA LLC	R	12/06/2022		584.16CR	100880	
	I-9992078066	AIRGAS USA LLC	R	12/06/2022		249.09CR	100880	1,690.69
7873	AMERICAN CONSERVATION & BILLING SOLUTIONS							
	I-14672	AMERICAN CONSERVATION & BILLIN	R	12/06/2022		1,042.00CR	100881	1,042.00
0496	ASTRO HYDRAULICS INC							
	I-73674	ASTRO HYDRAULICS INC	R	12/06/2022		344.50CR	100882	344.50
8362	AURORA HEALTH CARE							
	I-202211223579	AURORA HEALTH CARE	R	12/06/2022		25.00CR	100883	25.00
0020	BADGERLAND PRINTING INC							
	I-38932	BADGERLAND PRINTING INC	R	12/06/2022		335.00CR	100884	
	I-38943	BADGERLAND PRINTING INC	R	12/06/2022		285.00CR	100884	
	I-38953	BADGERLAND PRINTING INC	R	12/06/2022		38.00CR	100884	
	I-38959	BADGERLAND PRINTING INC	R	12/06/2022		245.00CR	100884	
	I-39019	BADGERLAND PRINTING INC	R	12/06/2022		105.00CR	100884	1,008.00
0023	BATTERIES PLUS LLC							
	I-P56278736	BATTERIES PLUS LLC	R	12/06/2022		81.25CR	100885	
	I-P56972787	BATTERIES PLUS LLC	R	12/06/2022		22.50CR	100885	
	I-P56994008	BATTERIES PLUS LLC	R	12/06/2022		162.50CR	100885	266.25
0027	BAY TOWEL INC							
	I-4426609	BAY TOWEL INC	R	12/06/2022		125.80CR	100886	125.80
8891	BAYCARE AURORA LLC							
	I-188-CI0000246	BAYCARE AURORA LLC	R	12/06/2022		182.42CR	100887	182.42
3008	BOUND TREE MEDICAL LLC							
	I-84748185	BOUND TREE MEDICAL LLC	R	12/06/2022		71.99CR	100888	
	I-84751659	BOUND TREE MEDICAL LLC	R	12/06/2022		328.60CR	100888	
	I-84755409	BOUND TREE MEDICAL LLC	R	12/06/2022		77.60CR	100888	478.19

PACKET: 06905 DEC 2022 COUNCIL - 1 12-6-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
8413	JUSTINE BRAUN							
	I-202211223580	JUSTINE BRAUN	R	12/06/2022		18.88CR	100889	18.88
0038	BROADWAY AUTOMOTIVE INC							
	I-741716	BROADWAY AUTOMOTIVE INC	R	12/06/2022		733.98CR	100890	733.98
0046	BROWN COUNTY PORT & RESOURCE RECOVERY							
	I-52397	BROWN COUNTY PORT & RESOURCE R	R	12/06/2022		27,714.09CR	100891	27,714.09
2984	BROWN COUNTY TREASURER							
	I-2022-00000002 B	BROWN COUNTY TREASURER	R	12/06/2022		30.00CR	100892	30.00
1962	CASPERS TRUCK EQUIPMENT INC							
	I-54559-IN	CASPERS TRUCK EQUIPMENT INC	R	12/06/2022		1,212.20CR	100893	1,212.20
0536	CDW GOVERNMENT INC							
	I-DT70053	CDW GOVERNMENT INC	R	12/06/2022		89.68CR	100894	
	I-DV72289	CDW GOVERNMENT INC	R	12/06/2022		469.00CR	100894	
	I-DW02561	CDW GOVERNMENT INC	R	12/06/2022		67.20CR	100894	
	I-DW13934	CDW GOVERNMENT INC	R	12/06/2022		25.92CR	100894	
	I-DX70800	CDW GOVERNMENT INC	R	12/06/2022		50,824.35CR	100894	
	I-DZ62347	CDW GOVERNMENT INC	R	12/06/2022		69.08CR	100894	
	I-FB09109	CDW GOVERNMENT INC	R	12/06/2022		2,289.85CR	100894	
	I-FB1057	CDW GOVERNMENT INC	R	12/06/2022		3,023.45CR	100894	
	I-FB23904	CDW GOVERNMENT INC	R	12/06/2022		1,440.10CR	100894	58,298.63
2708	CLEANING SOLUTION SERVICES INC							
	I-22718	CLEANING SOLUTION SERVICES INC	R	12/06/2022		323.37CR	100895	
	I-22762	CLEANING SOLUTION SERVICES INC	R	12/06/2022		271.72CR	100895	595.09
6414	COMMUNICATIONS ENGINEERING CO							
	I-391319	COMMUNICATIONS ENGINEERING CO	R	12/06/2022		478.00CR	100896	478.00
7639	CORE & MAIN LP							
	C-R801355	CORE & MAIN LP	R	12/06/2022		3,892.36	100897	
	I-R709220	CORE & MAIN LP	R	12/06/2022		1,383.00CR	100897	
	I-R774356	CORE & MAIN LP	R	12/06/2022		1,259.72CR	100897	
	I-R780628	CORE & MAIN LP	R	12/06/2022		840.00CR	100897	
	I-R927911	CORE & MAIN LP	R	12/06/2022		2,398.00CR	100897	1,988.36
1812	CITY OF DE PERE							
	I-202211153562	CITY OF DE PERE	R	12/06/2022		2,238.00CR	100898	2,238.00

PACKET: 06905 DEC 2022 COUNCIL - 1 12-6-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0075	DIGGERS HOTLINE INC							
	I-221 0 36401	DIGGERS HOTLINE INC	R	12/06/2022		1,525.88CR	100899	
	I-221 0 36402	DIGGERS HOTLINE INC	R	12/06/2022		33.60CR	100899	1,559.48
6858	DRP REPAIR LLC							
	I-13888	DRP REPAIR LLC	R	12/06/2022		113.33CR	100900	113.33
4915	ENVIROTECH EQUIPMENT CO, LLC							
	I-22-0019429	ENVIROTECH EQUIPMENT CO, LLC	R	12/06/2022		482.69CR	100901	482.69
0092	FEAKER & SONS CO INC							
	I-22-11 (1)	FEAKER & SONS CO INC	R	12/06/2022		224,629.88CR	100902	224,629.88
0200	FIRST SUPPLY LLC							
	I-13386024-00	FIRST SUPPLY LLC	R	12/06/2022		31.70CR	100903	
	I-13428893-00	FIRST SUPPLY LLC	R	12/06/2022		11.09CR	100903	
	I-13437944-00	FIRST SUPPLY LLC	R	12/06/2022		22.56CR	100903	65.35
3655	FUN EXPRESS LLC							
	I-720582372-01	FUN EXPRESS LLC	R	12/06/2022		103.41CR	100904	103.41
8802	GFC LEASING - WI							
	I-I00774626	GFC LEASING - WI	R	12/06/2022		198.74CR	100905	198.74
8347	GFL ENVIRONMENTAL							
	I-U60000113490	GFL ENVIRONMENTAL	R	12/06/2022		581.46CR	100906	581.46
7553	GLENN'S 24 HR TOWING INC							
	I-22-38899	GLENN'S 24 HR TOWING INC	R	12/06/2022		300.00CR	100907	300.00
0116	GRAINGER INC							
	I-9444065610	GRAINGER INC	R	12/06/2022		204.21CR	100908	204.21
8892	GREAT LAKES TESTING INC							
	I-116715	GREAT LAKES TESTING INC	R	12/06/2022		1,745.00CR	100909	1,745.00
8873	HAVEY COMMUNICATIONS INC							
	I-11910	HAVEY COMMUNICATIONS INC	R	12/06/2022		1,362.40CR	100910	
	I-11911	HAVEY COMMUNICATIONS INC	R	12/06/2022		12,418.90CR	100910	13,781.30
1	HAYES, JEFF							
	I-202211223581	MAILBOX	R	12/06/2022		65.39CR	100911	65.39

PACKET: 06905 DEC 2022 COUNCIL - 1 12-6-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
6589	HSHS EWD							
	I-202211223582	HSHS EWD	R	12/06/2022		46.50CR	100912	46.50
1252	HURCKMAN MECHANICAL INDUSTRIES INC							
	I-W39834	HURCKMAN MECHANICAL INDUSTRIES	R	12/06/2022		517.18CR	100913	517.18
1399	INDOFF INC							
	I-3609435	INDOFF INC	R	12/06/2022		146.53CR	100914	
	I-3610661	INDOFF INC	R	12/06/2022		298.96CR	100914	445.49
0567	INDUSTRIAL MARKETING CORP							
	I-44189	INDUSTRIAL MARKETING CORP	R	12/06/2022		85.95CR	100915	
	I-44212	INDUSTRIAL MARKETING CORP	R	12/06/2022		117.09CR	100915	203.04
8355	DANIELLE JAUQUET							
	I-202211223583	DANIELLE JAUQUET	R	12/06/2022		686.79CR	100916	686.79
8364	JOHNSTONE SUPPLY							
	I-6047221	JOHNSTONE SUPPLY	R	12/06/2022		24.70CR	100917	24.70
1276	JX ENTERPRISES INC							
	I-14236990P	JX ENTERPRISES INC	R	12/06/2022		21.62CR	100918	21.62
4584	KRUCZEK CONST INC							
	I-202211223584	KRUCZEK CONST INC	R	12/06/2022		5,694.50CR	100919	
	I-202211223585	KRUCZEK CONST INC	R	12/06/2022		10,281.00CR	100919	
	I-202211223586	KRUCZEK CONST INC	R	12/06/2022		6,366.75CR	100919	
	I-22-02 (2)	KRUCZEK CONST INC	R	12/06/2022		199,528.04CR	100919	221,870.29
7158	MICHAEL LINSSEN							
	I-202211223587	MICHAEL LINSSEN	R	12/06/2022		59.98CR	100920	
	I-202211223588	MICHAEL LINSSEN	R	12/06/2022		107.61CR	100920	167.59
7444	SARA LORNSON							
	I-202211223589	SARA LORNSON	R	12/06/2022		63.25CR	100921	63.25
7446	MACQUEEN EQUIPMENT							
	I-P26715	MACQUEEN EQUIPMENT	R	12/06/2022		602.01CR	100922	602.01
4498	MC MAHON ASSOC INC							
	I-602625	MC MAHON ASSOC INC	R	12/06/2022		1,082.40CR	100923	1,082.40

PACKET: 06905 DEC 2022 COUNCIL - 1 12-6-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
0163	MCC INC							
	I-22-07 (1)	MCC INC	R	12/06/2022		709,427.47CR	100924	
	I-22-07 (2)	MCC INC	R	12/06/2022		334,340.80CR	100924	1,043,768.27
4254	MEACHAM NURSERY							
	I-IV22-8742	MEACHAM NURSERY	R	12/06/2022		12,054.00CR	100925	12,054.00
0173	MENARDS INC							
	I-6437	MENARDS INC	R	12/06/2022		439.20CR	100926	
	I-6459	MENARDS INC	R	12/06/2022		248.90CR	100926	
	I-6506	MENARDS INC	R	12/06/2022		145.00CR	100926	
	I-6515	MENARDS INC	R	12/06/2022		239.88CR	100926	
	I-6725	MENARDS INC	R	12/06/2022		16.64CR	100926	
	I-6785	MENARDS INC	R	12/06/2022		388.08CR	100926	
	I-6855	MENARDS INC	R	12/06/2022		5.97CR	100926	
	I-6881	MENARDS INC	R	12/06/2022		38.25CR	100926	
	I-6888	MENARDS INC	R	12/06/2022		3.03CR	100926	
	I-6948	MENARDS INC	R	12/06/2022		224.91CR	100926	
	I-7058	MENARDS INC	R	12/06/2022		234.44CR	100926	
	I-7069	MENARDS INC	R	12/06/2022		146.02CR	100926	
	I-7118	MENARDS INC	R	12/06/2022		104.53CR	100926	
	I-7258	MENARDS INC	R	12/06/2022		230.60CR	100926	2,465.45
VOID	VOID CHECK		V	12/06/2022			100927	**VOID**
7048	MENARDS Z GREEN BAY EAST							
	I-38704	MENARDS Z GREEN BAY EAST	R	12/06/2022		102.81CR	100928	102.81
3033	MID-STATE TECHNICAL COLLEGE							
	I-MSTC-SF-3000694020	MID-STATE TECHNICAL COLLEGE	R	12/06/2022		443.85CR	100929	443.85
0524	MJB INDUSTRIES INC							
	I-6098	MJB INDUSTRIES INC	R	12/06/2022		19,200.00CR	100930	19,200.00
8266	MOTOROLA SOLUTIONS INC							
	I-8281503098	MOTOROLA SOLUTIONS INC	R	12/06/2022		827.82CR	100931	827.82
8431	MULTI MEDIA CHANNELS LLC							
	I-54988	MULTI MEDIA CHANNELS LLC	R	12/06/2022		553.74CR	100932	553.74
0531	NORTHEAST AUTO PARTS INC							
	I-377096	NORTHEAST AUTO PARTS INC	R	12/06/2022		43.89CR	100933	
	I-377172	NORTHEAST AUTO PARTS INC	R	12/06/2022		51.21CR	100933	
	I-377338	NORTHEAST AUTO PARTS INC	R	12/06/2022		16.47CR	100933	111.57

PACKET: 06905 DEC 2022 COUNCIL - 1 12-6-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
5433	NORTHEAST WI TECH COLLEGE							
	I-CS36378	NORTHEAST WI TECH COLLEGE	R	12/06/2022		100.00CR	100934	100.00
3250	NORTHERN LAKE SERVICE							
	I-428847	NORTHERN LAKE SERVICE	R	12/06/2022		639.52CR	100935	639.52
1020	OVERHEAD DOOR CO OF GREEN BAY							
	I-BAY2632295	OVERHEAD DOOR CO OF GREEN BAY	R	12/06/2022		94.95CR	100936	94.95
5222	P J KORTENS & CO INC							
	I-10023984	P J KORTENS & CO INC	R	12/06/2022		131.39CR	100937	131.39
1331	PACKER FASTENER & SUPPLY INC							
	I-733325	PACKER FASTENER & SUPPLY INC	R	12/06/2022		67.45CR	100938	
	I-735455	PACKER FASTENER & SUPPLY INC	R	12/06/2022		117.81CR	100938	185.26
0208	POMP'S TIRE SERVICE INC							
	I-90081021	POMP'S TIRE SERVICE INC	R	12/06/2022		118.00CR	100939	118.00
1246	PREVEA HEALTH							
	I-140287	PREVEA HEALTH	R	12/06/2022		314.40CR	100940	314.40
8893	TIFFANY QUIJAS							
	I-202211233590	TIFFANY QUIJAS	R	12/06/2022		280.00CR	100941	280.00
5402	R & R INDUSTRIES INC							
	I-634114	R & R INDUSTRIES INC	R	12/06/2022		359.29CR	100942	359.29
0225	RED D MIX CONCRETE INC							
	I-88804	RED D MIX CONCRETE INC	R	12/06/2022		161.60CR	100943	161.60
0228	RENT A FLASH OF WISCONSIN INC							
	I-83231	RENT A FLASH OF WISCONSIN INC	R	12/06/2022		75.20CR	100944	75.20
0158	ROBERT E LEE & ASSOCIATES INC							
	I-82972	ROBERT E LEE & ASSOCIATES INC	R	12/06/2022		1,761.01CR	100945	1,761.01
0501	SAINT MARY'S HOSPITAL							
	I-1461	SAINT MARY'S HOSPITAL	R	12/06/2022		1.72CR	100946	1.72
0235	SAINT VINCENT HOSPITAL							
	I-2358	SAINT VINCENT HOSPITAL	R	12/06/2022		37.26CR	100947	37.26

PACKET: 06905 DEC 2022 COUNCIL - 1 12-6-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
1	SMITH, DAVID							
	I-202211233591	MAILBOX	R	12/06/2022		75.00CR	100948	75.00
8022	SOLARWINDS							
	I-IN582445	SOLARWINDS	R	12/06/2022		1,080.00CR	100949	1,080.00
6136	TERMINAL SUPPLY CO							
	I-85569-00	TERMINAL SUPPLY CO	R	12/06/2022		86.76CR	100950	86.76
8297	TLB WOOD PRODUCTS LLC							
	I-22-1682	TLB WOOD PRODUCTS LLC	R	12/06/2022		1,941.40CR	100951	1,941.40
0267	TRAFFIC & PARKING CONTROL INC							
	I-I739612	TRAFFIC & PARKING CONTROL INC	R	12/06/2022		386.50CR	100952	386.50
0272	UNIFORM SHOPPE INC							
	I-326707	UNIFORM SHOPPE INC	R	12/06/2022		399.90CR	100953	
	I-326812	UNIFORM SHOPPE INC	R	12/06/2022		34.95CR	100953	
	I-326835	UNIFORM SHOPPE INC	R	12/06/2022		97.90CR	100953	
	I-327110	UNIFORM SHOPPE INC	R	12/06/2022		313.85CR	100953	846.60
0277	VAN'S FIRE & SAFETY INC							
	I-4165308	VAN'S FIRE & SAFETY INC	R	12/06/2022		291.32CR	100954	
	I-4165311	VAN'S FIRE & SAFETY INC	R	12/06/2022		211.00CR	100954	
	I-4165435	VAN'S FIRE & SAFETY INC	R	12/06/2022		25.00CR	100954	
	I-4165544	VAN'S FIRE & SAFETY INC	R	12/06/2022		45.00CR	100954	
	I-4165576	VAN'S FIRE & SAFETY INC	R	12/06/2022		68.00CR	100954	640.32
7210	VANDEN PLAS PORTABLE SOLUTIONS LLC							
	I-11585	VANDEN PLAS PORTABLE SOLUTIONS	R	12/06/2022		146.44CR	100955	146.44
7396	VIERBICHER ASSOCIATES INC							
	I-00006	VIERBICHER ASSOCIATES INC	R	12/06/2022		875.00CR	100956	875.00
3707	VIKING ELECTRIC SUPPLY							
	I-S006285557.001	VIKING ELECTRIC SUPPLY	R	12/06/2022		152.88CR	100957	152.88
3724	VISU-SEWER CLEAN & SEAL INC							
	I-22-03 (2)	VISU-SEWER CLEAN & SEAL INC	R	12/06/2022		287,102.51CR	100958	287,102.51
8284	KATY WANTA							
	I-202211233592	KATY WANTA	R	12/06/2022		84.37CR	100959	84.37

PACKET: 06905 DEC 2022 COUNCIL - 1 12-6-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
2645	WI DEPT OF JUSTICE							
	I-202211233593	WI DEPT OF JUSTICE	R	12/06/2022		35.00CR	100960	35.00
1181	WI PARK AND RECREATION ASSOC							
	I-4881	WI PARK AND RECREATION ASSOC	R	12/06/2022		775.00CR	100961	775.00

* * T O T A L S * *	NO#	DISCOUNTS	CHECK AMT	TOTAL APPLIED
REGULAR CHECKS:	83	0.00	1,948,500.07	1,948,500.07
HANDWRITTEN CHECKS:	0	0.00	0.00	0.00
PRE-WRITE CHECKS:	0	0.00	0.00	0.00
DRAFTS:	0	0.00	0.00	0.00
VOID CHECKS:	1	0.00	0.00	0.00
NON CHECKS:	0	0.00	0.00	0.00
CORRECTIONS:	0	0.00	0.00	0.00
REGISTER TOTALS:	84	0.00	1,948,500.07	1,948,500.07

TOTAL ERRORS: 0 TOTAL WARNINGS: 0

PACKET: 06905 DEC 2022 COUNCIL - 1 12-6-22
VENDOR SET: 01 **** CHECK LISTING ****
BANK : AP ASSOCIATED

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT

** POSTING PERIOD RECAP **

FUND	PERIOD	AMOUNT
100	12/2022	106,279.54CR
201	12/2022	253,728.63CR
208	12/2022	109.90CR
209	12/2022	87.96CR
292	12/2022	27,868.61CR
293	12/2022	875.00CR
297	12/2022	13,986.51CR
405	12/2022	1,119,858.90CR
415	12/2022	147,551.88CR
601	12/2022	100,049.43CR
650	12/2022	178,103.71CR
ALL		1,948,500.07CR

City of De Pere, Wisconsin

Request For Common Council Action

MEETING DATE:	**December 6, 2022**
DEPARTMENT:	**City Clerk**
FROM:	**Carey Danen**
SUBJECT:	**Future agenda items.**