



Plan Commission Regular Meeting Agenda

Monday, July 27, 2026 at 7:00 PM

Council Chambers and Virtual

In-Person Attendance:
City Hall Council Chambers
2nd Floor City Hall
335 S Broadway

Electronic Meeting Access:
<https://www.gotomeet.me/DePere>

Telephonic Meeting Access:
(866) 899-4679 -or- (312) 757-3117
Access Code: 154-883-28

1. Call to Order

2. Roll Call

3. Public Comments

Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Plan Commission. §6-3(f) DPMC

4. New Business

- A. Approval of the minutes of the June 22, 2026 Plan Commission meeting.
- B. Consideration and possible action for a 1-lot extraterritorial certified survey map at 3260 Creekview RD in Glenmore (Parcel GL-132.*
- C. Consideration and possible action on a 44-lot and 1-outlot extraterritorial final plat of Rock Ridge Estates at 2200 BLK Beck WY in Lawrence (Parcels L-451-5, L-452-5).*
- D. Consideration and possible action for a major design exception from Zoning Ordinance Section 14-91 Table 9-1 [Allowed Major Façade Materials] at 2081 Profit PL (Parcel ED-2389).
- E. Consideration and possible action For July 2026 amendments to Municipal Code Chapter 16 (Floodplain Zoning Ordinance).*
- F. Consideration and possible action for shipping container uses in the Mixed-Use Districts with amendments to Municipal Code Chapter 14 (Zoning Ordinance).*
- G. Discussion about site plans received since the June 2026 Plan Commission meeting and review of the status of recently approved development projects.
- H. Discussion on a Moratorium for Hyperscale Data Centers for a period of no longer than 12 months. Staff continues to work on a Moratorium for presentation to Plan Commission in August, 2026.

5. Adjournment

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Development Services Department at 920-339-4052 by noon on the previous day so that arrangements can be made.

The Public or Members of the Plan Commission, which may count toward an official quorum, may attend the meeting either in person in the Council Chambers or telephonically or electronically via video conferencing or other appropriate technological means.

This meeting may also be rebroadcast on TV throughout the week and available on demand at <https://deperewi.portal.civicclerk.com/>.



City of De Pere, Wisconsin

4.A

Request for Plan Commission Action

Meeting Date:	July 27, 2026
Department:	Development Services
From:	Kelly Barker, Administrative Assistant
Subject:	Approval of the minutes of the June 22, 2026 Plan Commission meeting.
Recommendation:	Motion to approve.

Attachments:
PC_Jun2026_Minutes_Draft



Plan Commission

Regular Meeting

Draft Minutes

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

Monday, June 22, 2026

7:00 PM

City Hall, Council Chambers 335 S.
Broadway, De Pere, WI 54115

1. Call to Order

2. Roll Call

Present: James Boyd, Mark Higgins, Shane Raymaker, Jonathon Hansen, Devin Perock, Grant Schilling

Absent:

Excused: Brenda Busch

Also present: Development Services Director Daniel Lindstrom, City Planner Peter Schleinz and members of the public.

3. Public Comments

Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Plan Commission. §6-3(f) DPMC

There were no public comments.

4. Old Business

- A. Consideration and possible action for a zoning map amendment from PI-1 (Neighborhood Public & Institutional District) to PI-2 (Campus Public & Institutional District) with an institutional master plan at 1500 Fort Howard AV (Parcels WD-57, WD-67, WD-70-1).

City Planner Peter Schleinz provided an update. At this time, Brown County has withdrawn their request.

5. New Business

- A. Approval of the minutes of the May 25, 2026 Plan Commission meeting.

RESULT:	Approved
MOVER:	Devin Perock
SECONDER:	Grant Schilling
AYES:	James Boyd, Mark Higgins, Shane Raymaker, Jonathon Hansen, Devin Perock, Grant Schilling

- B. Consideration and Possible Action on a Moratorium for Hyperscale Data Centers for a Period of No Longer than 12 Months.*

Development Services Director Daniel Lindstrom explained that the Sustainability Commission discussed this topic earlier this month. He stated that the City has not been approached by anyone regarding data centers. He would like staff to bring it back for separate discussions after the Comprehensive Plan is adopted. It could fall within one of three categories in the Zoning Ordinance: traditional/regional cloud data centers, large cloud/colocation facilities, hyperscale cloud data center. We don't have a specific line item in our zoning ordinance. Daniel added that there would be many steps before a data center could be approved. There are several requirements in the process for development moratoriums in Wisconsin:

- 1. A moratorium must be tied to a legitimate government purpose.
- 2. The municipality must adopt it by ordinance.
- 3. The moratorium must be temporary and reasonable.
- 4. The municipality must be actively working on the issue during the moratorium.
- 5. The moratorium cannot conflict with state statutes.
- 6. Enforcement must be consistent and non-discriminatory.

Daniel then explained the relationship between moratoriums and the De Pere Comprehensive Plan Update. He explained that the Comprehensive Plan Update project will finish after an additional round of public engagement with the consultant. Then the proposed moratorium will allow time for staff to fully address the concerns associated with data centers without delaying progress on the remainder of the Comprehensive Plan and draft additional language to the zoning ordinance. Discussion followed. Mayor Boyd stated that he thinks this should be handled at the state level, not local government.

Mayor Boyd moved, seconded by Mark Higgins to direct staff to draft a proposal to be brought back to the July Plan Commission meeting. Mayor Boyd then asked if anyone wanted to speak on this item. No one wished to speak. Mayor Boyd moved, seconded by Shane Raymaker, to open the meeting. Upon vote, motion carried unanimously. Rachel Leonard of 953 Lawton Pl spoke. She agreed that the state level would be ideal. Mayor Boyd noted that Rachel Leonard is a member of the Sustainability Commission. Mayor Boyd moved, seconded by Mark Higgins, to go back to regular session. Upon vote, motion carried unanimously. Mayor Boyd moved, seconded by Mark Higgins, to direct staff to return to the July Plan Commission meeting with a draft ordinance establishing a temporary moratorium on hyperscale data centers to allow the City the time to (1) complete the Comprehensive Plan, and (2) study and better understand the implications of these developments before establishing use regulations. Upon vote, motion carried unanimously.

RESULT:	Approved
MOVER:	James Boyd
SECONDER:	Mark Higgins
AYES:	James Boyd, Mark Higgins, Shane Raymaker, Jonathon Hansen, Devin Peroock, Grant Schilling

C. Consideration and Possible Action on the Contract Amendment with SmithGroup regarding Additional Downtown Master Plan Engagement and Assistance with Comprehensive Plan Final Public Engagement, Revisions, and Adoption.*

Development Services Director Daniel Lindstrom provided a status update of the contract amendment with SmithGroup. Staff recommends approval of the amended agreement with SmithGroup to include the additional scope of work. Mayor Boyd moved, seconded by Ald. Hansen to approve the agreement. Upon vote, motion carried unanimously.

RESULT:	Approved
MOVER:	James Boyd
SECONDER:	Jonathon Hansen
AYES:	James Boyd, Mark Higgins, Shane Raymaker, Jonathon Hansen, Devin Perock, Grant Schilling

- D. Consideration and possible action for a 3-lot and 1-outlot certified survey map at 2108 Lawrence DR and 1800 Southbridge RD (Parcels WD-L281-1, WD-D0037).

City Planner Peter Schleinzi reviewed the CSM at 2108 Lawrence Dr and 1800 Southbridge Rd. Staff recommended approval of the CSM subject to the conditions in the report. Ald. Perock moved, seconded by Shane Raymaker, to approve the CSM. Upon vote, motion carried unanimously.

RESULT:	Approved
MOVER:	Devin Perock
SECONDER:	Shane Raymaker
AYES:	James Boyd, Mark Higgins, Shane Raymaker, Jonathon Hansen, Devin Perock, Grant Schilling

- E. Consideration and possible action for three major design exceptions from Zoning Ordinance Sections 14-91(3)(a) [Maximum Minor Materials for Surface Areas], 14-91 Table 9-1 [Allowed Major Façade Materials], and 14-91 Table 9-1 [Allowed Minor Façade Materials] at 2015 Venture AV (Parcel WD-D0077).

City Planner Peter Schleinzi reviewed the major design exemptions for a proposed development on Venture Ave. A formal site plan has not been submitted yet. There are 3 separate buildings. The facade material of an office/warehouse building. the facade material for a warehouse #1a because fiber cement board is not allowed in this zoning district.

Design Exception Request #1b: Metal panel system facade on side of warehouse #1 in a BP-2 District.

Design Exception Request #3: Metal panel system facade on side of warehouse #2 in a BP-2 District.

Mayor Boyd moved, seconded by Ald. Perock to open the meeting. Derek Fosters representing Bayland

Buildings, the general contractor for the development addressed the commission. The areas in red with the cement board are interior facades to the other buildings. Ald Perock asked what the life expectancy

on the cement board is. The application stated that it is similiar to concrete, longer life than vinyl siding.

He explained that the owner wants to create brand consistency as their other buildings by using the same

materials. Mayor Boyd moved, seconded by Ald. Perock to close the meeting. Upon vote, motion carried

unanimously. Grant Schilling moved, seconded Ald. Perock by to approve all 3 design exceptions. Upon vote, motion carried unanimously.

RESULT:	Approved
MOVER:	Grant Schilling
SECONDER:	Devin Perock
AYES:	James Boyd, Mark Higgins, Shane Raymaker, Jonathon Hansen, Devin Perock, Grant Schilling

- F. Discussion about the use of shipping containers as structures in the City of De Pere.

City Planner Peter Schleinzi introduced the discussion about the use of shipping containers as structures in

the City of De Pere. He provided examples of shipping containers in both residential and mixed use districts. Discussion followed and it was decided to not allow shipping containers in residential districts. Grant Schilling stated that he is not in favor of the shipping container. Mayor Boyd moved, seconded by Mark Higgins to open the meeting. Upon vote, motion carried unanimously. Tom Gavic addressed the commission. He thinks the shipping container is more creative than just building a building in the alley that looks like a shipping container. He wants an urban, industrial feel. Mayor Boyd moved, seconded by Shane Raymaker, to close the meeting. Upon vote, motion carried unanimously. Mayor Boyd suggested bringing it back to another meeting to get more feedback. Development Services Director Daniel Lindstrom suggested that staff can draft loose guidelines to come back to the Plan Commission at the next meeting.

G. Consideration and possible action for an Area Development Plan to add future streets at 2100 BLK Lost Dauphin RD (Parcel WD-D0075-2).*

Development Services Director Daniel Lindstrom addressed the area Development Plan as it relates to the Southern Bridge. He stated that the street will be named at a later date. Staff recommended approval of the Area Development Plan located at 2100 BLK Lost Dauphin Rd and forwarding it to the Common Council for consideration. Mayor Boyd moved, seconded by Shane Raymaker, to approve the Area Development Plan to add future streets. Upon vote, motion carried unanimously.

RESULT:	Approved
MOVER:	James Boyd
SECONDER:	Shane Raymaker
AYES:	James Boyd, Mark Higgins, Shane Raymaker, Jonathon Hansen, Devin Perock, Grant Schilling

H. Consideration and possible action for June 2026 amendments to Municipal Code Chapter 14 (Zoning Ordinance).*

City Planner Peter Schleinzi provided a summary of the quarterly amendments to Zoning Ordinance (Chapter 14). Staff recommended approval. Mayor Boyd moved, seconded by Mark Higgins, to approve the amendments. Upon vote, motion carried unanimously.

RESULT:	Approved
MOVER:	James Boyd
SECONDER:	Mark Higgins
AYES:	James Boyd, Mark Higgins, Shane Raymaker, Jonathon Hansen, Devin Perock, Grant Schilling

I. Discussion about site plans received since the May 2026 Plan Commission meeting and review of the status of recently approved development projects.

Ald. Hansen asked if the County came up with a cost estimate for the paving of the new roads for the fairgrounds. City Planner Peter Schleinzi stated that they did not share a cost with staff. There were no other comments or questions.

6. Resolutions

A. Consideration and possible action on a proposed amendment to the 2010 City of De

Pere Comprehensive Plan Update to change the Future Land Uses Map (Figure 2-6) from 'Industrial Park' to 'Multi-Family Residential' at 2108 Lawrence DR and 1800 Southbridge RD (part of Parcels WD-L281-1, WD-D0037).*

City Planner Peter Schlein reviewed the proposed amendment to the 2010 City of De Pere Comp Plan Update. Staff recommended approval of the resolution.

RESULT:	Approved
MOVER:	James Boyd
SECONDER:	Mark Higgins
AYES:	James Boyd, Mark Higgins, Shane Raymaker, Jonathon Hansen, Devin Perock, Grant Schilling

7. Adjournment

Mayor Boyd moved, seconded by Ald.Perock, to adjourn the meeting at 8:35 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Kelly Barker



City of De Pere, Wisconsin

4.B

Request for Plan Commission Action

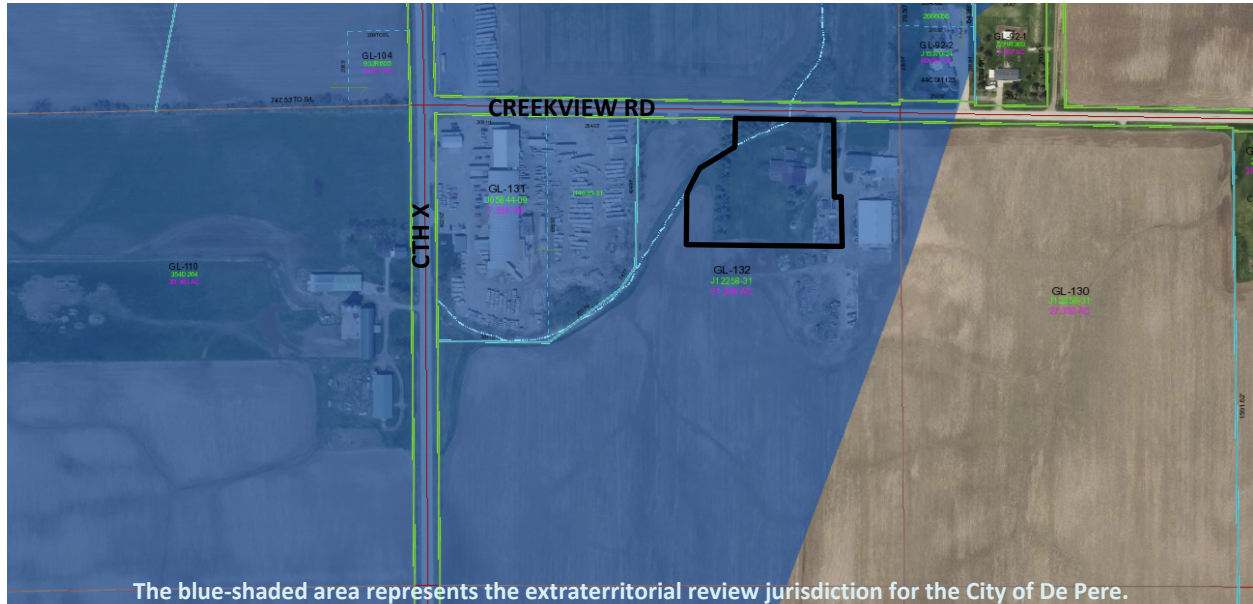
Meeting Date:	July 27, 2026
Department:	Development Services
From:	Peter Schleinz, City Planner/Zoning Administrator
Subject:	Consideration and possible action for a 1-lot extraterritorial certified survey map at 3260 Creekview RD in Glenmore (Parcel GL-132.*
Recommendation:	Motion to approve.

Attachments:

PC Report, Preliminary CSM - 01 Jul 2026

Consideration and possible action for a 1-lot extraterritorial certified survey map at 3260 Creekview RD in Glenmore (Parcel GL-132.*

SITE MAP



REQUESTED ACTION:	Certified Survey Map Approval (File ECSM 26-05).	
COMMON DESCRIPTION:	3260 Creekview RD, southeast from the Creekview RD and CTH X intersection.	
ZONING:	A-1 Agriculture – Farmland Preservation in Glenmore.	
SURROUNDING LAND USES:	Agriculture to the north, south, east and west. Industrial business also to the west.	
COMPREHENSIVE PLAN:	Single Family Residential and Agricultural in Glenmore.	
APPLICANT / OWNERS:	<u>Authorized Representative</u> Andrew Hunter Wisconsin Land Surveying INC 3552 Glen Oaks Pass Green Bay, WI 54311	<u>Property Owner</u> Cletus B Allen Revocable Trust 3336 Creekview RD De Pere, WI 54115
LAND USE HISTORY:	After a review of air photographs, the site has been in agricultural and residential use since at least 1938.	
STAFF REVIEW:	When reviewing a Certified Survey Map, staff considers State Statutes 236, Section 46-8 of the De Pere Platting and Division of Land Code, the future land use recommendation of the Comprehensive Plan, surrounding land uses, and desired development patterns. • The proposal creates 1 lot with the parent parcel remaining.	

- Lot 1 is for residential use.
- The Glenmore minimum acreage and frontage requirements for A-1 are 0.0 acres and 0.0 feet; however, all lots must have access to a public road. The De Pere minimum acreage and frontage requirements are 0.46 acres and 100 feet.
- Environmentally sensitive areas and floodways are reviewed by Brown County.

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

The Certified Survey Map meets the criteria of State Statutes 236 and Section 46-8 of the De Pere Platting and Division of Land Code. The proposed land division provides development opportunities and does not impact the Comprehensive Plan negatively. The proposed lot sizes, street frontages, and setbacks meet City requirements.

STAFF RECOMMENDATION: Staff recommends APPROVAL of the certified survey map, subject to:

1. Meeting all other state and local regulations, including the Town of Glenmore, City of De Pere, and Brown County Planning Commission.



Planning/Zoning Application

Planning & Zoning Department

Submitted On:

Jul 2, 2026, 06:55AM EDT

Parcel Number: (Include ALL parcels)	GL-132
Nearest property address to the project site:	Street Address: 3260 Creekview Road City: DePere State: WI Zip: 54115
Check each project type that is being applied for:	CSM
Current De Pere Zoning Districts:	AG Not in De Pere
Existing Site Land Uses:	Residential
Proposed Site Land Uses:	Residential
Does the project comply with the Comprehensive Plan?	Yes
Has City Staff been contacted for a pre-consultation meeting?	Yes
Property Owner:	First Name: Steven Last Name: Allen
Is the property owner's address the same as the nearest property address?	No
Property Owner's Address:	Street Address: 3336 Creekview Road City: DePere State: WI Zip: 54115
Property Owner's Phone Number:	
Property Owner's Email Address:	
Is someone processing the project for the property owner as their authorized representative?	Yes
Authorized Representative's Name:	First Name: Andrew Last Name: Hunter
Authorized Representative's Business Name:	Wisconsin Land Surveying, Inc.
Authorized Representative's Address:	Street Address: 3552 Glen Oaks Pass City: Green Bay

	State: WI Zip: 54311
Authorized Representative's Phone Number:	
Authorized Representative's Email Address:	
Number of lots in the CSM:	1
Number of outlots in the CSM:	0
Extraterritorial Zoning Districts:	Glenmore
Please attach 1 PDF copy of the CSM.	ALLEN PRELIMINARY CSM (7-1-2026).pdf
How do you plan on paying for your application?	Mail a check
Total Due:	\$375.00
Property Owner or Authorized Representative Signature	First Name: Andrew Last Name: Hunter Email Address:  Signed at: July 2, 2026 6:55AM America/New_York
User's Session Information	206.55.188.247, Referrer URL

CERTIFIED SURVEY MAP

SHEET 1 OF 3

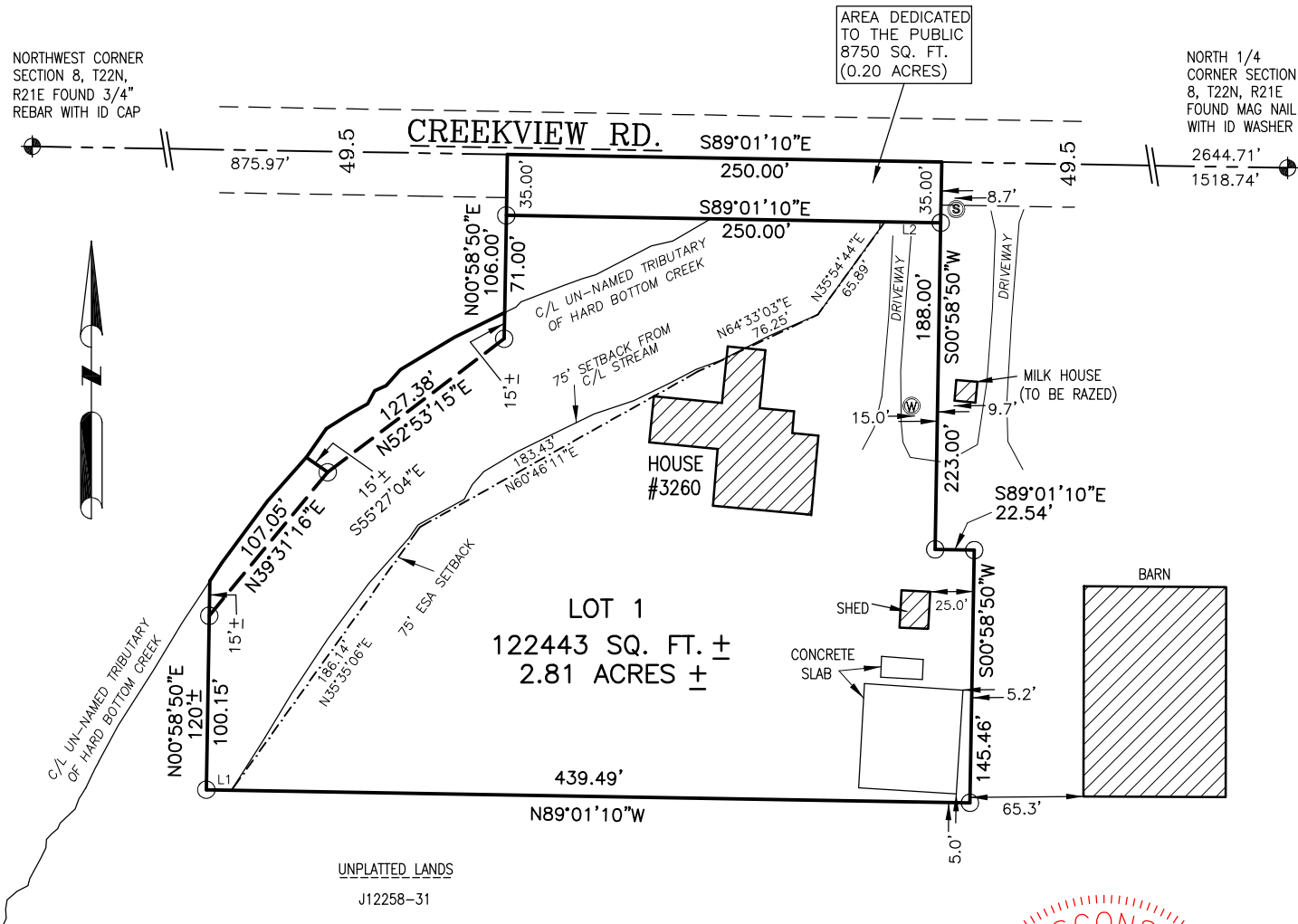
PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 21 EAST, TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN.

RESTRICITVE CONVENANTS

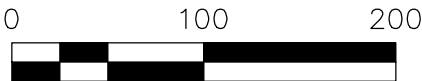
1. THE LAND ON ALL SIDE AND REAR LOT LINES OF ALL LOTS SHALL BE GRADED BY THE LOT OWNER AND MAINTAINED BY THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR ADEQUATE DRAINAGE OF SURFACE WATER.
2. LOT 1 CONTAINS AN ENVIRONMENTALLY SENSITIVE AREA (ESA) AS DEFINED IN THE BROWN COUNTY SEWAGE PLAN. THE ESA INCLUDES NAVIGABLE WATERWAYS AND ALL LANDS WITHIN 75 FEET FROM NAVIGABLE WATERWAYS. DEVELOPMENT AND LAND DISTURBING ACTIVITIES ARE RESTRICTED IN THE ESA UNLESS AMENDMENTS ARE APPROVED BY THE BROWN COUNTY PLANNING COMMISSION AND THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES..

NOTES

1. DEVELOPMENT ON LOT 1 AND THE REMNANT UNPLATTED LANDS REQUIRES PUBLIC SEWER AND WATER BE AVAILABLE OR ACQUISITION OF ALL STATE, COUNTY, AND/OR MUNICIPAL PERMITS CONCERNING ONSITE SEWAGE DISPOSAL SYSTEMS FOR SANITARY WASTE DISPOSAL.
2. THE PROPERTY OWNERS, AT THE TIME OF CONSTRUCTION, SHALL IMPLEMENT THE APPROPRIATE SOIL EROSION CONTROL METHODS OUTLINED IN THE WISCONSIN CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL TECHNICAL STANDARDS (AVAILABLE FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES) TO PREVENT SOIL EROSION. HOWEVER, IF AT THE TIME OF CONSTRUCTION THE TOWN HAS AN ADOPTED SOIL EROSION CONTROL ORDINANCE, IT SHALL GOVERN OVER THIS REQUIREMENT. THIS PROVISION APPLIES TO ANY GRADING, CONSTRUCTION OR INSTALLATION-RELATED ACTIVITIES.
3. A SHORELAND PERMIT FROM THE BROWN COUNTY ZONING ADMINISTRATOR'S OFFICE IS REQUIRED FOR LOT 1 PRIOR TO CONSTRUCTION, FILL, EXCAVATION, OR GRADING ACTIVITY WITHIN 300 FEET OF THE ORDINARY HIGH WATER MARK (OHWM) OF NAVIGABLE RIVERS OR STREAMS.



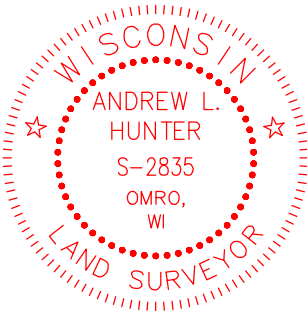
LINE	BEARING	DISTANCE
L1	N89°01'10"W	14.56'
L2	S89°01'10"E	32.15'



SCALE 1"=100'

NOTES

BEARINGS ARE BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM (BROWN COUNTY) NAD 83(91), WHERE THE NORTH LINE OF THE N.W. 1/4 OF SECTION 8, T22N, R21E BEARS S89°01'10"E.



LEGEND

- ⊕ DENOTES SECTION CORNER AS DESCRIBED
- DENOTES 1.25" OUTSIDE DIAMETER IRON PIPE 18" LONG SET, WEIGHING NOT LESS THAN 1.13 LBS PER LINEAL FOOT.
- ⊙ DENOTES STORM MH CLEANOUT
- ⊕ DENOTES WATER WELL

7/1/2026

PROJECT 6336

SHEET 1 OF 3

3552 GLEN OAKS PASS
www.wisconsinlandsurveying.com

WISCONSIN
LAND SURVEYING INC.
Professional Service You Can Trust

GREEN BAY, WI 54311
(920)410-7744

SURVEY PREPARED FOR:

CLETUS B. ALLEN REVOCABLE TRUST
3336 CREEKVIEW ROAD
DEPERE, WI 54115
PARCEL GL-132

CERTIFIED SURVEY MAP

SHEET 2 of 3

PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 21 EAST, TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE
STATE OF WISCONSIN

I, ANDREW L. HUNTER, WISCONSIN PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY;

THAT I HAVE SURVEYED, DIVIDED AND MAPPED PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 21 EAST, TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN, WHICH IS BOUND AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8; THENCE SOUTH 89°01'10" EAST ALONG THE NORTH LINE OF SAID NORTHWEST 1/4, 875.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89°01'10" EAST 250.00 FEET; THENCE SOUTH 00°58'50" WEST 223.00 FEET; THENCE SOUTH 89°01'10" EAST 22.54 FEET; THENCE SOUTH 00°58'50" WEST 145.46 FEET; THENCE NORTH 89°01'10" WEST 439.49 FEET; THENCE NORTH 00°58'50" EAST 100.15 FEET TO A POINT ON A MEANDER LINE FOR THE CENTERLINE OF AN UN-NAMED TRIBUTARY OF HARD BOTTOM CREEK, SAID POINT BEING SOUTH 00°58'50" WEST 15 FEET MORE OR LESS FROM SAID CENTERLINE; THENCE NORTH 39°31'16" EAST ALONG SAID MEANDER LINE, 107.05 FEET TO A POINT THAT IS SOUTH 55°27'04" EAST 15 FEET MORE OR LESS FROM SAID CENTERLINE; THENCE CONTINUING ALONG SAID MEANDER LINE, NORTH 52°53'15" EAST 127.38 FEET TO A POINT THAT IS SOUTH 00°58'50" WEST 15 FEET MORE OR LESS FROM SAID CENTERLINE; THENCE NORTH 00°58'50" EAST 106.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 122,443 SQ. FT. (2.81 ACRES) MORE OR LESS AND INCLUDES ALL LANDS LYING BETWEEN THE DESCRIBED MEANDER LINE AND THE CENTERLINE OF SAID TRIBUTARY STREAM. SAID PARCEL IS SUBJECT TO ALL EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE THIS SURVEY BY THE DIRECTION OF STEVEN C. ALLEN, TRUSTEE OF THE CLETUS B. ALLEN REVOCABLE TRUST, OWNER OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236, SECTION 236.34 OF THE WISCONSIN STATUTES AND THE LAND SUBDIVISION ORDINANCES OF THE TOWN OF GLENMORE AND THE BROWN COUNTY PLANNING COMMISSION IN SURVEYING, DIVIDING AND MAPPING THE LAND.

ANDREW HUNTER,
PROFESSIONAL WISCONSIN LAND SURVEYOR S-2835-008

DATE: _____

OWNER'S CERTIFICATE

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED HEREIN TO BE SURVEYED, MAPPED, DIVIDED AND DEDICATED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

I ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: TOWN OF GLENMORE, CITY OF DEPERE, AND BROWN COUNTY PLANNING COMMISSION.

WITNESS THE HAND AND SEAL OF SAID OWNER THIS DAY OF , 20

STEVEN C. ALLEN
TRUSTEE OF THE CLETUS B. ALLEN REVOCABLE TRUST

STATE OF WISCONSIN)
:SS
COUNTY)

PERSONALLY, CAME BEFORE ME THIS _____ DAY OF _____ 20____ THE AFOREMENTIONED STEVEN C. ALLEN TO ME KNOWN TO
BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

CERTIFIED SURVEY MAP

SHEET 3 of 3

PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 22 NORTH, RANGE 21 EAST, TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN.

TOWN TREASURER'S CERTIFICATE

AS DULY ELECTED TOWN OF GLENMORE TREASURER, I HEREBY CERTIFY THAT THE RECORDS IN OUR OFFICE SHOW NO UNREDEEMED TAXES AND NO UNPAID OR SPECIAL ASSESSMENTS AFFECTING ANY OF THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP AS OF THE DATE LISTED BELOW.

DATE

TREASURER

REBECCA PETERS

CERTIFICATE OF THE TOWN OF GLENMORE

RESOLVED THAT THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF GLENMORE ON THIS DAY OF 20__

TOWN CLERK

DAWN MATZKE

CERTIFICATE OF THE CITY OF DE PERE

APPROVED BY THE CITY OF DE PERE COMMON COUNCIL ON THE DAY OF , 20__

CAREY E. DANEN, CITY CLERK

DATE

COUNTY TREASURER'S CERTIFICATE

AS DULY ELECTED BROWN COUNTY TREASURER, I HEREBY CERTIFY THAT THE RECORDS IN OUR OFFICE SHOW NO UNREDEEMED TAXES AND NO UNPAID OR SPECIAL ASSESSMENTS AFFECTING ANY OF THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP AS OF THE DATE LISTED BELOW.

RAYMOND SUENNEN

DATE

BROWN COUNTY TREASURER

CERTIFICATE OF THE BROWN COUNTY PLANNING COMMISSION

APPROVED BY THE BROWN COUNTY PLANNING COMMISSION THIS DAY OF , 20__

DEVIN YODER

SENIOR PLANNER



City of De Pere, Wisconsin

4.C

Request for Plan Commission Action

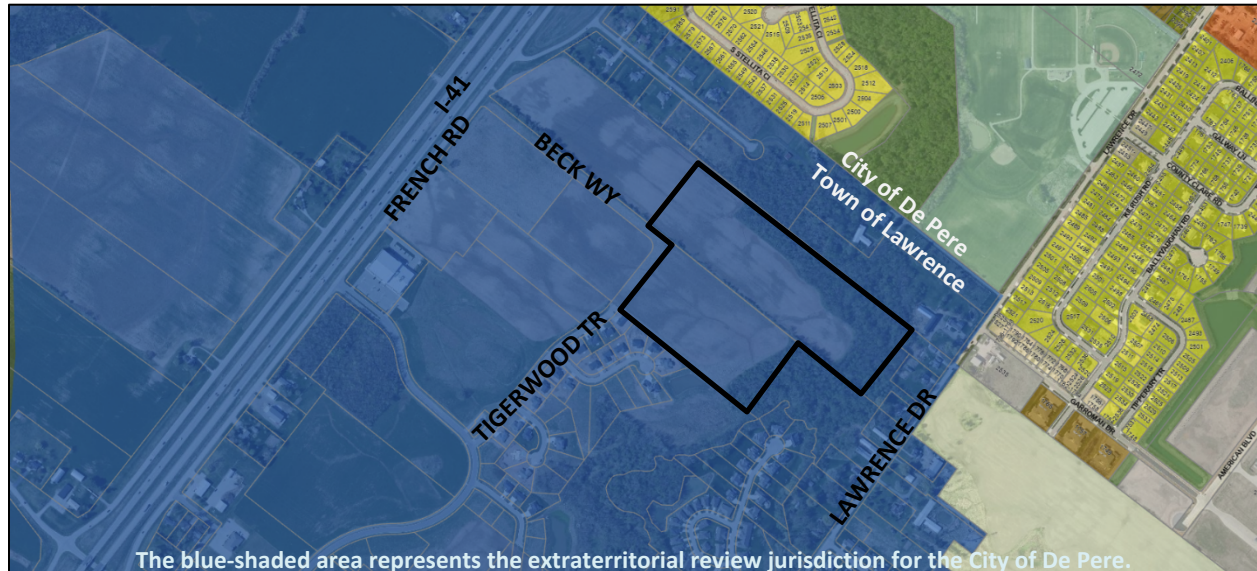
Meeting Date:	July 27, 2026
Department:	Development Services
From:	Peter Schleinz, City Planner/Zoning Administrator
Subject:	Consideration and possible action on a 44-lot and 1-outlot extraterritorial final plat of Rock Ridge Estates at 2200 BLK Beck WY in Lawrence (Parcels L-451-5, L-452-5).*
Recommendation:	Motion to approve.

Attachments:

PC Report, Final Plat - 29 Jun 2026

Consideration and possible action on a 44-lot and 1-outlot extraterritorial final plat of Rock Ridge Estates at 2200 BLK Beck WY in Lawrence (Parcels L-451-5, L-452-5).*

SITE MAP



REQUESTED ACTION:	Final Extraterritorial Plat Approval (File FPP 26-01).	
COMMON DESCRIPTION:	2200 BLK Beck WY, located northeast of the Beck WY and Tigerwood TR intersection.	
ZONING:	R-1 and R-2: Residential District in Lawrence.	
SURROUNDING LAND USES:	Agricultural and developing residential to the north, south, east, and west.	
COMPREHENSIVE PLAN:	Residential and Business/Commercial in Lawrence.	
APPLICANT/OWNER:	<u>Authorized Representative</u> Douglas E Woelz, PLS McMahon Associates INC 1445 McMahon DR Neenah, WI 54956	<u>Property Owner</u> L-451-5: Thomas P Perock Family Irrevocable Trust 1521 Sand Acres DR De Pere, WI 54115 L-452-5: Lawrence Town Of 2400 Shady CT De Pere, WI 54115
LAND USE HISTORY:	After a review of air photographs, the site has been an agricultural use since 1938.	

STAFF REVIEW:

When reviewing a 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.

- Lots 1-4 are proposed two-unit lots.
- Lots 5-44 are proposed one-unit lots.
- Outlot 1 is a proposed storm water management pond.
- The Lawrence minimum acreage and frontage requirements are 0.3 acres and 100 feet for the 44 residential lots. The De Pere minimum acreage and frontage requirements are 0.2 acres and 75 feet.
- Environmentally sensitive areas are reviewed by Brown County.

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

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

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the final extraterritorial 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, Town of Lawrence, and Brown County Planning Commission.



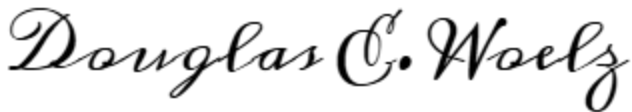
Planning/Zoning Application

Planning & Zoning Department

Submitted On:

Jun 29, 2026, 02:06PM EDT

Parcel Number: (Include ALL parcels)	L-452-5 and L-451-5
Nearest property address to the project site:	Street Address: 2211 Beck Way 2200 BLK Beck WY City: De Pere State: WI Zip: 54115
Check each project type that is being applied for:	Plat, Final
Current De Pere Zoning Districts:	Not in De Pere
Existing Site Land Uses:	Undeveloped/Vacant/Agricultural
Proposed Site Land Uses:	Residential
Does the project comply with the Comprehensive Plan?	Yes
Has City Staff been contacted for a pre-consultation meeting?	Yes
Property Owner:	First Name: Town of Lawrence Last Name: and Thomas Perock Irrevocable Trust
Is the property owner's address the same as the nearest property address?	No
Property Owner's Address:	Street Address: 2400 Shady Court City: De Pere State: WI Zip: 54115
Property Owner's Phone Number:	
Property Owner's Email Address:	
Is someone processing the project for the property owner as their authorized representative?	Yes
Authorized Representative's Name:	First Name: Douglas Last Name: Woelz
Authorized Representative's Business Name:	McMahon Associates
Authorized Representative's Address:	Street Address: 1445 McMahon Drive City: Neenah

	State: WI Zip: 54956
Authorized Representative's Phone Number:	██████████
Authorized Representative's Email Address:	████████████████████
Extraterritorial Zoning Districts:	R-1 and R-2
Number of lots in the Final Plat: (PLEASE USE NUMERALS ONLY.)	44
Number of outlots in the Final Plat: (PLEASE USE NUMERALS ONLY.)	1
Please attach a PDF copy of the Final Plat.	2026-06-10_Rock Ridge_FinalPlat_signed 22x34.pdf
Please attach a CAD copy of the Final Plat.	Rock Ridge_FinalPlat.dwg
How do you plan on paying for your application?	Online with a credit card
Total Due:	\$200.00
Property Owner or Authorized Representative Signature	First Name: Douglas Last Name: Woelz Email Address: ████████████████████  Signed at: June 29, 2026 2:05PM America/New_York
User's Session Information	67.53.157.66, Referrer URL

ROCK RIDGE

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 10028, RECORDED AS DOCUMENT NO. 3128013, BEING A PART OF LOT 71 OF THE RECORDED PLAT OF THE SUBDIVISION OF THE WILLIAM'S GRANT; AND ALL OF LOT 3 OF CERTIFIED SURVEY MAP NO. 9471, RECORDED AS DOCUMENT NO. 3004248, BEING A PART OF LOT 72 OF THE RECORDED PLAT OF THE SUBDIVISION OF THE WILLIAM'S GRANT; ALL IN THE TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN

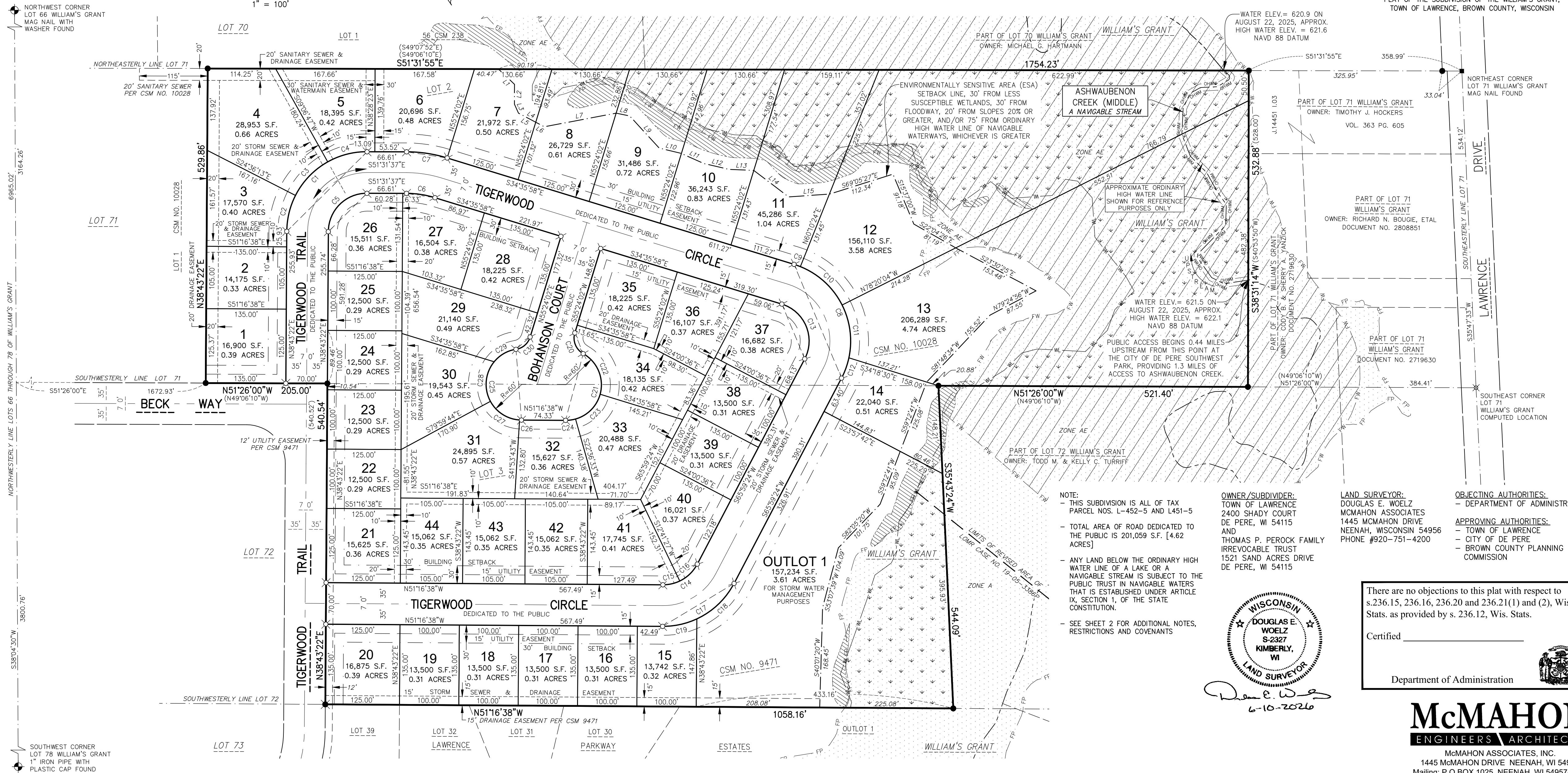
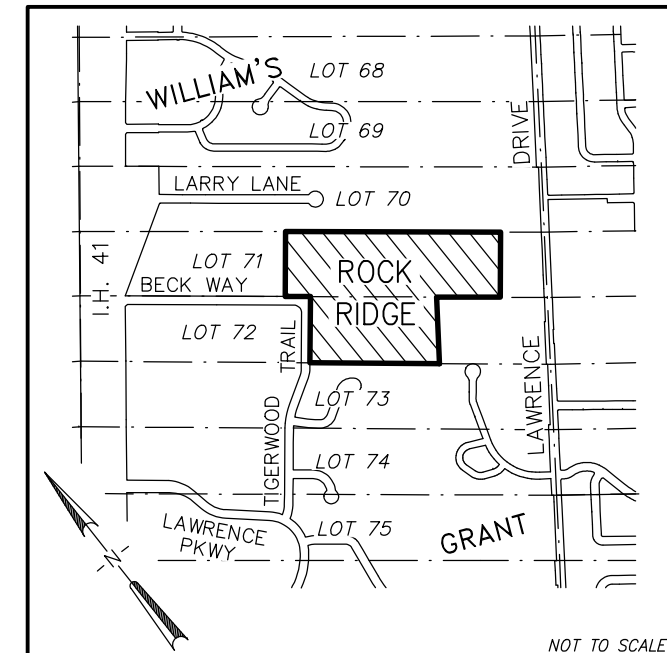
LEGEND

- 1 1/4" x 18" ROUND STEEL REBAR WEIGHING 4.3 lbs./lined ft. SET
 - 1" I.D. IRON PIPE FOUND
 - MAG NAIL FOUND
 - ALL OTHER LOT CORNERS STAKED WITH 1-5/16" OUTSIDE DIAMETER X 18" ROUND IRON PIPE, WEIGHING 1.68 LBS./LIN. FT.
 - COMPUTED LOCATION
 - CERTIFIED LAND CORNER BROWN COUNTY
 - RECORDED BEARING AND/OR DISTANCE
 - S.F. SQUARE FEET
 - ENVIRONMENTALLY SENSITIVE AREA (ESA) STEEP SLOPES OF 20% OR GREATER, FIELD LOCATED
 - WETLANDS DELINEATED BY WALLY SEDLAR OF MCMAHON ASSOCIATES DATED AUGUST 4, 2025
 - MAPPED FLOODWAY LIMITS PER LOMR (TO FEMA FIRM PANEL NO. 55009C0244F) CASE NO. 19-05-3386P, EFFECTIVE DATE OF SEPTEMBER 18, 2020
 - FLOOD PLAIN, ZONE A PER FEMA FIRM PANEL NO. 55009C0244F) CASE NO. 19-05-3386P, EFFECTIVE DATE OF SEPTEMBER 18, 2020
- BEARINGS ARE REFERENCED TO THE NORTHWESTERLY LINE OF LOTS 66 THROUGH 78 OF THE SUBDIVISION OF THE WILLIAM'S GRANT, WHICH BEARS S38°04'30"W PER THE WISCONSIN COUNTY COORDINATE SYSTEM AS PUBLISHED FOR BROWN COUNTY
- SCALE - FEET
1" = 100'

CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH	TANGENT IN TANGENT OUT
C1	135.00'	089°45'01"	211.47'	N83°35'52.5"E	190.50'	N38°43'22"E S51°31'37"E
C2	135.00'	026°40'25"	62.85'	N52°03'34.5"E	62.28'	
C3	135.00'	033°43'00"	79.44'	N82°15'17"E	78.30'	
C4	135.00'	029°21'36"	69.18'	N66°12'25"W	68.42'	
C5	65.00'	089°45'01"	101.82'	N83°35'52.5"E	91.72'	N38°43'22"E S51°31'37"E
C6	165.00'	016°55'39"	48.75'	S43°03'47.5"E	48.57'	S51°31'37"E S34°35'58"E
C7	235.00'	016°55'39"	69.43'	S43°03'47.5"E	69.18'	S51°31'37"E S34°35'58"E
C8	135.00'	100°35'22"	237.01'	S15°41'43"W	207.72'	S34°35'58"E S65°59'24"W
C9	135.00'	004°46'22"	11.25'	S32°12'47"E	11.24'	
C10	135.00'	041°29'32"	97.76'	S09°04'50"E	95.64'	
C11	135.00'	038°47'24"	91.40'	S31°03'38"W	89.66'	
C12	135.00'	015°32'04"	36.60'	S58°13'22"W	36.49'	
C13	65.00'	100°35'22"	114.12'	S15°41'43"W	100.01'	S34°35'58"E S65°59'24"W
C14	65.00'	062°43'58"	71.17'	N82°38'37"W	67.67'	S65°59'24"W N51°16'38"W
C15	65.00'	026°01'55"	29.53'	N64°17'35"W	29.28'	

CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH	TANGENT IN TANGENT OUT
C16	65.00'	036°42'03"	41.64'	S84°20'26"W	40.93'	S65°59'24"W N51°16'38"W
C17	135.00'	062°43'58"	147.81'	N82°38'37"W	140.54'	
C18	135.00'	037°31'08"	88.40'	S84°44'58"W	86.83'	
C19	135.00'	025°12'50"	59.41'	N63°53'03"W	58.93'	
C20	30.00'	077°53'21"	40.78'	S16°27'21.5"W	37.71'	S55°24'02"W S22°29'19"E
C21	60.00'	151°12'41"	158.35'	S53°07'01.5"W	116.23'	S22°29'19"E N51°16'38"W
C22	60.00'	076°18'42"	79.91'	S15°40'02"W	74.14'	
C23	60.00'	058°45'14"	61.53'	S83°12'01"W	58.87'	
C24	60.00'	016°08'44"	16.91'	N59°21'00"W	16.85'	
C25	60.00'	170°20'53"	178.39'	N33°53'48.5"E	119.57'	N51°16'38"W S60°55'15"E
C26	60.00'	003°10'21"	3.32'	S49°41'28"E	3.32'	
C27	60.00'	058°06'33"	60.85'	N19°03'01"W	58.28'	
C28	60.00'	067°55'05"	71.12'	N43°57'48"E	67.03'	
C29	60.00'	041°08'54"	43.09'	N81°30'12"W	42.17'	
C30	30.00'	063°40'13"	33.34'	N87°14'08.5"E	31.65'	S60°55'45"E N55°24'02"E

ESA LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S08°01'51"E	37.22'
L2	S38°38'07"W	33.38'
L3	S13°51'51"W	16.70'
L4	S23°53'20"E	49.14'
L5	S23°53'20"E	32.87'
L6	S23°53'20"E	16.27'
L7	S62°21'21"E	123.18'
L8	S39°44'43"E	23.41'
L9	S04°13'08"E	73.15'
L10	S37°50'51"E	38.64'
L11	S27°31'31"E	41.31'
L12	S38°28'43"E	43.68'
L13	S49°18'15"E	41.80'
L14	S14°23'50"E	73.65'
L15	S55°28'26"E	68.84'



NOTE:
- THIS SUBDIVISION IS ALL OF TAX PARCEL NOS. L-452-5 AND L451-5
- TOTAL AREA OF ROAD DEDICATED TO THE PUBLIC IS 201,059 S.F. [4.62 ACRES]
- ANY LAND BELOW THE ORDINARY HIGH WATER LINE OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- SEE SHEET 2 FOR ADDITIONAL NOTES, RESTRICTIONS AND COVENANTS

OWNER/SUBDIVIDER:
TOWN OF LAWRENCE
2400 SHADY COURT
DE PERE, WI 54115
AND
THOMAS P. PEROCK FAMILY
IRREVOCABLE TRUST
1521 SAND ACRES DRIVE
DE PERE, WI 54115

LAND SURVEYOR:
DOUGLAS E. WOELZ
MCMAHON ASSOCIATES
1445 MCMAHON DRIVE
NEENAH, WISCONSIN 54956
PHONE #920-751-4200

OBJECTING AUTHORITIES:
- DEPARTMENT OF ADMINISTRATION
APPROVING AUTHORITIES:
- TOWN OF LAWRENCE
- CITY OF DE PERE
- BROWN COUNTY PLANNING COMMISSION

There are no objections to this plat with respect to s.236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____

Department of Administration



McMAHON
ENGINEERS ARCHITECTS

McMAHON ASSOCIATES, INC.
1445 MCMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

THIS INSTRUMENT DRAFTED BY: AMY SEDLAR SHEET 1 OF 2

ROCK RIDGE

ALL OF LOT 2 OF CERTIFIED SURVEY MAP NO. 10028, RECORDED AS DOCUMENT NO. 3128013, BEING A PART OF LOT 71 OF THE RECORDED PLAT OF THE SUBDIVISION OF THE WILLIAM'S GRANT; AND ALL OF LOT 3 OF CERTIFIED SURVEY MAP NO. 9471, RECORDED AS DOCUMENT NO. 3004248, BEING A PART OF LOT 72 OF THE RECORDED PLAT OF THE SUBDIVISION OF THE WILLIAM'S GRANT; ALL IN THE TOWN OF LAWRENCE, BROWN COUNTY, WISCONSIN

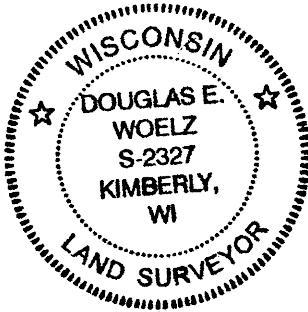
SURVEYOR'S CERTIFICATE

I, Douglas E. Woelz, Wisconsin Professional Land Surveyor S-2327, certify that I have surveyed, divided and mapped all of Lot 2 of Certified Survey Map No. 10028, recorded as Document No. 3128013, being a part of Lot 71 of the recorded plat of The Subdivision of the William's Grant; and all of Lot 3 of Certified Survey Map No. 9471, recorded as Document No. 3004248, being a part of Lot 72 of the recorded plat of The Subdivision of the William's Grant; all in the Town of Lawrence, Brown County, Wisconsin, containing 1,498,407 square feet (34.40 acres).

That I have made such survey, land division, and plat under the direction of the owner of said land. That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made. That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision regulations of the Town of Lawrence and Brown County in surveying, dividing and mapping the same.

Dated this 10th day of June 2026

Douglas E. Woelz
Wisconsin Professional Land Surveyor



OWNER'S CERTIFICATE OF DEDICATION

Town of Lawrence, as Owners, we hereby certify that we caused the land described on this Plat to be surveyed, divided, mapped and dedicated as represented on this Plat. We also certify that this Plat is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection.

Department of Administration
Town of Lawrence
City of De Pere
Brown County Planning Commission

Dated this _____ day of _____, 20____.

Dr. Lanny J. Tibaldo,
Town Chairperson

Cindy Kocken
Town Clerk

State of Wisconsin)
)ss
Brown County)

Personally appeared before me on the _____ day of _____, 20____, the above named persons to me known to be the persons who executed the foregoing instrument, and acknowledged the same.

Notary Public

Brown County, Wisconsin

My commission expires _____

OWNER'S CERTIFICATE OF DEDICATION

Thomas P. Perock Family Irrevocable Trust Dated December 24, 2020, as Owner, I hereby certify that I caused the land described on this Plat to be surveyed, divided, mapped and dedicated as represented on this Plat. I also certify that this Plat is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection.

Department of Administration
Town of Lawrence
City of De Pere
Brown County Planning Commission

Dated this _____ day of _____, 20____.

Bonnie M. Perock, Trustee
Thomas P. Perock Family Irrevocable Trust

State of Wisconsin)
)ss
_____ County)

Personally appeared before me on the _____ day of _____, 20____, the above named person(s) to me known to be the person(s) who executed the foregoing instrument, and acknowledged the same.

Notary Public

_____ County, Wisconsin

My commission expires _____

TOWN OF LAWRENCE APPROVAL

We hereby certify that Rock Ridge in the Town of Lawrence, Brown County was approved and accepted by the Town Board of the Town of Lawrence on this _____ day of _____, 20____.

Dr. Lanny J. Tibaldo, Town Chairperson Date

State of Wisconsin
)ss
Brown County

I, Cindy Kocken, being the duly elected, qualified and acting clerk of the Town of Lawrence, Brown County do hereby certify that the Town Board of the Town of Lawrence passed by voice vote on this _____ day of _____, 20____ authorizing me to issue a certificate of approval of Rock Ridge, Town of Lawrence and Thomas P. Perock Family Irrevocable Trust Dated December 24, 2020 as owners, upon satisfaction of certain conditions, and I do also hereby certify that all conditions were satisfied and the APPROVAL WAS GRANTED AND EFFECTIVE ON THE _____ day of _____, 20____.

Dated _____
Cindy Kocken, Town Clerk

CERTIFICATE OF TOWN TREASURER

As duly elected Town Treasurer, I hereby certify that the records in our office show no unpaid taxes or unpaid special assessments affecting any of the lands included in Rock Ridge as of the date listed below.

Town Treasurer Date
Cindy Kocken

CERTIFICATE OF TREASURER

As duly elected Brown County Treasurer, I hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in Rock Ridge as of the date listed below.

County Treasurer Date
Raymond F. Suennen

CITY OF DE PERE APPROVAL

Approved by the City of De Pere Common Council on this _____ day of _____, 20____.

Carey E. Danen, City Clerk Date

BROWN COUNTY PLANNING COMMISSION APPROVAL

Approved by the Brown County Planning Commission this _____ day of _____, 20____.

Dan Teaters, Planning Director
Brown County Planning Commission

UTILITY EASEMENT PROVISIONS:

An easement for electric, natural gas, and communications service is hereby granted by Thomas P. Perock Family Irrevocable Trust Dated December 24, 2020, Grantor, Town of Lawrence, Grantor,

to
Wisconsin Public Service Corporation, a Wisconsin corporation, Grantee
Wisconsin Bell Inc., d/b/a AT&T Wisconsin, a Wisconsin Corporation, Grantee
Brown County C-Lec, LLC, Grantee
Charter Telecommunications Operating, LLC, Grantee
TDS Metromcom, LLC, Grantee

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, 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, 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.

NOTES:

OUTLOT 1 IS TO BE OWNED & MAINTAINED BY THE TOWN OF LAWRENCE FOR STORM WATER MANAGEMENT PURPOSES.

PLANNED MUNICIPAL IMPROVEMENTS TO INCLUDE UTILITIES SUCH AS STORM SEWER, SANITARY SEWER, WATER MAIN, ASPHALT STREETS WITH CONCRETE CURB & GUTTER.

ELEVATIONS AS SHOWN ON THE PLAT ARE REFERENCED TO NAVD 88 DATUM (07 ADJUSTMENT).

A SHORELAND PERMIT FROM THE BROWN COUNTY ZONING ADMINISTRATOR'S OFFICE IS REQUIRED FOR LOTS 7-14 AND OUTLOT 1 PRIOR TO CONSTRUCTION, FILL, EXCAVATION, OR GRADING ACTIVITY WITHIN 300 FEET OF THE ORDINARY HIGH WATER MARK (OHWM) OF NAVIGABLE RIVERS OR STREAMS, OR TO THE LANDWARD SIDE OF THE FLOODPLAIN, WHICHEVER IS GREATER, AND/OR 1000' OF THE OHWM OF NAVIGABLE LAKES, PONDS, OR FLOWAGES.

LOTS 7-14 AND OUTLOT 1 INCLUDE WETLAND AREAS THAT MAY REQUIRE PERMITS FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES, ARMY CORP OF ENGINEERS, BROWN COUNTY PLANNING COMMISSION, OR THE BROWN COUNTY ZONING ADMINISTRATOR'S OFFICE PRIOR TO ANY DEVELOPMENT ACTIVITY.

THE PROPERTY OWNERS, AT THE TIME OF CONSTRUCTION, SHALL IMPLEMENT THE APPROPRIATE SOIL EROSION CONTROL METHODS OUTLINED IN THE WISCONSIN CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL TECHNICAL STANDARDS (AVAILABLE FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES) TO PREVENT SOIL EROSION. HOWEVER, IF AT THE TIME OF CONSTRUCTION THE TOWN HAS AN ADOPTED SOIL EROSION CONTROL ORDINANCE, IT SHALL GOVERN OVER THIS REQUIREMENT. THIS PROVISION APPLIES TO ANY GRADING, CONSTRUCTION, OR INSTALLATION-RELATED ACTIVITIES.

THE LOCATION OF THE APPROXIMATE ORDINARY HIGH WATER LINE SHALL BE THE POINT ON THE BANK OF THE NAVIGABLE STREAM UP TO WHICH THE PRESENCE AND ACTION OF SURFACE WATER IS SO CONTINUOUS AS TO LEAVE A DISTINCTIVE MARK BY EROSION, DESTRUCTION OF TERRESTRIAL VEGETATION, OR OTHER RECOGNIZED CHARACTERISTICS.

ESA RESTRICTIVE COVENANT:

LOTS 7-14 AND OUTLOT 1 CONTAIN AN ENVIRONMENTALLY SENSITIVE AREA (ESA) AS DEFINED IN THE 2040 BROWN COUNTY URBAN SERVICE AREA WATER QUALITY PLAN. THE ESA INCLUDES DELINEATED WETLANDS, ALL LAND WITHIN 10-30 FEET OF LESS SUSCEPTIBLE WETLANDS, ALL LAND WITHIN 50 FEET OF MODERATELY SUSCEPTIBLE WETLANDS, ALL LAND WITHIN 75 FEET OF HIGHLY-SENSITIVE WETLANDS, FLOODWAY, ALL LAND WITHIN 30 FEET OF THE FLOODWAY OR 75 FEET BEYOND THE ORDINARY HIGH WATER MARK - WHICHEVER IS GREATER, NAVIGABLE WATERWAYS, ALL LAND WITHIN 75 FEET OF THE ORDINARY HIGH WATER MARK OF NAVIGABLE WATERWAYS, AND STEEP SLOPES OF 20% OR GREATER ASSOCIATED WITH ANY AFOREMENTIONED WATER OR NATURAL RESOURCE FEATURES AND A 20-FOOT SETBACK FROM TOP AND BOTTOM OF STEEP SLOPES. DEVELOPMENT AND LAND DISTURBING ACTIVITIES ARE RESTRICTED IN THE ESA UNLESS AMENDMENTS ARE APPROVED BY THE BROWN COUNTY PLANNING COMMISSION AND THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES.

LOT DRAINAGE RESTRICTIVE COVENANT:

THE LAND ON ALL SIDE AND REAR LOT LINES OF ALL LOTS SHALL BE GRADED BY THE LOT OWNER AND MAINTAINED BY THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR ADEQUATE DRAINAGE OF SURFACE WATER.

WONR NOTES:

THE WONR SURFACE WATER VIEWER MAP IDENTIFIES WETLAND INDICATOR SOIL TYPES WITHIN THE SUBJECT PROPERTIES. DUE TO WETLANDS, INDICATOR SOILS, AND/OR WATERWAYS WITHIN THE SUBJECT PROPERTIES, COORDINATE WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES REGARDING POTENTIAL PROTECTIVE AREAS.

PER US ARMY REGULATORY GUIDANCE LETTER NO. 05-02, DATED JUNE 14, 2005: ALL APPROVED WETLAND DETERMINATIONS COMPLETED AND/OR VERIFIED BY THE US ARMY CORPS OF ENGINEERS MUST BE IN WRITING AND WILL REMAIN VALID FOR A PERIOD OF FIVE YEARS, UNLESS NEW INFORMATION WARRANTS REVISION OF THE DETERMINATION BEFORE THE EXPIRATION DATE, OR A DISTRICT ENGINEER IDENTIFIES SPECIFIC GEOGRAPHIC AREAS WITH RAPIDLY CHANGING ENVIRONMENTAL CONDITIONS THAT MERIT RE-VERIFICATION ON A MORE FREQUENT BASIS.

There are no objections to this plat with respect to s.236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

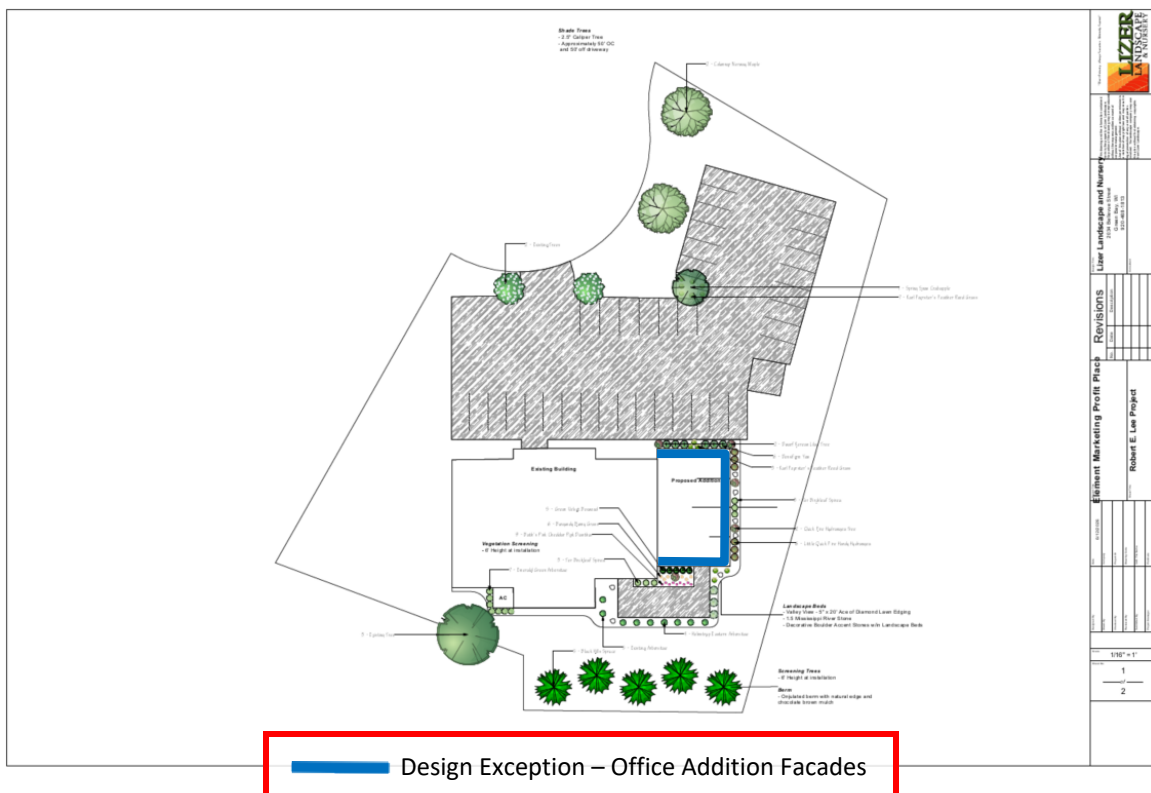
Certified _____

Department of Administration



Consideration and possible action for three major design exceptions from Zoning Ordinance Section 14-91 Table 9-1 [Allowed Major Façade Materials] at 2081 Profit PL (Parcel ED-2389).

SITE MAPS



REQUESTED ACTION:	Major Design Exception (File DE 26-05).	
	<i>Request to allow a fiber cement board façade on here facades of an expansion at the east end of an existing office building that was built in 2009 (expansion front is 35.5-feet, expansion side is 57.1-feet, expansion rear is 35.5-feet for a cumulative total of 128.1 -feet).</i>	
COMMON DESCRIPTION:	2081 Profit PL, south from the Profit PL and Destiny DR intersection. Part of the rear lot line is on Rockland RD.	
ZONING:	C (Commercial District).	
SURROUNDING LAND USES:	Developing commercial (C) to the north, east, and west. Undeveloped (R1-60) to the south.	
COMPREHENSIVE PLAN:	Business Park.	
APPLICANT/OWNER:	<u>Authorized Representative</u> David O'Brien Bayland Buildings 3323 Bay Ridge CT Oneida, WI 54155	<u>Property Owners</u> Element Properties LLC 2081 Profit PL De Pere, WI 54115-7825
LAND USE HISTORY:	The original site plan was approved in 2008. Concept expansion footprints were shown at the both the east and west ends of the building at that time.	
STAFF REVIEW:	<u>Recent Site Plans</u> In 2008, Plan Commission reviewed and approved the original site plan for the existing building and parking lot. The building façade materials included fiber cement board with columns of masonry at all corners. The 2008 site plan also showed two potential building expansion footprints on the east and west ends of the building. Potential building expansion areas require a separate site plan submittal and review. In 2026, the applicant submitted a site plan for an expansion at the east end of the building. The expansion proposed the use of similar façade materials to match the exiting 2008 building, being fiber cement board with columns of masonry at all corners. In the C District the use of masonry columns is permitted, but the use of fiber cement board is prohibited if covering more than 30% of the front, side, or rear of the expansion portion of the building. The applicant asked to submit a design exception for the use of a prohibited façade material on parts of each of the three proposed building expansion facades. <i>NOTE: A narrative/summary about the project and how various elements may work, written by the applicant, is included within the 'Application Form and Supporting Documents' attachment (on pages 2-3 of the attached application.</i>	

Major Design Exception Request: Request to change the prohibited use of fiber cement board as a major façade material on the proposed building expansion to being a permitted major façade material to match the rest of the existing office building at 2081 Profit PL.

The proposed concept plan, called “Element Marketing”, includes a site plan for a 2,027 square foot building expansion at the east end of the existing building. The concept plan also shows an expanded parking lot that is not part of the design exception request. The design exception request is specifically to allow the use of fiber cement board on the building expansion to match the design of the existing building.

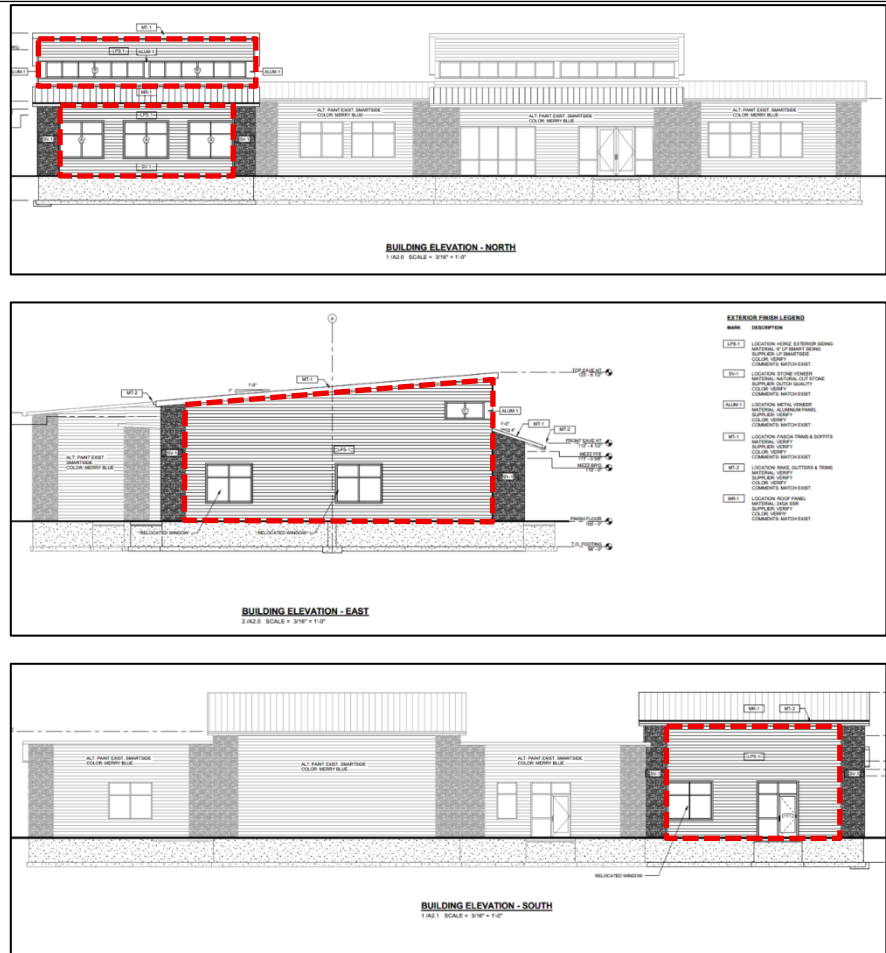
NOTE: The use of fiber cement board is permitted as a minor façade material without a design exception if the amount used does not exceed 30% of each façade on the building expansion.

To accommodate the use of fiber cement board, if approved, the applicant proposed the use of landscaping at the base of all three sides of the addition and patio, the addition of landscaped screening for existing ground level mechanical equipment, and the addition of five black hills spruce trees along the Rockland RD near the rear property line. The landscaping plan does not reference a site plan required 3-foot year round hedge for the expanded parking lot screening from the street, as parking is not part of the design exception. Parking lot screening from the street will be a requirement if a formal site plan is submitted for staff review.

Zoning Ordinance 14-91 Table 9-1 Allowed Major Façade Materials: Fiber cement board is prohibited in the C District.

Zoning Ordinance 14-91 Table 9-2 Allowed Minor Façade Materials: Fiber cement board is permitted in the C District if used on 30% or less of the façade.





Requirement for Plan Commission Review

Plan Commission review is required for major design exceptions related to major and minor façade materials. The requests are considered major design exception for relief from strict compliance with Section 14-91 Table 9-1 [Allowed Major Façade Materials].

To assist the Plan Commission review, the applicant submitted a concept site plan, with the façade materials shown. An applicant written narrative/summary about the project and how various elements may work is included within the 'Application Form and Supporting Documents' attachment (on pages 1-2 of the attached application).

The applicant must address the Zoning Ordinance Section 14-125 "Intent" and the "burden of Proof or Persuasion" requirements of major design exceptions.

Criteria for Review

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

1. The requested design exception is consistent with the general intent statement of 14-125(2);

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

REVIEW PROCESS:

Staff does not make a recommendation for major design exceptions. Plan Commission reviews the petition and then makes a final decision of approval, approve with modifications strictly related to the request, or denial. Information from the applicant is included within the agenda packet.

Note: The Plan Commission may approve, approve with modifications, refer to staff, or deny the request. Any design exception approvals will be incorporated into the site plan review process that is facilitated by staff.



Planning/Zoning Application

Planning & Zoning Department

Submitted On:

Jul 10, 2026, 01:42PM EDT

Parcel Number: (Include ALL parcels)	ED-2389
Nearest property address to the project site:	Street Address: 2081 Profit Pl City: De Pere State: WI Zip: 54115
Check each project type that is being applied for:	Design Exception
What kind of design exception is proposed?	Major Design Exception
What is the design exception proposing to change?	Building coverage
What zoning ordinance section number(s) or table number(s) is impacted?	14-91
Current De Pere Zoning Districts:	C
Existing Site Land Uses:	Commercial
Proposed Site Land Uses:	Commercial
Does the project comply with the Comprehensive Plan?	Yes
Has City Staff been contacted for a pre-consultation meeting?	Yes
Property Owner:	First Name: Nikki Last Name: Peroutka
Is the property owner's address the same as the nearest property address?	Yes
Property Owner's Phone Number:	
Property Owner's Email Address:	
Is someone processing the project for the property owner as their authorized representative?	Yes
Authorized Representative's Name:	First Name: David Last Name: O'Brien

Authorized Representative's Business Name:	Bayland Building Inc
Authorized Representative's Address:	Street Address: 3323 Bay Ridge Ct City: Hobart State: WI Zip: 54155
Authorized Representative's Phone Number:	██████████
Authorized Representative's Email Address:	██
1. A written statement that describes the design exception, why the design exception is necessary, and all efforts that were used to mitigate any adverse impacts resulting from a grant of the exception.	The applicant is requesting a Design Exception from the major façade material requirements as outlined in Section 14-91 and Table 9-1. Fiber cement board products are not permitted as a major façade material within the C District. The applicant is seeking approval to allow the proposed building addition to utilize the same fiber cement board exterior, stone veneer detailing, and overall aesthetic as the existing building, which was constructed in 2012 in compliance with the City of De Pere's zoning regulations in effect at that time. Unlike a new building on a vacant site, this project is an expansion of an existing, legally conforming structure. The addition is not intended to establish a new architectural identity, but rather to extend the existing one. Matching the existing building preserves the integrity of the original architecture and results in a cohesive, unified building. Requiring the addition alone to conform to today's façade composition standards would create an obvious visual distinction between the original building and the addition. The applicant will enhance the site by adding evergreen and deciduous tree screening along the rear property line to improve buffering, aesthetics, and noise mitigation, in addition to exceeding the minimum landscape requirements (see minimum requirement plan vs. enhanced plan).
2. An intent statement that identifies the specific site features or characteristics of the subject property, including the presence of existing buildings, that create conditions that make strict compliance with applicable regulations impractical or undesirable.	The defining characteristic of this property is the presence of an existing commercial building that was lawfully designed, approved, and constructed in 2012. Applying today's facade standards only to the addition would produce an unintended architectural inconsistency. Preserving architectural continuity creates a more cohesive and visually attractive outcome than introducing contrasting materials solely because the ordinance changed after the original building was constructed.
3. An intent statement with a specific description about how alternative design solutions may result in equal or better	The proposed design extends the established materials, proportions, colors, and detailing of the existing structure. This creates a cohesive architectural composition and fulfills the ordinance's intent of encouraging high-quality commercial development.

implementation of the regulation's intended purpose.	As a marketing and branding agency, our building serves as a physical representation of the work we do. Consistency is fundamental to strong brands, and we believe the same principle applies to our facility. A cohesive architectural design reflects the professionalism and consistency that define our business. Additional landscaping provides aesthetic benefits while preserving architectural integrity.
4. An intent statement that describes how the design exception is consistent with the comprehensive plan.	The addition supports reinvestment in an established commercial district, strengthens an existing local business, and preserves the quality of commercial development. Enhanced landscaping further supports attractive commercial corridors and quality site design, with particular emphasis on landscaping facing the South Bridge corridor.
5. A burden of proof and persuasion statement that defines how the 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.	The request affects only the architectural treatment of the addition. By implementing the same architectural design for the addition, the building will enhance the commercial district in which it's located. Strictly adhering to facade requirements will result in a building that is aesthetically disjointed and creates a visual distraction that adversely affects the neighboring properties. Additional tree screening will improve buffering and the property's overall appearance.
Upload File(s) Here	26-6446 Element Marketing - Addition - 260710 Elevations.pdf Element Marketing - Minimum Landscaping Plans.pdf Element Marketing - Enhanced Landscaping Plans.pdf CIVIL PLANS - CREATIVE BUILDING ADDITION 24 X 36 7-10-2026.pdf
Which historic district is the project in?	
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 provide.	
5. That adequate measures have been or will be taken to provide ingress and egress that will minimize on- and off-site traffic congestion.	
6. That the conditional use complies with all other applicable regulations of this zoning ordinance.	
Finally, provide details that will help with decisionmaking about the operation of the use. Include hours and days of operations, seasonal operation, shipment/delivery requirements and hours, parking requirements, drop-off zones, queuing lines, height oand width of existing and new structures (for wireless telecommunications, site plan details, etc.	
Please attach a DETAILED NARRATIVE that answers the following conditional use criteria and standards: 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 provide. 5. That adequate measures have been or will be taken to provide ingress and egress that will minimize on-and off-site traffic congestion. 6. That the conditional use complies with all other applicable regulations of this zoning ordinance. Finally, provide details that will help with decisionmaking about the operation of the use. Include hours and days of operations, seasonal operation, shipment/delivery requirements and hours, parking requirements, drop-off zones, queuing lines, height oand width of existing and new structures (for wireless telecommunications, site plan details, etc.	
Please attach a PDF copy of color photographs of all affected areas and all sides of building.	
Please attach a PDF copy of sketches and elevation drawings.	
Please attach a PDF copy of material, design and color samples.	
Please attach a PDF copy of a site plan showing the location of the project, adjoining structures, and fences.	
Please attach a PDF copy with a project description summary. (Describe the above referenced	

materials, designs, colors, and dimensions.)	
Please attach a PDF DOCUMENT that includes the following: A written summary specifically describing the project and why the location was selected over colocation. Sworn statements from the responsible party attesting that colocation would not result in the same mobile service functionality, coverage, and capacity, or is technically unfeasible. A map of the proposed mobile service facility location, a map of the proposed tower location with setbacks and collapse radius. A construction plan and narrative for landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, and increased yard or parking requirements.	
Does this development exceed 5 acres in area and have estimated costs of more than \$125,000?	
Identify the seasonal time of year:	
How do you plan on paying for your application?	Online with a credit card
Total Due:	\$175.00
Property Owner or Authorized Representative Signature	First Name: David Last Name: O'Brien Email Address:

David O'Brien

Signed at: July 10, 2026 1:41PM America/New_York

User's Session Information

98.102.5.230, Referrer URL



Designed By

Drawn By

Checked By

Reviewed By

Submitted By

Project Manager

Date

6/12/2026

Company

Project ID

Drawing Code

CAD File Name

Plot Date

Sheet Title

Robert E. Lee Project

Revisions

No.	Date	Description

Scale

1/16" = 1'

Sheet No.

1 of 2

Design Firm

Lizer Landscape and Nursery

2034 Bellevue Street

Green Bay, WI

920-468-1813

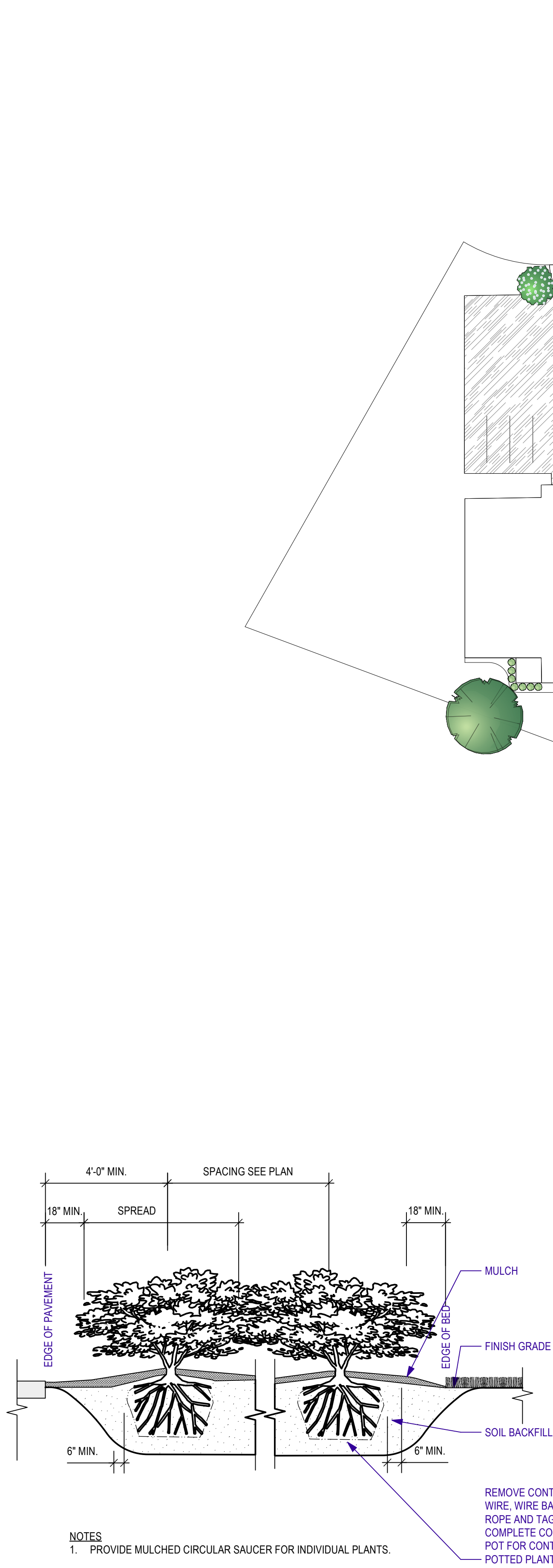
Consultant

"Some Cultures. Always Sustainable. Naturally Inspired."

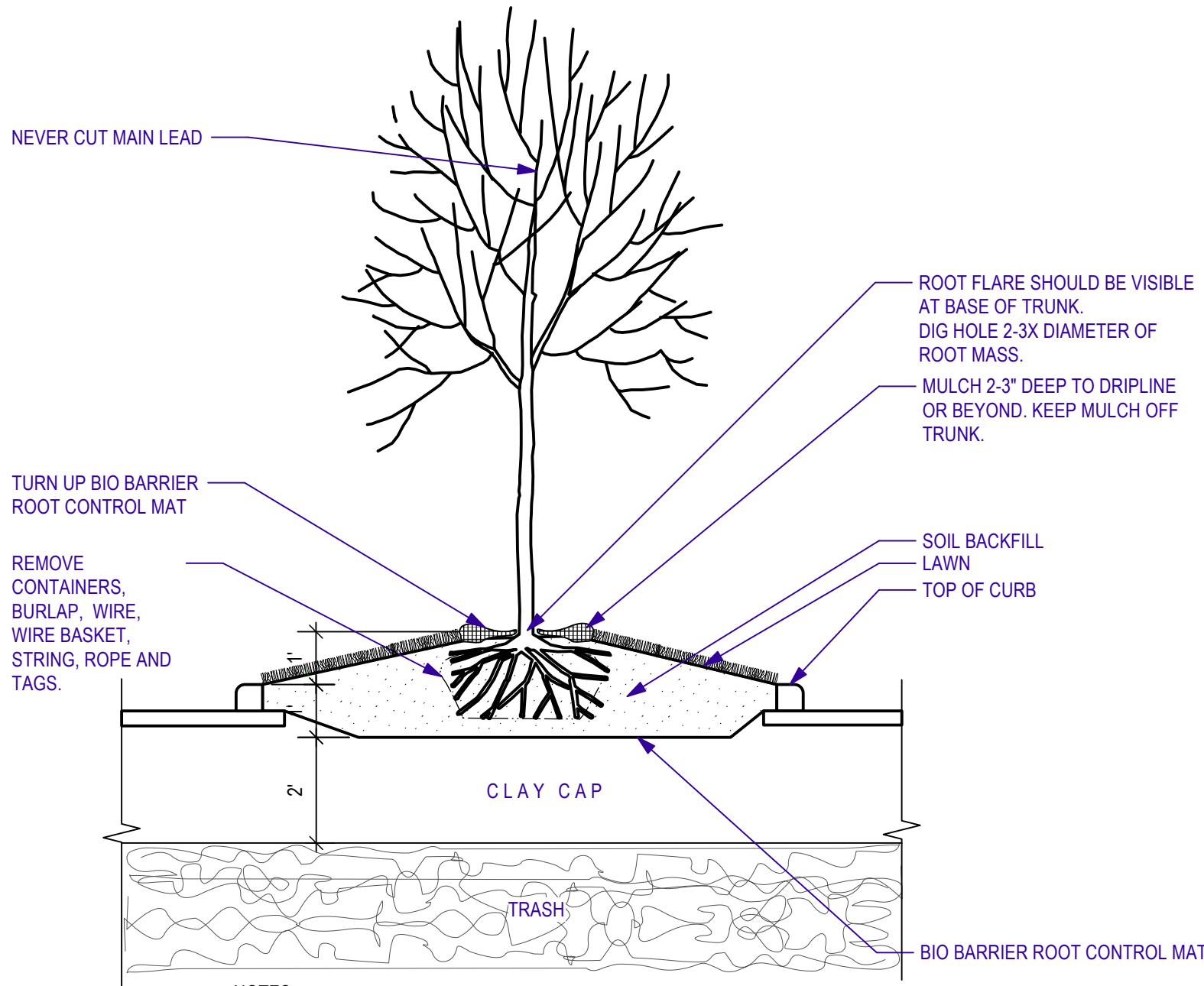
LIZER

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- NOTES
1. PROVIDE MULCHED CIRCULAR SAUCER FOR INDIVIDUAL PLANTS.
 2. ROOT FLARE SHOULD BE VISIBLE AT BASE.



- NOTES
1. PROVIDE MULCHED CIRCULAR SAUCER FOR INDIVIDUAL PLANTS.
 2. GUYING AND STAKING TO BE DETERMINED IN THE FIELD BY THE LANDSCAPE ARCHITECT. LOCAL FIELD CONDITIONS AS WELL AS PLANT CHARACTERISTICS WILL DETERMINE THE NECESSITY OF GUYING AND STAKING.
 3. TYPICALLY ONLY TREES WITH A 3\"/>

Plant List - Types with Images				
	Qty	Common Name	Botanical Name	Scheduled Size
Conifers				
	5	Black Hills Spruce	Picea glauca 'Densata'	6'
	7	Emerald Green Arborvitae	Thuja occidentalis 'Smaragd'	6'
	4	Holmstrup Eastern Arborvitae	Thuja occidentalis 'Holmstrup'	
Ornamental Grass-Bamboos				
	6	Burgundy Bunny Grass	Panicum virgatum 'Shenandoah'	1G
	13	Karl Foerster's Feather Reed	Calamagrostis x acutiflora 'Karl Foerster'	1G
Perennials				
	9	Bath's Pink Cheddar Pink Dianthus	Dianthus x allwoodii	1G
Shrubs				
	3	Bobo Hardy Hydrangea	Hydrangea paniculata 'Bobo'	5G
	6	Densiform Yew	Densiform x media	5G
	2	Dwarf Korean Lilac Tree	Syringa pubescens subsp. patula 'Miss Kim'	10G
	5	Green Velvet Boxwood	Buxus 'Green Velvet'	5G
	6	Little Quick Fire Hardy Hydrangea	Hydrangea paniculata	5G
Trees	5	Quick Fire Hydrangea Tree	Hydrangea paniculata 'Bulk' P.P. #16,812, C.B.R.	10G
	6	Tor Birchleaf Spirea	Spiraea betulifolia 'Tor'	5G
	2	Columnar Norway Maple	Acer platanoides 'Columnar'	2.5IN
	1	Spring Snow Crabapple	Malus x 'Spring Snow' P.P.# 2667	2.5IN

Design Firm

Lizer Landscape and Nursery

2034 Bellevue Street
Green Bay, WI
920-468-1813

Consultant

Revisions

No.	Date	Description

6/12/2026

Company

Project ID

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CAD File Name

Plot Date

Robert E. Lee Project

Scale

1/16" = 1'

Sheet No.

2 of 2

"Date, Culture, Always Sustainable, Naturally Healthy"

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Designed By

Drawn By

Checked By

Reviewed By

Submitted By

Project Manager

Date

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Element Marketing Profit Place

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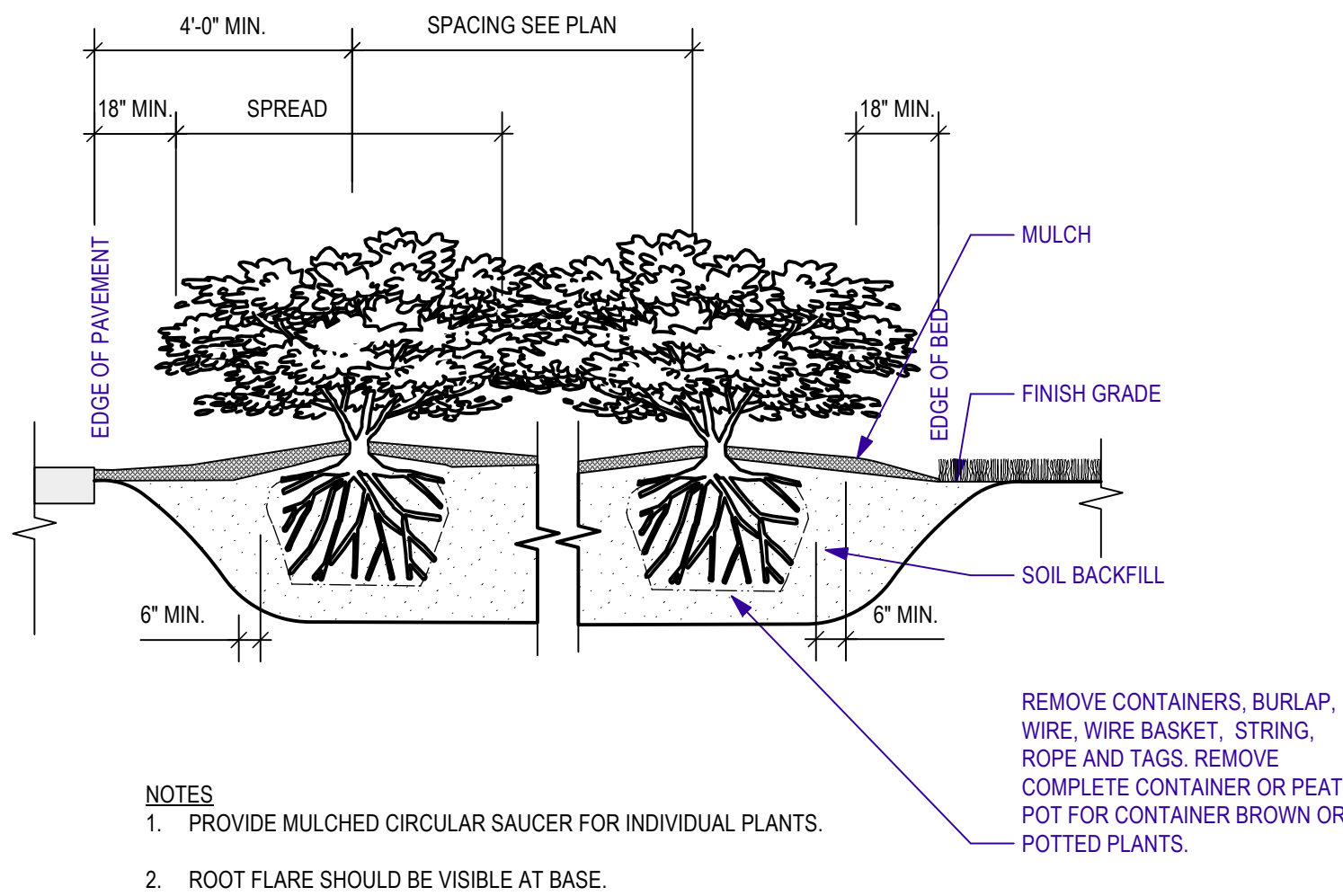
Consultant

"Save Calipers, Always Surround, Naturally Nurture"

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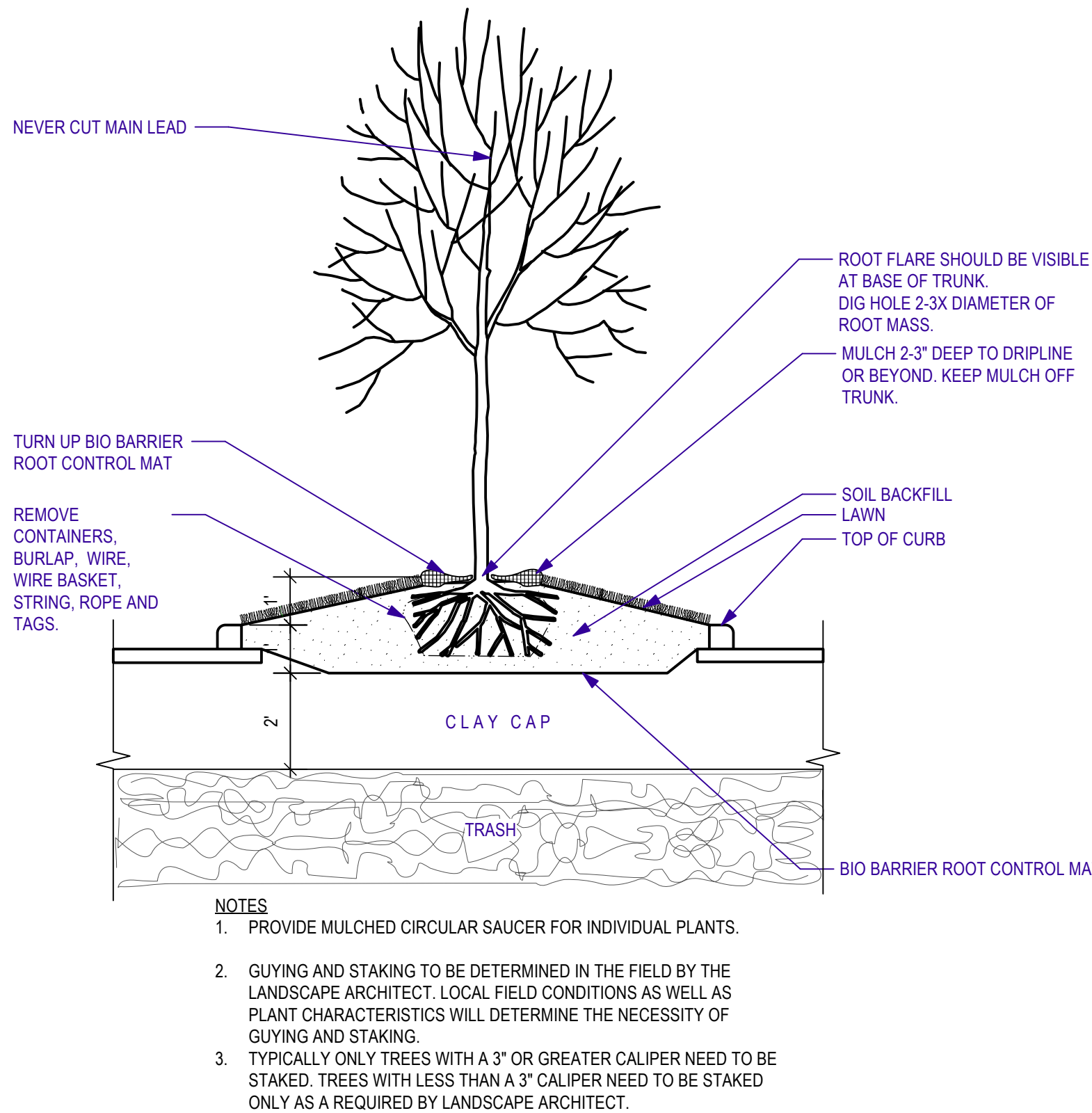
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- NOTES
1. PROVIDE MULCHED CIRCULAR SAUCER FOR INDIVIDUAL PLANTS.
 2. ROOT FLARE SHOULD BE VISIBLE AT BASE.
- REMOVE CONTAINERS, BURLAP, WIRE, WIRE BASKET, STRING, ROPE AND TAGS. REMOVE COMPLETE CONTAINER OR PEAT POT FOR CONTAINER BROWN OR POTTED PLANTS.

Plant List - Types with Images

	Qty	Common Name	Botanical Name	Scheduled Size
Conifers				
	5	Black Hills Spruce	Picea glauca 'Densata'	5'
	7	Emerald Green Arborvitae	Thuja occidentalis 'Smaragd'	5'
Shrubs				
	5	Dark Horse Weigela	Weigela florida 'Dark Horse'	3G
	10	Green Velvet Boxwood	Buxus 'Green Velvet'	3G
	6	Little Quick Fire Hardy Hydrangea	Hydrangea paniculata	3G
	10	Tor Birchleaf Spirea	Spiraea betulifolia 'Tor'	3G
Trees				
	3	Columnar Norway Maple	Acer platanoides 'Columnar'	2.5IN



- NOTES
1. PROVIDE MULCHED CIRCULAR SAUCER FOR INDIVIDUAL PLANTS.
 2. GUYING AND STAKING TO BE DETERMINED IN THE FIELD BY THE LANDSCAPE ARCHITECT. LOCAL FIELD CONDITIONS AS WELL AS PLANT CHARACTERISTICS WILL DETERMINE THE NECESSITY OF GUYING AND STAKING.
 3. TYPICALLY ONLY TREES WITH A 3" OR GREATER CALIPER NEED TO BE STAKED. TREES WITH LESS THAN A 3" CALIPER NEED TO BE STAKED ONLY AS A REQUIRED BY LANDSCAPE ARCHITECT.

Design Firm

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2034 Bellevue Street
Green Bay, WI
920-468-1813

Consultant

Revisions

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Element Marketing Profit Place

Robert E. Lee Project

6/12/2026

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PROPOSED ADDITION FOR:

ELEMENT MARKETING

DE PERE, WISCONSIN; COUNTY OF: BROWN

SCALE VERIFICATION

THIS BAR MEASURES 1" ON ORIGINAL.
ADJUST SCALE ACCORDINGLY.

NOTICE OF COPYRIGHT
THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO
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CONSTRUCTION OR BUILDINGS BEING SEIZED AND/OR MONETARY
COMPENSATION TO BAYLAND BUILDINGS, INC.

JOB NUMBER: 26-6446

PROJECT EXECUTIVE: JIM THYES
(920) 371-6200

DRAWN BY: JRG

DATE: 7/10/2026

REVISIONS:

ISSUED FOR: CHECKED DATE:
BY:

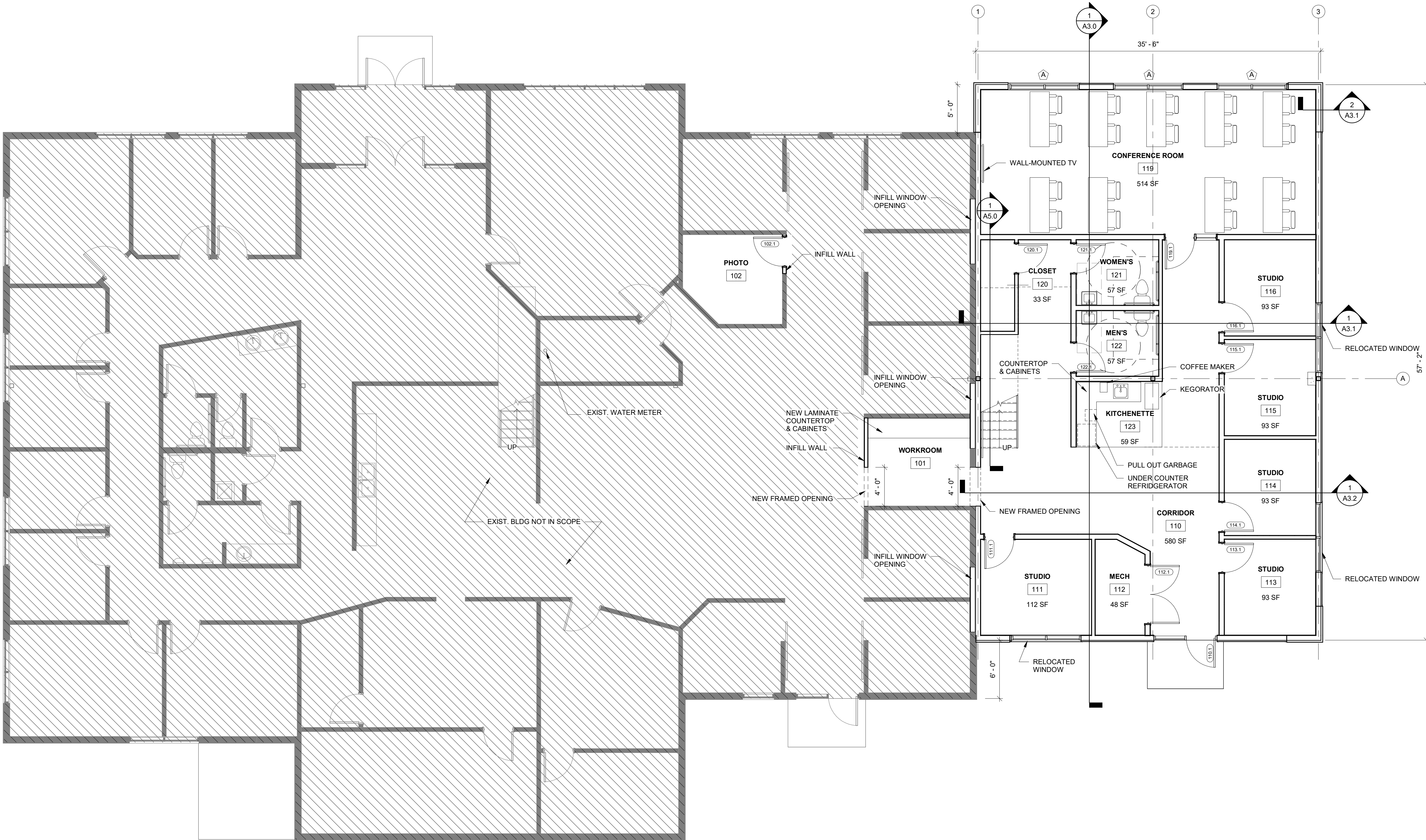
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☒ DESIGN REVIEW
☐ CHECKSET
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FLOOR PLAN - PROPOSED

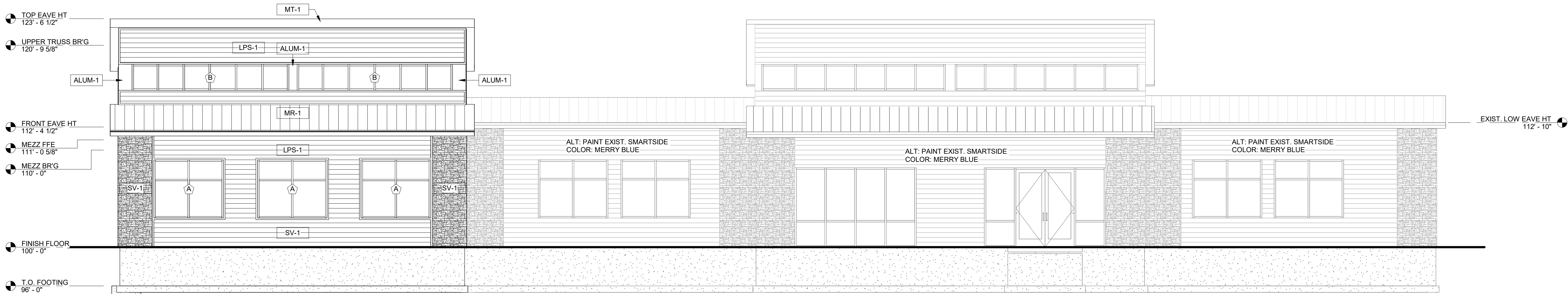
A1.1

FLOOR PLAN - OVERALL

1/A1.1 SCALE = 3/16" = 1'-0"

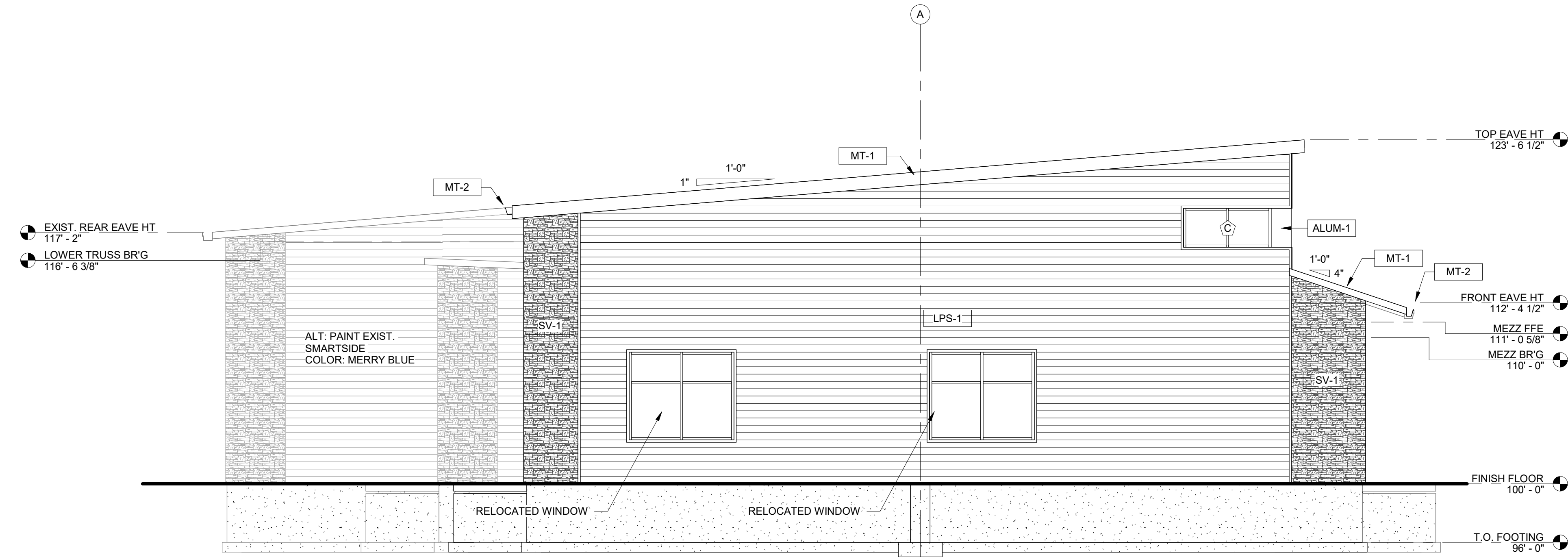


PLAN NOTES:
1) ALL DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD (U.N.O.)



BUILDING ELEVATION - NORTH

1/A2.0 SCALE = 3/16" = 1'-0"



BUILDING ELEVATION - EAST

2/A2.0 SCALE = 3/16" = 1'-0"

EXTERIOR FINISH LEGEND

MARK	DESCRIPTION
LPS-1	LOCATION: HORIZ. EXTERIOR SIDING MATERIAL: 6" LP SMART SIDING SUPPLIER: LP SMARTSIDE COLOR: VERIFY COMMENTS: MATCH EXIST.
SV-1	LOCATION: STONE VENEER MATERIAL: NATURAL CUT STONE SUPPLIER: DUTCH QUALITY COLOR: VERIFY COMMENTS: MATCH EXIST.
ALUM-1	LOCATION: METAL VENEER MATERIAL: ALUMINUM PANEL SUPPLIER: VERIFY COLOR: VERIFY COMMENTS: MATCH EXIST.
MT-1	LOCATION: FASCIA TRIMS & SOFFITS MATERIAL: VERIFY SUPPLIER: VERIFY COLOR: VERIFY COMMENTS: MATCH EXIST.
MT-2	LOCATION: RAKE, GUTTERS & TRIMS MATERIAL: VERIFY SUPPLIER: VERIFY COLOR: VERIFY COMMENTS: MATCH EXIST.
MR-1	LOCATION: ROOF PANEL MATERIAL: 24GA SSR SUPPLIER: VERIFY COLOR: VERIFY COMMENTS: MATCH EXIST.

PROPOSED ADDITION FOR:

ELEMENT MARKETING

DE PERE, WISCONSIN; COUNTY OF: BROWN

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JOB NUMBER: 26-6446

PROJECT EXECUTIVE: JIM THYES
(920) 371-6200

DRAWN BY: JRG

DATE: 7/10/2026

REVISIONS:

ISSUED FOR: CHECKED BY: DATE:

- ☐ PRELIMINARY
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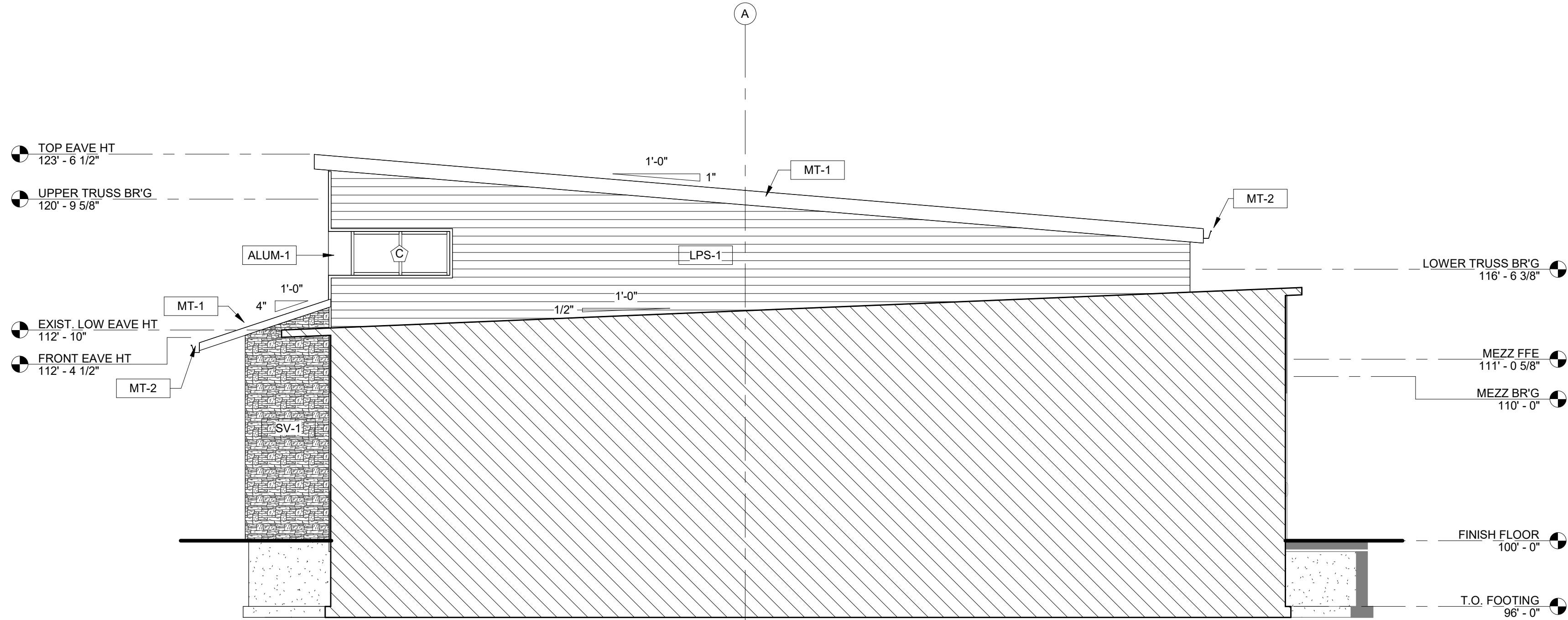
ELEVATION - EXTERIOR

A2.0



BUILDING ELEVATION - SOUTH

1 /A2.1 SCALE = 3/16" = 1'-0"



BUILDING ELEVATION - WEST

2 /A2.1 SCALE = 3/16" = 1'-0"

EXTERIOR FINISH LEGEND

MARK	DESCRIPTION
LPS-1	LOCATION: HORIZ. EXTERIOR SIDING MATERIAL: 6" LP SMART SIDING SUPPLIER: LP SMARTSIDE COLOR: VERIFY COMMENTS: MATCH EXIST.
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PROPOSED ADDITION FOR:

ELEMENT MARKETING

DE PERE, WISCONSIN; COUNTY OF: BROWN

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☐ BID SET
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☐ CHECKSET
☐ CONSTRUCTION

ELEVATION - EXTERIOR

A2.1



City of De Pere, Wisconsin

4.E

Request for Plan Commission Action

Meeting Date:	July 27, 2026
Department:	Development Services
From:	Peter Schleinz, City Planner/Zoning Administrator
Subject:	Consideration and possible action For July 2026 amendments to Municipal Code Chapter 16 (Floodplain Zoning Ordinance).*
Recommendation:	Motion to approve.

Attachments:

Floodplain Zoning Ordinance Memo - 27 Jul 2026, DRAFT REVISION - Floodplain Zoning Ordinance - 13 Jul 2026

CITY OF DE PERE MEMO



To: James Boyd, Mayor
Plan Commission Members

From: Peter Schleinz, Senior Planner | Zoning Administrator

Date: July 27, 2026

RE: **Consideration and possible action For July 2026 amendments to Municipal Code Chapter 16 (Floodplain Zoning Ordinance).***

Summary:

On April 18, 2023, the Floodplain Zoning Ordinance was repealed and replaced to comply with Wisconsin 2019 ACT 175 requirements for local governments regulating nonconforming structures in a floodplain. The new Floodplain Zoning Ordinance became effective on April 21, 2023.

On July 1, 2026, the Wisconsin Department of Natural Resources informed City staff about three Letter of Map Revision (LOMR) references that must be added to a list of 'Official Maps and Revisions' within the Floodplain Zoning Ordinance as new subsection 16-05(2)(a)5. The new subsection would read as follows:

5. Letter of Map Revision (LOMR) numbers 95-05-029R effective 12/21/1994, 19-05-3386P effective 9/18/2020, 23-05-0990P effective 9/25/2023.

A copy of the Floodplain Zoning Ordinance is included with this memo. The new subsection is redlined on page 1-2.

Staff Request:

Recommend that the Common Council approve an amendment to add subsection 16-05(2)(a)5. to the Floodplain Zoning Ordinance.

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

PROPOSED TIMELINE FOR A WDNR REQUIRED REVISION OF THE FLOODPLAIN ZONING ORDINANCE

July 7, 2026	DSM Discussion
July 27, 2026	Plan Commission Recommendation to Common Council
July 31, 2026	Public Hearing Notice Published (first of Class II)
August 7, 2026	Public Hearing Notice Published (second of Class II)
August 18, 2026	Public Hearing Held
August 18, 2023	Common Council Decision
August 21, 2026	Common Council Decision Published
August 22, 2026	Revised Floodplain Zoning Ordinance Becomes Effective

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

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16-01 Statutory Authorization

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

16-02 Finding of Fact

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

16-03 Statement of Purpose

This ordinance is intended to regulate floodplain development to:

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

floodplain.

16-04 Title

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

16-05 General Provisions

(1) Areas to be regulated

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

(2) Official Maps and Revisions

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

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

1. Flood Insurance Rate Map (FIRM), panel numbers 55009C0254G and 55009C0258G, dated 05/09/2023;
2. Flood Insurance Rate Map (FIRM), panel numbers 55009C0242F, 55009C0244F, 55009C0253F, 55009C0259F, 55009C0261F, 55009C0262F,

55009C0263F, 55009C0264F,
55009C0266F, 55009C0267F, and
55009C0268F, dated 08/18/2009;

3. Flood Insurance Study (FIS) for City of De
Pere (Brown County) 55009CV001C,
55009CV002C, 55009CV003C, and
55009CV004C, dated 05/09/2023;

4. Approved by: The DNR and FEMA;

5. Letter of Map Revision (LOMR) numbers
95-05-029R effective 12/21/1994, 19-
05-3386P effective 9/18/2020, 23-05-
0990P effective 9/25/2023.

(b) Official Maps based on other studies. Any
maps referenced in this section must be
approved by the DNR and be more
restrictive than those based on the FIS at
the site of the proposed development.

(3) Establishment of Floodplain Zoning Districts

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

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

(4) Locating Floodplain Boundaries

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

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

(a) If flood profiles exist, the map scale and
the profile elevations shall determine
the district boundary. The regional or
base flood elevations shall govern if
there are any discrepancies.

(b) Where flood profiles do not exist for
projects, including any boundary of
zone A, or AO the location of the
boundary shall be determined by the
map scale.

(5) Removal of Lands from Floodplain

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

administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

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

(6) Compliance

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

(7) Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all

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

(8) Abrogation and Greater Restrictions

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

(9) Interpretation

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this

ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) Warning and Disclaimer of Liability

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

(11) Severability

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

(12) Annexed Areas for Cities and Villages

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

ARTICLE II. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

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

16-10 Purposes

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

(1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

- (a) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Be constructed with flood-resistant materials;
- (c) Be constructed by methods and practices that minimize flood damages; and
- (d) Mechanical and utility equipment must be elevated to or above the flood protection elevation.

(2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:

- (a) Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
- (b) Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

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

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

16-11 Hydraulic and Hydrologic Analyses

(1) No floodplain development shall:

- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

- (b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article [VIII Amendments](#) are met.

16-12 Watercourse Alterations

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

As soon as is practicable, but not later than six months after the date of the watercourse

alteration or relocation and pursuant to Article [VIII Amendments](#), the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

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

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

16-14 Public or Private Campgrounds

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

- (1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than

one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in Section [16-14\(4\)](#) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;

- (6) All mobile recreational vehicles placed on site must meet one of the following:
 - (a) Be fully licensed, if required, and ready for highway use; or
 - (b) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - (c) Meet the requirements in either Article [III Floodway District \(FW\)](#), Article [IV Floodfringe District \(FF\)](#) or Section [16-40](#) for the floodplain district in which the structure is located;
- (7) A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with Section [16-14\(6\)](#) and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (11) All service facilities, including but not

limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and

Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with Section [16-14\(2\)](#).

(12) Standards for structures in a campground:

- (a) All structures must comply with Section [16-14](#) or meet the applicable requirements in Article [III Floodway District \(FW\)](#), Article [IV Floodfringe District \(FF\)](#) or Section [16-40](#) for the floodplain district in which the structure is located;
- (b) Deck / landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with Section [16-14\(2\)](#). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (c) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
- (d) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

- (e) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with Section [16-14\(2\)](#).

- (13) A land use permit shall be obtained as provided under Section [16-60\(2\)](#) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

ARTICLE III. FLOODWAY DISTRICT (FW)

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

16-20 Applicability

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

16-21 Permitted Uses

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

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

docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Wis. Stats.

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

16-22 Standards for Development in the floodway

(1) General

- (a) Any development in the floodway shall comply with Article II and have a low flood damage potential.
- (b) Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to Section [16-11](#) and Section [16-61\(2\)\(c\)](#). The analysis must be completed by a registered professional engineer in the state of Wisconsin.

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

(2) Structures

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

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

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

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

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

- (c) Must be anchored to resist flotation, collapse, and lateral movement;
 - (d) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
 - (e) Must not obstruct flow of flood waters or

cause any increase in flood levels during the occurrence of the regional flood.

- (f) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets Section [16-22\(2\)\(a\)](#) through Section [16-22\(2\)\(e\)](#) and meets or exceeds the following standards:

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

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

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

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

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

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

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

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

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

and

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

(3) Public Utilities, Streets, and Bridges

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

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of Section [16-11](#).

(4) Fills or Disposition of Materials

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

- (a) The requirements of Section [16-11](#) are met;
- (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

16-23 Prohibited Uses

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

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;
- (3) Uses not in harmony with or detrimental to

uses permitted in the adjoining districts;

- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE IV. FLOODFRINGE DISTRICT (FF)

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

16-30 Applicability

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

16-31 Permitted Uses

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

16-32 Standards for Development in the Floodfringe

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

(1) Residential Uses

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

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

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

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

(2) Accessory Structures or Uses

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

(3) Commercial Uses

In addition to Article II, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of Section [16-32\(1\)](#). Subject to the requirements of Section [16-32\(5\)](#), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life

and property.

(4) Manufacturing and Industrial Uses

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

(5) Storage of Materials

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

(6) Public Utilities, Streets, and Bridges

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

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

(7) Sewage Systems

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Section [16-64\(3\)](#), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) Wells

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Section [16-64\(3\)](#), to the

flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) Solid Waste Disposal Sites

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

(10) Deposition of Materials

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

(11) Manufactured Homes

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

(12) Mobile Recreational Vehicles

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

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

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

ARTICLE V. OTHER FLOODPLAIN DISTRICTS

16-40	<u>General Floodplain District (GFP)</u>	5-1
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16-40 General Floodplain District (GFP)

(1) Applicability

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

(2) Floodway Boundaries

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

(3) Permitted Uses

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

(4) Standards for Development in the General Floodplain District

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

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

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

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

(5) Determining Floodway and Floodfringe Limits

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

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

1. A Hydrologic and Hydraulic Study as

specified in Section [16-60\(2\)\(c\)](#).

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

ARTICLE VI. NONCONFORMING USES

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

16-50 General

(1) Applicability

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

(2) Existing Lawful Uses

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

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

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

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

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

compliance with Section [16-32\(1\)](#). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

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

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

1. Residential Structures

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

2. Nonresidential Structures

- a. Shall meet the requirements of Section [16-50\(2\)\(h\)1.a.](#) through Section [16-](#)

[50\(2\)\(h\)1.f.](#)

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

(3) Nonconforming Historic Structures

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

(4) Nonconforming Buildings

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

- (a) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
- (b) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
- (c) The nonconforming building is permanently changed to conform to the applicable requirements of Article [II General Standards](#) *Applicable to all Floodplain Districts*;

- (d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of Section [16-22\(1\)](#), Section [16-22\(2\)\(b\)](#) through Section [16-22\(2\)\(e\)](#), Section [16-22\(3\)](#), Section [16-22\(4\)](#), and Section [16-51](#). Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Section [16-40\(5\)](#). If the encroachment is in the floodway, it must meet the standards in Section [16-22\(4\)](#);
- (e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of Section [16-32](#) and Section [16-52](#);
- (f) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;
- (g) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
 - i. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section [16-50\(4\)\(g\)](#) above.

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

must not increase the degree of their nonconformity;

- (m) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet Section [16-50\(4\)\(f\)](#) through Section [16-50\(4\)\(l\)](#) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Section [16-40\(5\)](#). If the encroachment is in the floodway, it must meet the standards in Section [16-22\(4\)](#). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

- (n) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with Section [16-40\(5\)](#). If the encroachment is in the floodway, it must meet the standards in section [16-22\(4\)](#). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

- (o) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or

- (p) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in Section [16-50\(4\)\(g\)](#) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

16-51 Floodway District

(1) Modifications or Additions

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

- (a) Has been granted a permit or variance which meets all ordinance requirements;
- (b) Meets the requirements of Section [16-50](#);
- (c) Shall not increase the obstruction to flood flows or regional flood height;
- (d) Any addition to the existing structure shall be floodproofed, pursuant to Section [16-64](#), by means other than the use of fill, to the flood protection elevation; and
- (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

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

(2) Sewage Disposal Systems

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

(3) Wells

No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, Section [16-64\(3\)](#) and chs. NR 811 and NR 812, Wis. Adm. Code.

16-52 Floodfringe District

(1) Modifications or Additions

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

(2) Variances

Where compliance with the provisions of Section [16-52\(1\)](#) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in

Section [16-62](#), may grant a variance from those provisions of Section [16-52\(1\)](#) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

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

(3) Sewage Disposal Systems

All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, Section [16-64\(3\)](#) and ch. SPS 383, Wis. Adm. Code.

(4) Wells

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

ARTICLE VII. ADMINISTRATION

16-60	Zoning Administrator	7-1
16-61	Zoning Agency	7-5
16-62	Board of Appeals	7-5
16-63	Review of Appeals to Permit Denials	7-7
16-64	Floodproofing Standards	7-8
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Where a zoning administrator, planning agency or a Board of Appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also administer this ordinance.

16-60 Zoning Administrator

(1) Duties and Powers

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

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

5. All substantial damage assessment reports for floodplain structures.

6. List of nonconforming structures and uses.

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

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

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

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

(2) Land Use Permit

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

(a) General Information

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and

whether it is new construction or a modification;

(b) Site Development Plan

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

1. Location, dimensions, area, and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether the requirements of Article III or Article IV are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section [16-11](#). This may include any of the information noted in Section [16-22\(1\)](#).

(c) Hydraulic and Hydrologic Studies to Analyze Development

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State.

The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

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

openings and the top of road is required at each structure.

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

c. Mapping

A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

- ii. If any part of the proposed

development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

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

- iii. Existing (Pre-Project Conditions) Model.
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - iv. Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
 - c. Mapping
Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
 - i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - vii. Both the current and proposed floodways shall be shown on the map.
 - viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) Expiration

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

(3) Certificate of Compliance

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

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(b) Application for such certificate shall be concurrent with the application for a permit;

(c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

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

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

(f) Where applicable pursuant to Section 16-40(4), the applicant must submit certifications

by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by Section [16-40\(4\)](#).

(4) Other Permits

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

16-61 Zoning Agency

(1) The Development Services Department shall:

(a) Oversee the functions of the office of the zoning administrator; and

(b) Review and advise the governing body on all proposed amendments to this ordinance, maps, and text.

(c) Publish adequate notice pursuant to Ch. 985, Wis. Stats., specifying the date, time, place, and subject of the public hearing.

(2) The Development Services Department shall not:

(a) grant variances to the terms of the ordinance in place of action by the Board of Appeals; or

(b) amend the text or zoning maps in place of official action by the governing body.

16-62 Board of Appeals

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

(1) Duties and Powers

The Board of Appeals shall hear and decide the

following:

(a) Appeals -- Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance;

(b) Boundary Disputes -- Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

(c) Variances -- Hear and decide, upon appeal, variances from the ordinance standards.

(2) Appeals

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

(b) Notice and Hearing for Appeals Including Variances

1. Notice - The Board of Appeals shall:

(a) Fix a reasonable time for the hearing;

(b) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and

(c) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

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

(a) Resolve boundary disputes according to Section [16-62\(3\)](#);

(b) Decide variance applications according to

Section [16-62\(4\)](#); and

(c) Decide appeals of permit denials according to Section [16-63](#).

(c) Decision -- The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board of Appeals;
4. State the specific facts which are the basis for the Board of Appeals' decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board of Appeals proceedings.

(3) Boundary Disputes

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

(a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.

(b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals; and

(c) If the boundary is incorrectly mapped, the Board of Appeals should inform the zoning committee or the person contesting the boundary location to petition the governing

body for a map amendment according to Article [XIII Amendments](#).

(4) Variances

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

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

(b) In addition to the criteria in Section [16-62\(4\)\(a\)](#), to qualify for a variance under FEMA regulations, the Board of Appeals must find that the following criteria have been met:

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

(c) A variance shall not:

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

(d) When a floodplain variance is granted the Board of Appeals shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

16-63 Review of Appeals to Permit Denials

(1) Data to Review

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

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

(2) Appeals of all Denied Permits

For appeals of all denied permits the Board of

Appeals shall:

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

(3) Appeals Concerning Increases in Regional Flood Elevation

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

- (a) Uphold the denial where the Board of Appeals agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article [VIII Amendments](#); and
- (b) Grant the appeal where the Board of Appeals agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

16-64 Floodproofing Standards

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

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

(2) Structure Designed to Allow the Entry of Floodwaters

For a structure designed to allow the entry of

floodwaters, no permit or variance shall be issued until the applicant submits a plan that is either:

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

(3) Floodproofing Measures

Floodproofing measures shall be designed, as appropriate, to:

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

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

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

16-65 Public Information

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

ARTICLE VIII. AMENDMENTS

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16-70 When Permitted

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

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

16-71 General

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

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in Section [16-05\(2\)\(b\)](#);

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

16-72 Procedures

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

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Wis. Stats., for cities and villages.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all

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

ARTICLE IX. ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Wis. Stats.

ARTICLE X. DEFINITIONS

16-91 General Definitions

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

(1) Terms beginning with "A"

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

AH ZONE – See "AREA OF SHALLOW FLOODING".

AO ZONE – See "AREA OF SHALLOW FLOODING".

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

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

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

(2) Terms beginning with "B"

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

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

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

BUILDING – See STRUCTURE.

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

(3) Terms beginning with "C"

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

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

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

CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and

conduct normal flow of water.

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

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

(4) Terms beginning with “D”

DEPARTMENT – The Wisconsin Department of Natural Resources.

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

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

(5) Terms beginning with “E”

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

(6) Terms beginning with “F”

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

FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the

floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

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

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

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

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

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

FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood

hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

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

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

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

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

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

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

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

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

FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates

for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

(7) Terms beginning with “G”

Reserved.

(8) Terms beginning with “H”

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

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

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

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

HISTORIC STRUCTURE – Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been

- approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

(9) Terms beginning with “I”

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

(10) Terms beginning with “J”

Reserved.

(11) Terms beginning with “K”

Reserved.

(12) Terms beginning with “L”

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

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

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

(13) Terms beginning with “M”

MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.

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

"mobile recreational vehicle."

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

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

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

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

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

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

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

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

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

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

(14) Terms beginning with “N”

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

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

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.

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

NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the

floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

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

(15) Terms beginning with “O”

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

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

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

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

(16) Terms beginning with “P”

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

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

PUBLIC UTILITIES – Those utilities using

underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

(17) Terms beginning with “Q”

Reserved.

(18) Terms beginning with “R”

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

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

START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(19) Terms beginning with “S”

STRUCTURE – Any manmade object with form, shape and utility, either permanently or

temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

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

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

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

(20) Terms beginning with “T”

Reserved.

(21) Terms beginning with “U”

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

(22) Terms beginning with “V”

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

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

(23) Terms beginning with “W”

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

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

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

(24) Terms beginning with “X”

Reserved.

(25) Terms beginning with “Y”

Reserved.

(26) Terms beginning with “Z”

Reserved.

#END#



City of De Pere, Wisconsin

4.F

Request for Plan Commission Action

Meeting Date:	July 27, 2026
Department:	Development Services
From:	Peter Schleinz, City Planner/Zoning Administrator
Subject:	Consideration and possible action for shipping container uses in the Mixed-Use Districts with amendments to Municipal Code Chapter 14 (Zoning Ordinance).*
Recommendation:	Motion to approve.

Attachments:

Shipping Container Memo - 27 Jul 2026, Shipping Container Zoning Ordinance
Revision - DRAFT - 23 Jul 2026

CITY OF DE PERE MEMO



To: James Boyd, Mayor
Plan Commission Members

From: Peter Schleinz, Senior Planner | Zoning Administrator

Date: July 27, 2026

RE: **Consideration and possible action for shipping container uses in the Mixed-Use Districts with amendments to Municipal Code Chapter 14 (Zoning Ordinance).***

Summary:

On June 22, 2026, Plan Commission and staff reviewed shipping container images and discussed the potential addition of shipping container uses as accessory structures within the City's mixed-use districts. The Zoning Ordinance limits the use of shipping containers due to restrictions for metal façade materials in the mixed use district. Plan Commission asked staff to draft a Zoning Ordinance revision for further discussion in July.

DRAFT Zoning Ordinance Revision:

The attached DRAFT Zoning Ordinance revision includes the following, in summary, to allow for continued discussion and possible action by Plan Commission:

- A revision to Principal Use Table 7-1 to add "Shipping Container" as an accessory use, if approved by conditional use in the MX1, MX2, MX3, GX1, and GX2 (mixed use) districts.
- The addition of a new accessory use subcategory 14-78(14) for "shipping Container" with the following subcategories and regulations:
 - Purpose.
 - Intent.
 - Prohibited uses that are called out to minimize confusion with other allowed uses in Table 7-1.
 - Where allowed in relation to zoning districts, interior side and rear yards, setbacks, easements, and a 200 foot separation from other approved shipping containers.
 - Supplemental regulations for site plans, building codes, utility connections, permanent installation, accessibility, 10 foot maximum height, no stacking, orienting the primary façade, façade material treatments, transparency, rooflines, rooftop use, façade colors, seating area locations, queuing area locations, landscaping, illumination, refuse and recyclable material storage, signage, mural usage, liquor licensing, and required removal after 12 months of non-use.

Within the "9. façade treatment" regulation, staff highlighted the wording for murals. Plan Commission should discuss whether a mural could be considered in lieu of using required percentages of major façade materials.

Staff Request:

Discuss the DRAFT Zoning Ordinance Principal Use Table 7-1 revision with the new accessory use subcategory 14-78(14). Recommend one of the following:

1. Make no shipping container related revisions to the Zoning Ordinance.
2. Direct staff to further revise the DRAFT Zoning Ordinance for a future Plan Commission meeting review.
3. Recommend that the Common Council approve an amendment to the Zoning Ordinance for shipping containers in the mixed-use districts.

Design Standards for Shipping-Container Accessory Uses in the Mixed-Use Districts

Revise Principal Use Table 7-1

Add Shipping Container to The Table 7-1 Accessory Use section as a conditional Use for the five Mixed-Use Districts only.

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	
Amateur Radio Service Antenna	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	14-78(2)
Crop Agriculture	-	-	-	-	-	-	-	-	-	●	●	●	●	●	●	-	-	14-78(4)
Drive-in/Drive-through Service	-	-	-	-	-	●	●	●	●	-	●	-	-	-	-	-	-	14-77(5)
Electric Vehicle Charging Station	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	14-78(6)
Geothermal Energy System	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	14-78(7)
Home Occupation, Type A	●	●	●	●	●	●	●	●	●	-	-	-	-	-	●	-	-	14-78(8)
Home Occupation, Type B	Ⓒ	Ⓒ	Ⓒ	Ⓒ	Ⓒ	Ⓒ	Ⓒ	Ⓒ	Ⓒ	-	-	-	-	-	Ⓒ	-	-	14-78(8)
Outdoor Display	-	-	-	-	-	●	●	-	-	-	●	-	-	-	-	-	-	14-78(9)
Outdoor Storage	-	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	14-78(10)
Residential Composting	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	-	14-78(11)
Satellite Dish Antenna	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	14-78(12)
Secondary Suite	●	●	●	●	-	-	-	-	-	-	-	-	-	-	-	-	-	14-78(13)
Shipping Container	-	-	-	-	Ⓒ	Ⓒ	Ⓒ	Ⓒ	Ⓒ	-	-	-	-	-	-	-	-	14-78(14)
Solar Energy System	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	14-78(15)
OTHER																		
Wireless Telecommunications	See 14-79																	

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

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

Add New Accessory Use Subcategory 14-78(14)

(14) Shipping Container

(a) Purpose

The shipping container regulations of this section are intended to allow businesses in the X Districts to use shipping containers as an accessory structure to operate a public gathering space for use such as an eating and drinking places, stages, and other outdoor event spaces. Shipping containers cannot be used as accessory storage spaces.

(b) Intent

The intent is to:

1. Maintain and complement community and character;
2. Allow contemporary/industrial design expression;
3. Ensure high quality, permanent installations; and
4. Support pedestrian oriented placemaking.

(c) Prohibited Shipping Container Use

The following uses are expressly prohibited for shipping containers:

1. Household living.
2. Short-term rentals.
3. General storage, storage facilities, data center warehousing, and warehouses.
4. Refuse and recyclable materials storage.
5. Temporary or mobile shipping containers, except for construction projects.

(d) Where allowed

1. Zoning Districts: Shipping containers may be allowed if

approved by conditional use in the X Districts.

2. Within Parcel: Shipping containers must be located in the rear half of an interior side yard or in the rear yard of a parcel.
3. Setbacks: Shipping container setbacks are a minimum of 4 feet from all property lines. However, alley-fronted property lines may be reduced to 0 feet. Shipping Containers cannot be placed over a property line.
4. Easements: Shipping containers may not be placed on utility, storm water, access, or other public easements without written permission from the holder of the easements.
5. Separation: Shipping containers cannot be located within 200 feet of other approved shipping containers to prevent clusters from disrupting the X Districts or downtown. Shipping containers that are less than 200 feet apart may be considered if approved as a major design exception.

(e) Supplemental Regulations

All shipping containers are subject to the following supplemental regulations:

1. Site plan required: An approved site plan with the shipping container shown is required prior to the

- installation of a shipping container on a property.
2. Building Codes: Use of shipping containers must comply with city inspection, UCBC, and IBC regulations.
 3. Utility connections: Shipping containers with kitchens, sinks, or restrooms, must include water, sanitary sewer, and stormwater/storm sewer services that are approved by department of public works.
 4. Permanent installation required: Shipping containers must be placed on and attached to a permanent foundation (piers, slab, or engineered footings).
 5. Accessibility: The shipping container order/receiving window(s) must be accessible, meeting ADA compliance regulations. At least one table must be provided that is ADA accessible between the order/receiving window(s) and the table.
 6. Maximum height: 10 feet tall.
 7. Stacking prohibited: Shipping containers cannot be stacked on top of each other.
 8. Primary façade: The primary façade for the shipping container must face a public street, alley, or public pedestrian corridor. The primary façade may face into a courtyard or gathering space on the property if located along an alley.
 9. Façade treatment: Street, alley, and public pedestrian corridor facing facades must include the addition of at least 20% major façade materials that are allowed in the X Districts. Painted shipping containers and murals are not considered a major façade material when calculating 20%.
 10. Transparency: A minimum of 20% transparency is required for street, alley, and public pedestrian corridor facing facades. However, transparency is not required for alley facing facades of the primary façade faces into a courtyard or gathering space on the property. Windows, roll-up windows, garage style doors, and service windows may be included when calculating 20%.
 11. Rooflines: Shipping containers must include a defined top edge such as a parapet, cap, rooftop amenity deck, or architectural band.
 12. Rooftop use allowed: The rooftop of a shipping container may be used as a rooftop amenity deck.
 13. Façade Colors: Colors used must be similar or complimentary to the colors used on the primary structure. Fluorescent façade colors are prohibited. However, fluorescent colors may be used in a mural.

14. Seating areas: Seating areas cannot be within streets, alleys, and public pedestrian corridors.
15. Queuing Areas: Queuing areas must be provided that do not obstruct streets, alleys, and public pedestrian corridors.
16. Landscaping: At least 10% of the designated outdoor gathering space for shipping containers must include landscaping (planters, trellises, green screens) that soften the industrial appearance of the shipping container.
17. Illumination: The use of string lights, warm ambient lighting, and architectural lighting is encouraged. All shipping container façade lighting must be dark sky compliant and fall under the light spill thresholds identified in Section 14-95.
18. Refuse and Recyclable Materials: Refuse and recyclable material storage must be located in the rear yard only and must comply with Section 14-94. A shipping container may share refuse and recyclable material storage with the primary use.
19. Signage: Each shipping container is allowed to have a maximum of two signs that are attached to the shipping container, if approved by sign permit. At a minimum, allowed sign types, sizes, and

locations must comply with Sections 14-111 Table 11-4 and 13-113. Except that free standing signs that are not attached to the shipping container are prohibited.

20. Murals: Shipping containers are allowed to have murals that do not include signage.
21. Liquor licensing: Shipping containers that serve beer, wine, and/or liquor must have a liquor license that is approved by the city clerk office.
22. Required removal of unused Shipping Container: If a shipping containers is unused for a period longer than 12 months, then the conditional use becomes invalid and the shipping container must be removed from the property within 30 days.

END



City of De Pere, Wisconsin

4.G

Request for Plan Commission Action

Meeting Date:	July 27, 2026
Department:	Development Services
From:	Peter Schleinz, City Planner/Zoning Administrator
Subject:	Discussion about site plans received since the June 2026 Plan Commission meeting and review of the status of recently approved development projects.
Recommendation:	No Action Needed.

Attachments:
SP Reviews Memo

CITY OF DE PERE MEMO



To: James Boyd, Mayor
Plan Commission Members

From: Peter Schleinz, Senior Planner | Zoning Administrator

Date: July 27, 2026

RE: **Discussion about site plans received since the June 2026 Plan Commission meeting and review of the status of recently approved development projects.**

Summary:

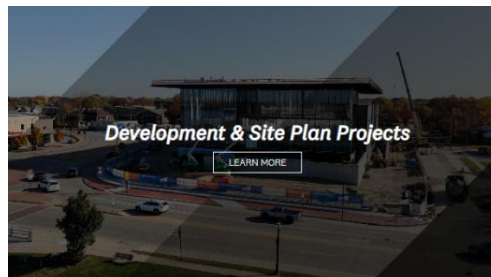
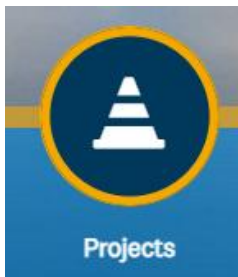
The City of De Pere approved a new Zoning Ordinance that became effective on January 1, 2023. The new Zoning Ordinance speeds up the site plan review process by allowing staff to approve site plan proposals that comply with the Zoning Ordinance.

Attached is a list of site plans that are either awaiting developer revisions, under staff review, recently approved, recently completed, or denied. Updated information is also available on the City website.

Development and Site Plan Projects are Available Online

Updated development and site plan project information is available to Plan Commission and the public at any time by accessing the City website, clicking on 'Projects', and clicking on 'Development & Site Plan Projects'.

- City Website Link: <https://www.deperewi.gov/>



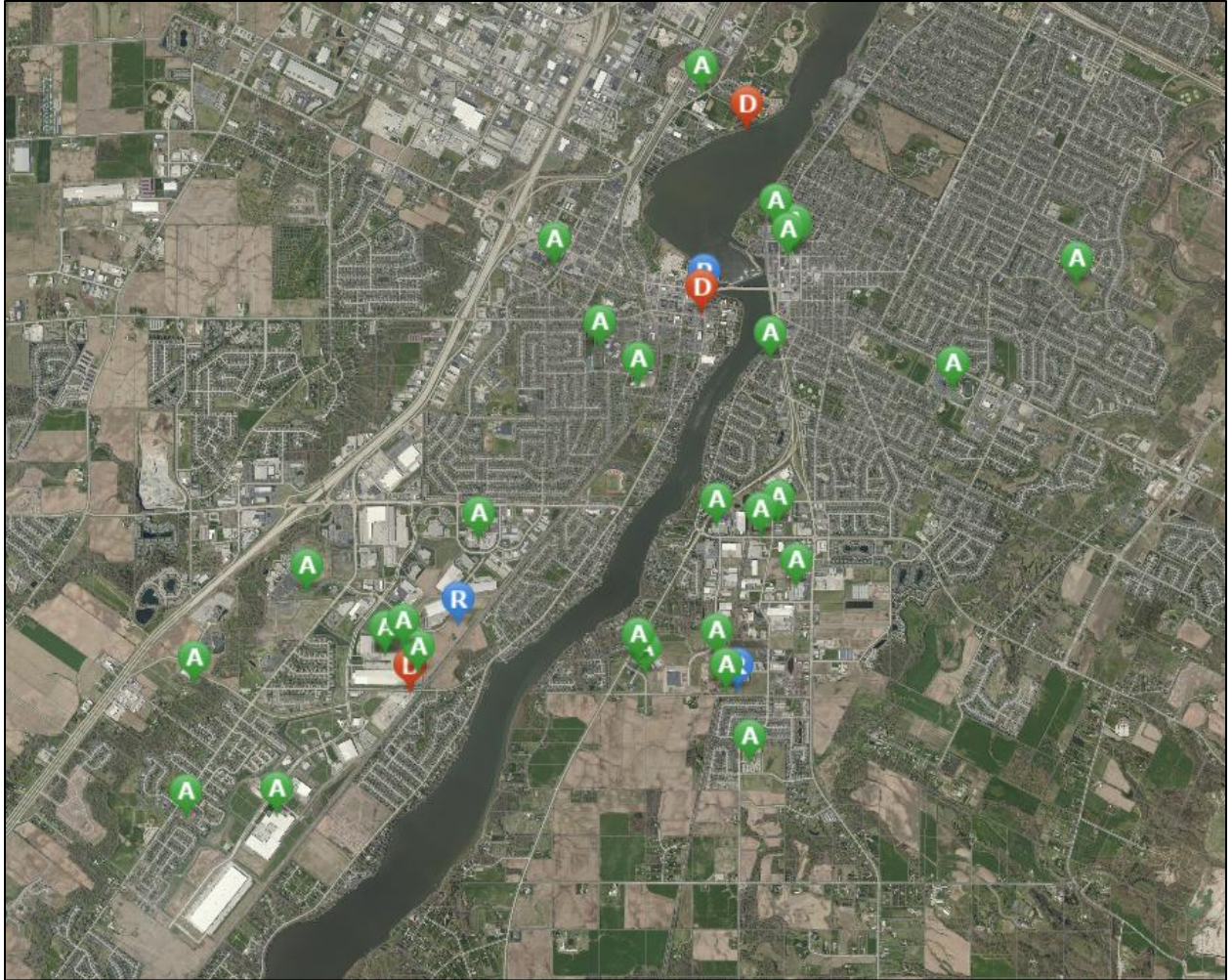
There are two alternatives to access the development and site plan project information online: The first alternative is navigating to the Planning & Zoning page. The second alternative is direct access using the following link: <https://www.deperewi.gov/topic/index.php?topicid=574&structureid=124>.

Development and Site Plan Information Available

The development and site plan projects page includes an interactive project map, a list of projects, and tables for project status with a link to the actual site plans and project contacts.

Staff Recommendation

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



Page last updated on July 15, 2026.

Development & Site Plan Projects

This page includes a linked Project Map with the locations of recent development and site plan projects in the City of De Pere that are either being revised by the developer (D), under staff review (R), recently approved (A), recently completed (green X), or recently denied (red X). For additional information about a specific project, access to developer contact information, and site plans, click on the project in the List of Projects.

Project Map

List of Projects

Developer Revising Plans:

- [303 Reid ST - One Barrel Renovation](#)
- [1500 Fort Howard AV - Brown County Fairgrounds Campground Road and Trail Addition](#)
- [2121 American BL - New Robinson Metal Southeast Warehouse Access Drive](#)

Projects that are Under Staff Review:

- [2015 Venture AV - New Bliffert Lumber](#)
- [301-305 Main AV - New 'The Alley District](#)
- [700 Millennium CT - New Shop and Office](#)

Projects that are Recently Approved:

- [2275 American BL - Green Bay Packaging Area D Addition](#)
- [1900 BLK Lebrun ST - New Norfield Apartments](#)
- [815 Fox River DR - New Residential Three-Unit Building and Garage](#)
- [1731 Fort Howard AV - Replay Sports Bar & Grill Addition](#)
- [747 Heritage RD - New Belmark Family Center](#)
- [633 Heritage RD - Belmark Plant 3 Compactor Addition](#)
- [2121 American BL - New Robinson Parking Lot](#)
- [411 Destiny DR - Mobius Parking Restripe and New Playground](#)
- [1700 Chicago ST - De Pere High School Re-pavement](#)
- [845 Prosper ST - Valley Cabinet Loading Dock and Pavement Addition](#)
- [665 Grant ST - West De Pere High School Autos Addition](#)
- [925 S Sixth ST - MSC Expansion](#)
- [1100 BLK Employers BL - New Phoenix of De Pere Multi-Unit Residential](#)
- [3001 Ryan RD - Altmayer Elementary School Re-Pavement \(includes new pavement\)](#)
- [2000 BLK Profit PL - New Soft Light Photography](#)
- [224 N Wisconsin ST - New De Pere Parking Facility](#)
- [2221 Innovation DR - American 3-Fab](#)
- [2121 American BL - New Robinson West Laydown Yard](#)
- [403-409 N Broadway ST - White Pillars Expansion](#)
- [114 S Ninth ST - New Ninth ST Multi-Tenant Development](#)
- [2005 Commerce DR - New City Composting Yard Waste Site](#)
- [2385 Lawrence DR - New Draco Pavement and Screening](#)
- [550 William ST - New 550 West Mixed Use](#)
- [215 N Wisconsin ST - New Towneplace Suites Hotel](#)
- [450 Fortune AV - New Robinson Metal Transportation Terminal & Outdoor Storage Area](#)
- [1751 W Matthew DR - Sustana Fibers Flash Dryer System Addition](#)
- [1405 Enterprise DR - New Contractor Warehouses](#)
- [701 Millennium CT - Storage Shop USA Phase 2 & 3 Addition](#)

Projects that are Recently Completed:

- None

Projects that are Recently Denied:

- None

Additional Project Status Information

New Bliffert Lumber

Address: 2015 Venture AV

Parcel Number: WD-D0077

City Funding: TID 11

Developer or Authorized Representative: Brandon Robaidek, Robert E Lee & Associates

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress	Plan Commission Review	Site Plan Approved or Denied	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
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[Click here to see the site plan and developer contact information.](#)

One Barrel Renovation

Address: 303 Reid ST

Parcel Number: WD-955

City Funding: TID 9

Developer or Authorized Representative: Douglas Pahl, Aro Eberle Architects

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans	Staff Review in Progress	Plan Commission Review	Site Plan Approved or Denied	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
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[Click here to see the site plan and developer contact information.](#)

Green Bay Packaging Area D Addition

Address: 2275 American BL

Parcel Number: WD-L492-B-2

City Funding: TID 12

Developer or Authorized Representative: Jason Daye, Excel Engineering INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved Jul 02, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
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[Click here to see the site plan and developer contact information.](#)

New 'The Alley District'

Address: 301-301 Main AV

Parcel Number: WD-906, WD-907

City Funding: NO

Developer or Authorized Representative: Tom Gavic

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee	Developer Revising Plans	Staff Review in Progress	Plan Commission	Site Plan Approved or	Permits Issued or Under	Certificate of Occupancy	Project Completed
---------------------------------	--------------------------	--------------------------	-----------------	-----------------------	-------------------------	--------------------------	-------------------

(C)	(C)		Review	Denied	Construction	Issued
Click here to see the site plan and developer contact information.						

Belmark Plant 3 Compactor Addition**Address: 633 Heritage RD**

Parcel Number: ED-F0094

City Funding: TID 10

Developer or Authorized Representative: Carolyn Adler, McMahon Associates

Project Status:

(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Apr 27, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
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[Click here to see the site plan and developer contact information.](#)**Replay Sports Bar & Grill Addition****Address: 1731 Fort Howard AV**

Parcel Number: WD-60-1

City Funding: No

Developer or Authorized Representative: Evan Vander Linden, E. Van's Custom Construction

Project Status:

(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - May 21, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
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[Click here to see the site plan and developer contact information.](#)**Brown County Fairgrounds Campground Road and Trail Addition****Address: 1500 Fort Howard AV**

Parcel Number: WD-70-1, WD-67, WD-57, WD-56-1

City Funding: No

Developer or Authorized Representative: Eric Handler, Robert E Lee & Associates INC

Project Status:

(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans	Staff Review in Progress	Plan Commission Review	Site Plan Approved or Denied	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
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[Click here to see the site plan and developer contact information.](#)**New Belmark Family Center****Address: 747 Heritage RD**

Parcel Number: ED-F0103-2, ED-F0103-3

City Funding: No

Developer or Authorized Representative: Carolyn Adler, McMahon Associates

Project Status:

(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - May 04, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Residential Three-Unit Building and Garage

Address: 815 Fox River DR

Parcel Number: ED-91

City Funding: No

Developer or Authorized Representative: Nathan Kovac, Vierbicher

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Jun 04, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

De Pere High School Re-pavement

Address: 1700 Chicago ST

Parcel Number: ED-1128-30

City Funding: No

Developer or Authorized Representative: Jesse Becker, Point of Beginning

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Mar 05, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

Valley Cabinet Loading Dock and Paving Addition

Address: 845 Prosper ST

Parcel Number: ED-F0102

City Funding: TIF 10

Developer or Authorized Representative: David O'Brien, Bayland Buildings

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Feb 11, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Norfield Apartments

Address: 1900 BLK Lebrun ST

Parcel Number: ED-1164-32-2

City Funding: No

Developer or Authorized Representative: Tyler Jorgensen, Slusarek Construction

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee	Developer Revising Plans	Staff Review in Progress (C)	Plan Commission	Site Plan Approved - Jul	Permits Issued or Under	Certificate of Occupancy	Project Completed
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(C)	(C)		Review (C)	01, 2026 (C)	Construction	Issued
Click here to see the site plan and developer contact information.						

New Shop and Office**Address: 700 Millennium CT**

Parcel Number: part of ED-2311

City Funding: TIF 10

Developer or Authorized Representative: Brandon Robaidek, Robert E Lee and Associates INC

Project Status:

(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress	Plan Commission Review	Site Plan Approved or Denied	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
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[Click here to see the site plan and developer contact information.](#)**Alt Mayer Elementary School Re-pavement (includes new pavement)****Address: 3001 Ryan RD**

Parcel Number: ED-R28

City Funding: No

Developer or Authorized Representative: Jesse Becker, Point of Beginning INC

Project Status:

(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Jan 12, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
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[Click here to see the site plan and developer contact information.](#)**Mobius Parking Restripe and New Playground****Address: 411 Destiny DR**

Parcel Number: ED-F0081-1

City Funding: No

Developer or Authorized Representative: Tanner Wojcik, Vierbicher

Project Status:

(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Mar 17, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
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[Click here to see the site plan and developer contact information.](#)**West De Pere High School Autos Addition****Address: 665 Grant ST**

Parcel Number: WD-864

City Funding: No

Developer or Authorized Representative: Nathan Stark, Bray Architects

Project Status:

(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Feb 19, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New De Pere Parking Facility**Address: 224 N Wisconsin ST**

Parcel Number: ED-875

City Funding: TIF 18

Developer or Authorized Representative: Daniel Lindstrom, City of De Pere, Development Services

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Jan 22, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

MSC Expansion**Address: 925 S Sixth ST**

Parcel Number: WD-142, WD-144-1-1

City Funding: City Project

Developer or Authorized Representative: Yeechue Thao, raSmith

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Jan 27, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Soft Light Photography**Address: 2000 BLK Profit PL**

Parcel Number: ED-2384

City Funding: TIF 17

Developer or Authorized Representative: Shawn Jandry, McMahon Associates INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Jan 07, 2026 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Phoenix of De Pere Multi-Unit Residential**Address: 1100 BLK Employers BL**

Parcel Number: WD-D0031-1

City Funding: TIF 8

Developer or Authorized Representative: Kyle Clark, Robert E Lee & Associates

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Jan 23, 2023 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

American 3-Fab New Pavement and Screening

Address: 2221 Innovation DR

Parcel Number: WD-L436-3

City Funding: TIF 8

Developer or Authorized Representative: Tonya Wagner, Vierbicher

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Oct 15, 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Robinson West Laydown Yard

Address: 2121 American BL

Parcel Number: WD-1040, WD-1042, WD-1043

City Funding: Partially in TIF 11

Developer or Authorized Representative: Steven Kolar, Payne & Dolan INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved- Oct 08, 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Ninth Street Multi-Tenant Development

Address: 114 S Ninth ST

Parcel Number: WD-D0200-4

City Funding: TIF 13

Developer or Authorized Representative: Drew Willmann, DeLeers Construction INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Sep 17, 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New City Composting Yard Waste Site

Address: 2005 Commerce DR

Parcel Number: ED-3100

City Funding: City Project in TIF 10

Developer or Authorized Representative: Eric Rakers, City Engineer, City of De Pere

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Jul 25, 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Robinson Metal Parking Lot**Address: 2121 American BL**

Parcel Number: WD-1040, WD-1041-1, WD-1041-2

City Funding: Partially in TIF 11

Developer or Authorized Representative: Steven Kolar, Payne & Dolan INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - 15 Apr 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New 550 West Mixed Use**Address: 550 William ST**

Parcel Number: ED-875-1

City Funding: TIF 18

Developer or Authorized Representative: Brandon Robaidek, Robert E Lee & Associates INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - May 30, 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Draco Pavement and Screening**Address: 2385 Lawrence DR**

Parcel Number: WD-L487

City Funding: No

Developer or Authorized Representative: Brandon Robaidek, Robert E Lee & Associates INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Jun 24, 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Towneplace Suites Hotel**Address: 215 N Wisconsin ST**

Parcel Number: ED-861

City Funding: TIF 18

Developer or Authorized Representative: Brandon Robaidek, Robert E Lee & Associates INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - May 16, 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Robinson Metal Warehouse Southeast Access Drive

Address: 2121 American BL

Parcel Number: WD-1040, WD-1041-1, WD-1041-2

City Funding: Partially in TIF 11

Developer or Authorized Representative: Steven Kolar, Payne & Dolan INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress	Plan Commission Review	Site Plan Approved or Denied	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Robinson Metal Transportation Terminal & Outdoor Storage

Address: 450 Fortune AV

Parcel Number: WD-1040, WD-1041-1, WD-104102, WD-1043

City Funding: TIF 11

Developer or Authorized Representative: Steven Kolar, Payne & Dolan INC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Mar 05, 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

White Pillars Expansion

Address: 403 N Broadway ST

Parcel Number: ED-752

City Funding: No

Developer or Authorized Representative: Bob Mach, Mach IV Engineering & Surveying LLC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Sep 30, 2025 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

New Contractor Warehouses

Address: 1405 Enterprise DR

Parcel Number: ED-2077-1

City Funding: No

Developer or Authorized Representative: Mathew Litchfield, Mach IV Engineering & Surveying LLC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Sep 03, 2024 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

Sustana Fibers Flash Dryer System Addition

Address: 1751 W Matthew DR

Parcel Number: WD-364-D-526

City Funding: No

Developer or Authorized Representative: Dan Bassindale, Sustana Solutions

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans	Staff Review in Progress (C)	Plan Commission Review (C)	Site Plan Approved - Oct 10, 2024 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

Storage Shop USA Phase 2 & 3 Addition

Address: 701 Millennium CT

Parcel Number: ED-3090

City Funding: No

Developer or Authorized Representative: Dave Anderson, Owner, Town and Country Development LLC

Project Status:
(C) indicates Completed Step

Submit Site Plan and Review Fee (C)	Developer Revising Plans (C)	Staff Review in Progress (C)	Plan Commission Review - Sep 26, 2022 (C)	Site Plan Approved - Oct 4, 2022 (C)	Permits Issued or Under Construction	Certificate of Occupancy Issued	Project Completed
Click here to see the site plan and developer contact information.							

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4.H

Request for Plan Commission Action

Meeting Date:	July 27, 2026
Department:	Development Services
From:	Peter Schleinz, City Planner/Zoning Administrator
Subject:	Discussion on a Moratorium for Hyperscale Data Centers for a period of no longer than 12 months. Staff continues to work on a Moratorium for presentation to Plan Commission in August, 2026.
Recommendation:	No Action Needed.

Attachments:

Moratorium Memo - 27 Jul 2026

CITY OF DE PERE MEMO



To: James Boyd, Mayor
Plan Commission Members

From: Peter Schleinz, Senior Planner | Zoning Administrator

Date: July 27, 2026

RE: **Discussion on a Moratorium for Hyperscale Data Centers for a period of no longer than 12 months. Staff continues to work on a Moratorium for presentation to Plan Commission in August, 2026.**

Summary:

On June 22, 2026, Plan Commission discussed the different sizes and types of AI data centers that exist and discussed placing a moratorium on hyperscale AI data centers for a period no longer than 12 months to allow for the City's completion of an in-progress comprehensive plan, and the completion of a required engineering report.

Staff continues to work on a DRAFT of the moratorium that was requested by Plan Commission on June 22, 2026. Staff also continues to work on a required engineering report that would not be ready in time for the July 27, 2026, Plan Commission meeting. Staff is preparing for a presentation to Plan Commission in August, 2026.

Staff Request:

Receive the memo for placement on file.