

De Pere

W I S C O N S I N

ZONING ORDINANCE UPDATE

Assessment and Direction Report



DRAFT
AUGUST 2018

duncan | associates
CODAMETRICS

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De Pere
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Zoning Ordinance Update Project

The city has launched a project that will lead to a comprehensive update of the current zoning ordinance, primarily focusing on chapters 14 and 98 of the De Pere municipal code. While the zoning ordinance has been subject to periodic maintenance and revision over the years, the last major overhaul occurred in the 1970s.

General Objectives

Due to its age, the current zoning ordinance does not fully reflect the goals and objectives of the city and lacks essential tools for addressing contemporary land use and development issues. Among other things, the new ordinance will need to:

- Be aligned with city policies, as expressed in the 2010 comprehensive plan and other planning documents;
- Include updated design standards and new place-making tools; and
- Promote walkable mixed-use development patterns;
- Protect stable residential neighborhoods;
- Offer a variety of housing choices and lifestyle options for city residents;
- Rely on predictable and efficient development approval procedures; and
- Include illustrations, graphics and navigational features that make the regulations easy to use and understand.

Key Advisors

Steering Committee

The city's plan commission will serve as the project steering committee, fulfilling a role as a "sounding board" for the zoning ordinance update. Enlisting the support of the plan commission should pay dividends in terms of members' expertise and experience.

In their role as the project steering committee, the plan commission will be asked to provide high-level guidance and oversight and help in ensuring that various perspectives and opinions are considered.

Plan Commission (Steering Committee)

Mayor Michael Walsh
Aldersperson James Boyd
Aldersperson Lawrence Lueck
Derek Beiderwieden
Amy Kunderer
Grant Schilling
Steve Taylor

Technical Advisory Group

A technical advisory group has been convened to provide detailed input and feedback on draft work products. This staff-level committee will be responsible for conducting detailed reviews of draft work products and for providing feedback to the consultant team. They will play a key role in early phases of the project, including vetting of the initial draft zoning ordinance. As the project proceeds to the public review and adoption process, the technical advisory group will continue to serve as a key partner in the update process.

The technical advisory group includes representatives from the Development Services Department and the City Attorney's Office.

Ordinance User Groups

Individuals who are regular zoning ordinance users and development process participants will be invited to participate in small group listening sessions during the project.

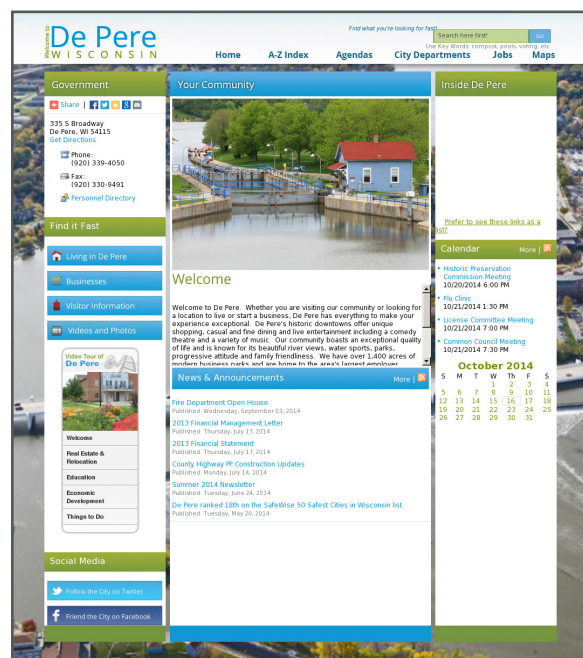
By engaging in discussions with property owners, builders, developers, civic leaders, neighborhood advocates and others, these planned listening

sessions will provide the consultant team with a first-hand account of the views of groups directly affected by existing and proposed zoning regulations. The user groups will also be asked to participate in focus group discussions once an initial draft of the zoning ordinance has been released for public review.

General Public

As a plan *implementation* exercise, the zoning ordinance update demands more targeted and focused participation than does a *planning* project. Still, it is essential that the general public be informed about the project and its important linkage to previous planning efforts and policy initiatives.

The city's [website](#) will serve as a key portal for sharing information about the project, including the posting of documents and the announcement of project meetings and events. Beyond the website, city staff and the consultant team will work in other ways to "get the word out" about the project and—once new draft regulations are ready—to educate property owners and city residents about the proposed changes and the ways they may be affected.



The city's website will be used to disseminate information about the zoning update project.

Once a complete draft of the new ordinance has been prepared, open houses, workshops or other meeting formats will be used to introduce the public review draft zoning ordinance. Later, the plan commission and common council will hold public hearings as part of the ordinance adoption process. The public will be encouraged to attend these hearings and to convey their comments directly to elected and appointed officials.

Plan Commission

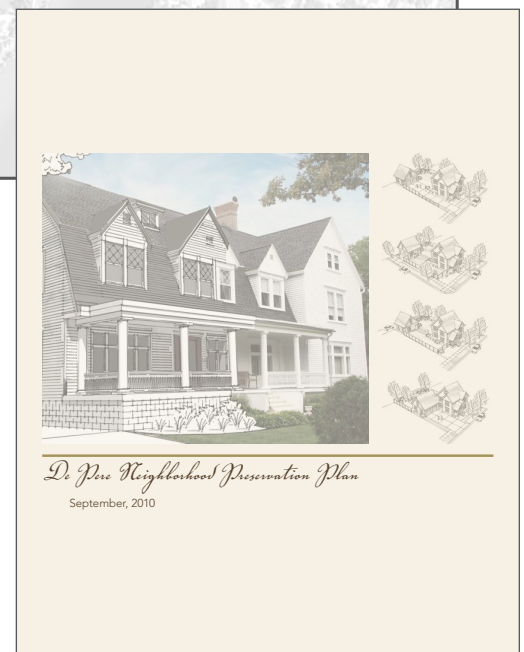
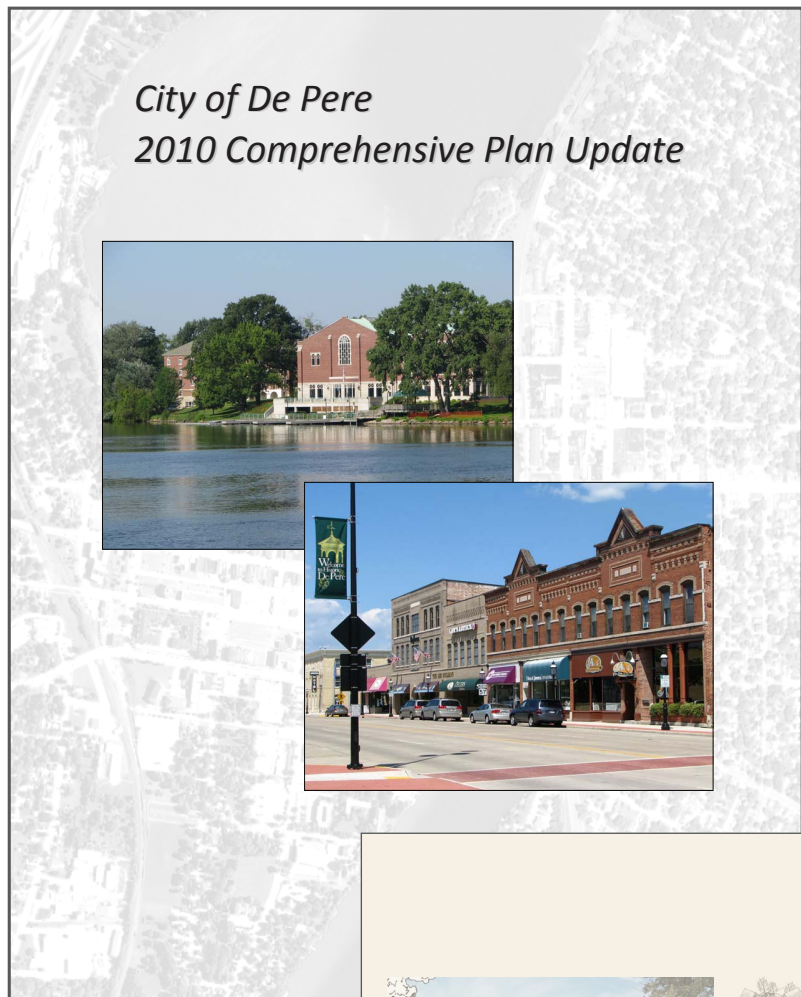
Besides serving as the project steering committee, the plan commission will have a formal role towards the end of the ordinance update process. As with any proposed zoning ordinance text or map amendment, the plan commission will conduct (advertised) public hearings and ultimately issue a recommendation to the common council.

Common Council

As with the plan commission, the common council will play a vital role in the adoption process and have final decision-making authority on whether to adopt the new regulations.

Consultant Team

The city has retained a team of consultants to prepare the new ordinance. The team includes Duncan Associates, Codametrics and Kimley-Horn.



One of the key objectives of the zoning update project is to ensure consistency with and implementation of adopted plans and studies.

Work Plan

The project work plan is summarized below.

TASK 1: MOBILIZATION AND RECONNAISSANCE	
Task 1.1: Plans Review	Conduct review of the current comprehensive plan, downtown master plan, neighborhood preservation plan, and other relevant planning documents
Task 1.2: Kick-Off Meeting	Meet with city staff to discuss the project scope, work plan, schedule and logistics
Task 1.3: Listening Sessions	Conduct ordinance user listening sessions to gain insight into local issues and concerns (August 2018)
Task 1.4: Public Outreach	Prepare public outreach strategy describing proposed approach to engaging stakeholders and the general public; Provide materials for project website and social media interaction; and Work with a steering committee to inform the ordinance writing and review ordinance drafts.
Task 1.5: Community Character	Identify neighborhoods, corridors, and districts that warrant new, more detailed regulations; Conduct field surveys and other research to gain a better understanding of built patterns and neighborhood character within each of these identified areas
Task 1.6: Project Direction Memo	Prepare brief report of findings from Task 1; Present report to steering committee (August 2018)
TASK 2: INITIAL DRAFT ZONING ORDINANCE	
Task 2.1: Initial Draft Ordinance	Prepare draft ordinance in modules; Attend periodic meetings with steering committee and technical advisory team to review draft ordinance and any map changes
Task 2.2: Initial Draft Zoning Map	
TASK 3: PUBLIC REVIEW DRAFT ZONING ORDINANCE AND MAP	
Task 3.1: Public Review Draft Zoning Ordinance	Prepare second draft ordinance incorporating revisions in response to steering committing and technical advisory team input during Task 2; Post draft ordinance and map to project website
Task 3.2: Public Review Draft Map	
Task 3.3: Public Review Sessions	Conduct review sessions with ordinance users and public
TASK 4: HEARING DRAFTS (ORDINANCE AND MAP)	
Task 4.1: Public Hearing Draft Ord.	Prepare public hearing draft of new zoning ordinance incorporating changes and refinements based on the public reviews conducted during Task 2
Task 4.2: Public Hearing Draft Map	
TASK 5: ADOPTION PROCESS	
Task 5.1: Public Hearing	Participate in plan commission and common council public hearings; public hearings advertised and “noticed” per state law and local custom; public testimony invited
Task 5.2: Adopted Ord. and Map	Prepare and deliver final version of ordinance and map



Recommended Direction

Introduction

This report summarizes the consultant team's initial recommendations regarding the scope and direction of the De Pere zoning ordinance update. The intent is to provide a sense of the general direction to be pursued in the update, not to identify the specifics of every needed or proposed change. After review and acceptance by the city, the report will serve as a partial foundation for the new zoning ordinance.

In preparing the report, a variety of policy documents and regulations were reviewed to gain an understanding of the existing planning and regulatory framework. This work was supplemented by time touring De Pere and its neighborhoods. This field work provided invaluable context for understanding city plans and ordinance provisions.

The recommendations in the report represent broadly framed ideas for addressing identified inadequacies within the current zoning ordinance. They are intended to serve as the starting point for discussion, prior to beginning the ordinance drafting work. Recommendations can and will be revised and tailored in response to local reviews and issues encountered as the project proceeds.

It is important to point out that any shortcomings stated or implied in the report are not intended to reflect poorly on previous ordinance authors or upon public officials and staff charged with administering them. The types of issues identified in this report are commonplace, as older ordinances are incrementally revised in response to ever-emerging issues.

Ordinance Structure

1. Improve Organization and Format

One of the goals of the zoning update project is to ensure that De Pere's new zoning ordinance is easier to use than its present-day counterpart. Substantive regulations should be clear, comprehensive and internally consistent. Administrative and procedural provisions should be streamlined, consistent and easy to understand.

Given the important role that zoning plays, the new ordinance should be logically organized, well-formatted and easy to use. The document should be laid out in a way that people can find the information they need and written so that information can be understood once it is found.

Like many ordinances, the way in which information is organized and presented in the city's existing zoning ordinance could be improved. This section describes several ways in which the new ordinance will be made easier to navigate, use and understand.

Many ordinance regulations can be more clearly presented by using tables or charts. This will help eliminate redundancies, as well as the inevitable inconsistencies and internal conflicts that occur when the same regulations are restated in multiple sections of an ordinance. Eliminating these redundancies can also reduce the bulk of the printed document.

The new regulations should also contain illustrations and graphics—instead of just long passages of text—to help convey the meaning of regulatory concepts. It should also employ distinct typefaces for articles, divisions, sections and subsection titles. Indented text should be used to indicate the hierarchical nature of ordinance sections and subsections. Generous white space and graphics should be used to enhance the document's visual appearance and improve its usability. Page headers and footers should be used to provide navigational aids to those searching for information within the document.

The current zoning ordinance (Chapter 14) is organized into 11 articles, as follows:

Article I. Intent and Purpose

Article II. General Provisions

Article III. Nonconforming Structures and Uses

Article IV. Administration and Enforcement

Article V. Zoning Districts

Article VI. Residence Districts

Article VII. Business Districts

Article VIII. Industrial District

Article IX. Conservancy District

Article X. General Requirements

Article XI. Development and Design Standards

The greatest drawback of the current organization is that important, regularly consulted information gets “buried” too deep within the ordinance outline. From a navigation and usability standpoint, it would be helpful to elevate key regulations to a higher level within the ordinance's organizational structure.

We recommend that the updated ordinance follow a revised outline, such as the preliminary version that follows:

Article I. Introductory Provisions

Article II. Residential Districts

Article III. Mixed-Use Districts

Article IV. Commercial and Industrial Districts

Article V. Special Districts

Article VI. Overlay Districts

Article VII. Uses

Article VIII. Parking and Access

Article IX. Landscaping and Site Design

Article X. Review & Approval Procedures

Article XI. Administration

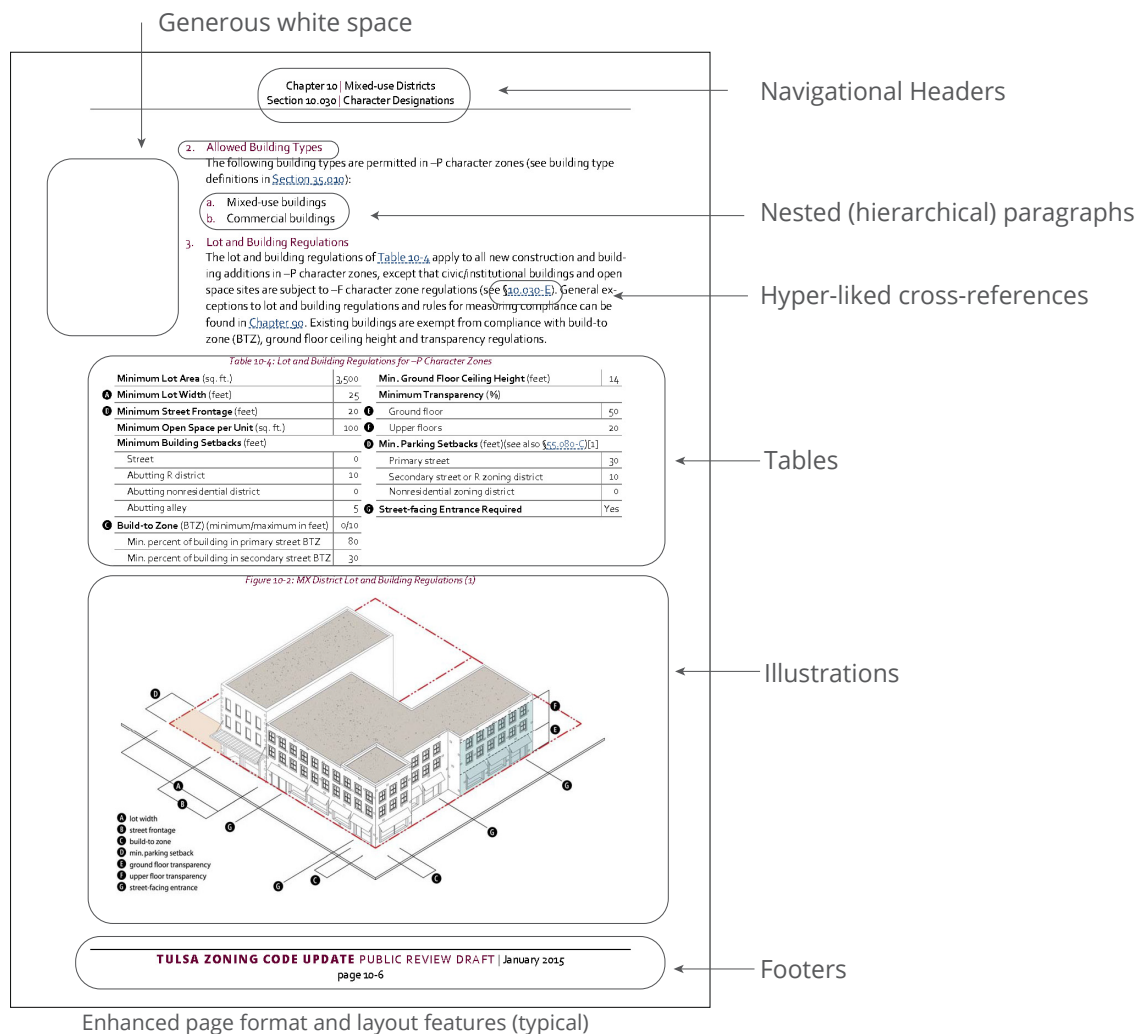
Article XII. Nonconformities

Article XIII. Violations, Penalties and Enforcement

Article XIV. Measurements

Article XV. Terminology

This tentative outline will be refined as the ordinance drafting process proceeds.



2. Consider Revised Numbering System

The challenges of navigating and using De Pere's current zoning ordinance are due in part to the document's structure and in part by (section) numbering conventions that make it difficult for users to "find their bearings" when reading the ordinance.

The basic structure of the ordinance appears to be as follows:

Level 1: Chapter 14

Level 2: Article (Roman numeral, e.g., I)

Level 3: Section (Arabic numeral linked to chapter but not to article number, e.g., 14-

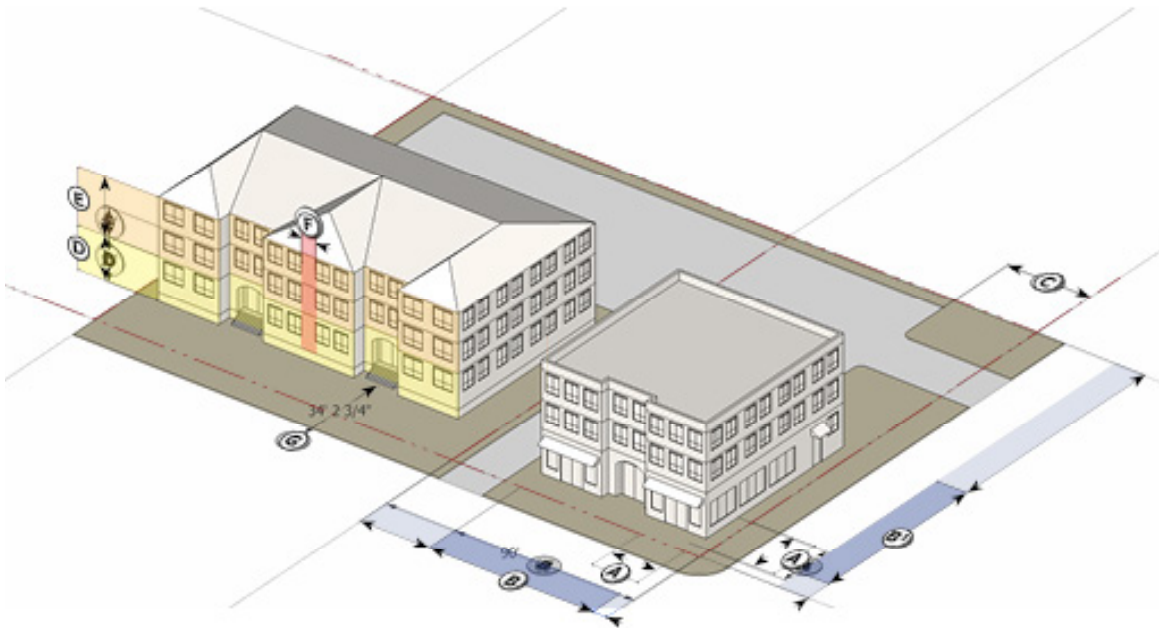
1; numbered consecutively throughout ordinance)

Level 4: Subsection (Arabic numeral in parenthesis not linked to any other number, e.g., (1))

Level 5: Paragraph (lower-case letter in parenthesis not linked to any other number, e.g., (a.))

Level 6: Sub-subparagraph (Arabic numeral not linked to any other number, e.g., 1.)

Level 7: Sub-sub-subparagraph (lower-case letter not linked to any other number, e.g., a.)



Sample zoning ordinance graphic illustrating requirements for building siting, parking siting, required transparency and building entrances

Level 8: Sub-sub-sub-subparagraph (lower-case Roman numeral not linked to any other number, e.g., i.)

EXISTING NUMBERING SCHEME

Chapter 14

Article I

Section 14.1

(1)

(a)

1.

a.

i.

Because the numbering assigned to most levels of the ordinance's structural outline are not tethered to article or section numbers, the outline levels sometimes provide little guidance for ordinance users attempting to jump from one section to another or navigate among pages where no article or section numbers are present. Additionally, the ordinance lacks navigational markers, such as page headers and footers, which would give users an indication of where they are within the overall document.

3. Includes Tables and Graphics

As previously stated, many of the ordinances' regulations and requirements could be more clearly and efficiently presented by using tables. Presenting key regulations in this way can help eliminate repetition, as well as the types of inconsistencies and internal conflicts that can occur when the same regulations are restated in multiple sections of an ordinance.

In addition to greater use of tables, the zoning and subdivision regulations should also include illustrations and graphics—instead of merely text—to help convey the intent of regulatory concepts.

Administration and Procedures

4. Increase Reliance on Objective Standards

In recent years the current zoning ordinance has been amended and supplemented with "development and design standards" (Art. XII) intended to promote desirable urban form and high-quality place-making. To promote local planning priorities, such as infill, mixed-use, neighborhood character preservation

and walkability, the updated zoning ordinance will need to include additional provisions addressing urban form and community character.

The existing ordinance's increased emphasis on improved building and site plan review has resulted in better development designs. However, these design improvements have come at the price of a more lengthy and less predictable approval process, involving review by city staff, with final decision-making by the plan commission.

As part of the zoning update effort, we hope to build upon the city's past successes and transition to a system that increasingly relies on clear and objective design and development standards. Such an approach may reduce the need for plan commission review and thereby result in expedited time-frames for project approvals.

5. Provide Appropriate Regulatory Relief and Customization Tools

One of the goals of the new ordinance should be the creation of a predictable set of requirements that can be administered through an efficient and consistent review process. No matter how modern and comprehensive the new zoning ordinance is, however, it will not be able to anticipate the challenges posed by every development and every site. For this reason, a series of allowed deviations or exceptions and corresponding approval procedures should be included in the updated ordinance.

Some of these exceptions will be minor, easily identified items that could be approved administratively. Others may be major deviations from the ordinance, and those would require additional review and time for approval.

6. Reorganize and Streamline Processes

All development/permit review and approval procedures should be consolidated into a single article of the zoning ordinance. Grouping the various review and approval processes, including required notice and

appeal procedures, would make it easier to find information in the document. Also, by using principles of parallel construction (i.e., structuring similar ordinance sections in a sequential, consistent manner), required procedural steps will be clearer and more consistent.

7. Add a Written Interpretation Procedure

A formal zoning ordinance interpretation procedure should be added to the ordinance. Because no ordinance can anticipate or address every possible circumstance, there should be a procedure in place to request and secure a written interpretation upon request (and payment of fees).

A formal procedure will result in a record of interpretation requests, which will help ensure predictable and consistent application of the regulations. The record of interpretations can also be consulted when preparing periodic ordinance updates. We recommend consideration of a procedure giving the zoning administrator authority to issue formal written interpretations, with any appeals of the zoning administrator's decisions going to the board of appeals.

8. Clarify Thresholds and Procedures for Site Plan Review

The ordinance's existing site plan review procedures should be rewritten to establish different review processes for different types and scales of activities, ranging from staff-level reviews of relative minor matters to plan commission approval of major projects (see also recommendation No. 4)

9. Address Nonconformities

In zoning parlance, "nonconformities" are buildings, uses, and lots that were established in compliance with applicable regulations, but that no longer comply with zoning regulations because the rules were changed—or were first instituted—after such situations were established. Nonconforming status could be related to virtually anything now addressed by current controls, including failure to meet

current use, lot size (area or width), building setback or building height regulations.

Some people confuse “nonconforming” with “illegal.” A more apt description might be “previously conforming,” a phrase that more clearly indicates that such situations did comply with applicable rules at one point in time. The stigma of nonconforming status sometimes results in fairly harsh regulatory treatment.

Preliminary research indicates that nonconforming lots are not uncommon in older areas of De Pere. This issue should be addressed as part of the update. Options for consideration include: (a) adjusting existing lot size and setback regulations; (b) creating one or more new districts to be applied in areas that don’t fit existing classifications; or (c) employing some other technique to reduce or eliminate the nonconformities (see also “Appendix 2”).

In addition, the existing nonconformity regulations should be substantially rewritten to address issues of clarity—i.e., more clearly distinguishing among the regulations that apply to nonconforming lots, uses and structures—and to allow greater flexibility in dealing with nonconforming situations that are not likely to cause substantial adverse impacts on the surrounding area.

Care will be taken to ensure that any new or modified regulations do not create needless nonconformities or pose a significant stumbling block to context-appropriate redevelopment activities in the city.

Zoning Districts

10. Create New Mixed-Use Zoning Options

One of the 2010 plan’s major themes is its call for promotion of walkable, mixed-use development patterns. To help implement the plan’s objectives, new mixed-use zoning districts should be included in the updated ordinance. The regulations associated with these mixed-use districts will need to address building and parking location on the site, building height, distribution of uses within the building, and building facade design

requirements (windows, doors, facade divisions).

11. Create Public/Civic Zoning Districts

The existing zoning ordinance does not include a specific zoning classification for public and quasi-public facilities, such as schools, colleges, churches, parks, fairgrounds and open spaces. Instead, public and quasi-public uses are classified as permitted or conditional uses in many residential and nonresidential districts.

As a result, the zoning map may convey an inaccurate message about the range of uses and activities that may occur, particularly in residential zones. Furthermore, the lot and bulk regulations associated with some zoning districts may be inappropriate for public and civic use types, and they may not adequately mitigate the impacts of high-intensity public/civic uses.

As part of the update, consideration should be given to adding one or more public/civic zoning classifications to the zoning ordinance. These districts would then be available for future property owner- or city-initiated rezonings in the future.

12. Include Small lot Zoning District

The addition of one or more smaller lot zoning districts in the updated zoning ordinance would help address the nonconforming lot issue that exists in some older neighborhood areas and provide a possible new zoning option in other areas of the city (see also “Appendix 2” and recommendation No. 20).

13. Reduce Reliance on Planned Developments

De Pere like many cities has come to rely on site-specific planned development zoning to accommodate many forms of new development. This results in zoning that is unpredictable, not transparent and difficult to administer and enforce. Ideally, the need for PDD zoning will be reduced or even eliminated as a result of the ordinance update.

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4. BUILDING TYPES

Storefront

4.5 Storefront

4.5.1 DESCRIPTION & INTENT

The Storefront building type is a low-to mid-rise for use at mixed-use nodes and along mixed-use corridors throughout the city. The Storefront building is built close to the front lot line to create continuous streetwalls along sidewalks with the goal of increased walkability at the node and along corridors. Parking is located in the rear of the lot behind the building or, in some locations, small interior side yard parking lots are permitted.

The key facade elements of the Storefront building type are a high level of storefront glass on the ground floor front facade and regularly spaced entrances along the street sidewalk.

Figure 4.5-A. Example Illustrations of Storefront Building Type

CITY OF DES MOINES ZONING ORDINANCE DRAFT

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4. BUILDING TYPES

Storefront

4.5.2 STOREFRONT REGULATIONS

	MX1 (H0000)	MX2 (H0000)	MX3 (H0000)	CX, IX	NOTES/REFERENCES
A. Building Siting (refer to Figure 4.5-B)					
1 Multiple Principal Buildings	not permitted	permitted	permitted	permitted	see section 000 for accessory building requirements
2 Accessory Building Locations	rear yard only	rear yard only	rear yard only	rear yard only	see section 000 for accessory building requirements
3 Minimum Primary Frontage Lot Line Coverage	85%	90%	60%	60%	see section 000 for accessory building requirements
4 Primary Frontage Build-to-Zone (ft)	0-5	0-5	0-5	0-10	see section 000 for accessory building requirements
5 Non-Primary Frontage Build-to-Zone (ft)	0-10	0-10	0-10	0-20	see section 000 for accessory building requirements
6 Minimum Interior Side Setback (ft)	5 except 0 at alley	5 except 0 at alley	5 except 0 at alley	5 except 0 at alley	see section 000 for accessory building requirements
7 Minimum Rear Setback (ft)	5 except 0 at alley	5 except 0 at alley	5 except 0 at alley	5 except 0 at alley	see section 000 for accessory building requirements
8 Maximum Impervious Area	45%	45%	45%	45%	see section 000 for accessory building requirements
9 Surface Parking/Loading Location	rear yard, limited side yard only	rear yard, limited side yard only	rear yard, limited side yard only	rear yard, limited side yard only	see section 000 for accessory building requirements
10 Permitted Driveway Access	alley, if no alley exists or is planned, one driveway off each non-primary street	alley, if no alley exists or is planned, one driveway off each non-primary street	alley, if no alley exists or is planned, one driveway off each non-primary street	alley, if no alley exists or is planned, one driveway off each non-primary street	see section 000 for accessory building requirements
B. Height (refer to Figure 4.5-C)					
11 Minimum Overall Height	1 story	3 stories	1 story	1 story	see section 000 for accessory building requirements
12 Maximum Overall Height	3 stories (45' max)	5 stories	5 stories	3 stories	see section 000 for accessory building requirements
13 Primary Frontage Ground Story: Minimum Height (ft)	15 (NPO)	15	15	15	see section 000 for accessory building requirements
14 Primary Frontage Ground Story: Maximum Height (ft)	20	24	24	24	see section 000 for accessory building requirements
15 All Other Stories: Minimum Height (ft)	9	9	9	9	see section 000 for accessory building requirements
16 All Other Stories: Maximum Height (ft)	12	14	14	12	see section 000 for accessory building requirements

Figure 4.5-B. Storefront Building Siting

Figure 4.5-C. Storefront: Height & Uses Requirements

Figure 4.5-D. Storefront: Facade Requirements

CITY OF DES MOINES ZONING ORDINANCE DRAFT

Sample pages from Des Moines (IA) mixed-use code

Uses

14. Abandon the “Cascading” Use Approach

The zoning district regulations in the current ordinance include lists of uses permitted by right and by conditional use approval. The first item in many of these lists is a reference to uses allowed in another district. In this way, uses “cascade” through the ordinance and accumulate district by district. This approach, although not uncommon in older ordinances, is confusing and unwieldy.

Besides being outdated, the cascading use approach can result in substantive issues by allowing uses in higher intensity districts that are not appropriate in such districts.

Conversely, the approach may result in some uses being prohibited or subject to added scrutiny when they might be more appropriately allowed as of right.

A more sensible and modern approach would be to include one or more use tables in the ordinance showing which uses are allowed in which zoning districts. This type of table or matrix format would be easier to use and administer than the narrative “laundry list” approach used in the current ordinance. It would also help ensure that future use-related amendments to the zoning ordinance could be made in a careful, systematic way.

USE CATEGORY	DISTRICTS																	Use Regulations
Use Subcategory (See Chapter 24.08 or Cntrl + click on term for definition)	R1-15	R1-9	R1-6	R-2	R-4	R-8	CO	C1	C2	M1	M2	SP-CON	SP-POS	SP-PUB	SP-INS	SP-MED	SP-RP[1]	SP-PKG
- Specific Use Type (See Ch. 24.08 or Cntrl + click on term for definition)																		
RESIDENTIAL																		
Household Living	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-	-	-	-
- Detached House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-	-	24.09.020
- Semi-detached House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-	-	24.09.020
- Two-unit House	-	-	-	P	P	P	-	C	-	-	-	-	-	-	-	-	-	24.09.070
- Attached House	-	-	-	-	P	P	-	C	-	-	-	-	-	-	-	-	-	24.09.070
- Multi-unit Building	-	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-	24.09.070
- Mixed-use Building, Vertical	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Group Living (except as indicated below)	-	-	-	-	-	C	-	P	-	-	-	-	-	-	-	C	C	-
- Adult Family Home	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	-	C	C	24.09.010
- Community Living Arrangement	P/C	P/C	P/C	P/C	P/C	P/C	-	C	-	-	-	-	-	-	-	C	C	24.09.040
- Foster Home/Treatment Foster Home	P	P	P	P	P	P	-	C	-	-	-	-	-	-	-	C	C	24.09.060
PUBLIC & CIVIC																		
College/University	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	-
Day Care																		
- Up to 6 children or adults	P	P	P	P	P	P	P	P	P	-	-	-	C	-	C	C	C	-
- More than 6 children or adults	-	-	-	-	-	-	C	P	P	C	-	-	-	C	-	C	C	-
Detention and Correctional Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Fraternal, Labor, Membership Organization	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	C	-
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P
Library/Cultural Exhibit	-	-	C	C	C	C	C	P	P	P	-	-	C	C	-	C	C	-
Park/Recreation/Open Space (except as indicated below)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-
- Community or Recreation Center	-	-	C	C	C	C	C	-	C	P	-	-	C	C	C	C	C	-
- General Recreation Park/Playground	-	-	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C	-
- Golf Course (min. 5,000 yards)	-	-	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C	-
- Swimming Pool	-	-	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C	-
- Tennis Court	C	C	C	C	C	C	C	-	-	-	-	-	C	C	C	C	C	-
Religious Assembly	C	C	C	C	C	C	C	-	C	C	-	-	-	-	-	-	C	C
Safety Services	C	C	C	C	C	C	C	C	C	C	C	-	-	-	P	C	C	-
School	-	C	C	C	C	C	C	-	C	-	-	-	C	C	-	C	C	-
Utilities & Services																		
- Minor	P	P	P	P	P	P	P	P	P	P	P	C	C	C	P	C	C	-
- Major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	-
COMMERCIAL																		
Animal Services																		
- Sales & Grooming	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
- Shelter or Boarding Kennel	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-

Sample Use Table (Wauwatosa, WI)

15. Modernize Use Classifications

De Pere's current zoning ordinance lists dozens of residential, business, civic/institutional and other uses that may—or may not—be allowed in one zoning district or another. These use regulations and the way in which uses are classified and defined, should be updated as part of the zoning update. In many cases, the ordinance relies on overly detailed lists of allowed uses. Instead of broadly defining “retail sales” uses, for example, the current ordinance lists several specific types of stores with little logic about why one is permitted and another is not permitted in some zoning districts. The same is true of service uses and numerous other business types.

The current ordinance's use typology could be simplified and collapsed into a logical, well-defined use classification system that includes a relatively small number of land use categories. This move would eliminate an

outmoded system of use regulation and allow the city to better respond to economic and technological changes over time.

The new zoning ordinance should include one or more use tables that identify which uses are allowed in which districts. Pointers or cross-references to any supplemental use-specific regulations can also be noted in the table. This table format would be much easier to use than the narrative “laundry list” of uses now found in each respective zoning district section and help to ensure that future amendments can be made in a careful, systematic way.

16. Re-evaluate Conditional Uses

Due to a recent change in state law (2017 Wisconsin Act 67), the city should re-evaluate the range of conditional uses identified in the zoning ordinance and the types of supplemental use standards and approval criteria that such uses must meet. By

passing 2017 Wisconsin Act 67, the legislature effectively reduced the city's discretion to deny conditional uses. The statute requires that local governments grant a conditional use approval if the applicant meets applicable ordinance requirements and agrees to meet all conditions imposed by the decision-making body.

The statute authorizes the imposition of additional requirements or conditions by decision-making bodies if they are based on "substantial evidence." However, as long as the applicant agrees to comply with those conditions, there appears to be little to no discretion left for officials to exercise in deciding whether to grant the requested conditional use.

This is an issue that will likely be the subject of much discussion and hand-wringing throughout the state, as municipalities reckon with how to deal with this new state law. In the meantime, the city should re-evaluate the types of uses requiring conditional use approval and update and clearly identify the standard conditions of approval attached to all conditional uses.

As part of the zoning ordinance update, we will seek to identify uses that could be converted from conditional uses to permitted uses, with appropriate use-specific standards that achieve the protections currently imposed through conditional use approval. Conversely, there may be some conditional uses that should be reclassified as prohibited use types.

Parking and Transportation

17. Right-Size Parking Requirements

The zoning ordinance's minimum off-street parking ratios for nonresidential uses are relatively high, requiring more vehicle parking than many modern zoning ordinances.

De Pere Zoning Ordinance Minimum Parking Requirements

Use/Building Type	Minimum Spaces
Detached house	2.0 / dwelling unit
Multi-unit resid.	1.0 – 1.75 / dwelling unit

Use/Building Type	Minimum Spaces
Retail sales	4.5 – 5.0 / 1,000 sq. ft.
Restaurants	10.0+ / 1,000 sq. ft.
Offices	4.0 / 1,000 sq. ft.

All existing minimum parking ratios will be re-evaluated during the ordinance update. Where appropriate, revisions will be proposed.

"Right-sized" minimum parking ratios can help to address infill and redevelopment challenges and reduce the cost of development. Reducing minimum parking requirements can help reduce the amount of hard-surface area on a site which means less stormwater runoff and decreased flooding risks. Lowering the amount of area that is required to be paved can also reduce urban heat island effect caused by the sun's heating of large paved areas. Reducing the amount of land area devoted to surface parking lots can also reap community appearance benefits.

Other parking changes that will likely be proposed as part of the ordinance update include:

- Requiring the provision of bicycle parking spaces for some uses;
- Exploring the use of context-based parking requirements (i.e., variable requirements by location) or even maximum parking ratios for some types of uses;
- Promoting greater use of shared parking and allowing greater flexibility for meeting parking and transportation access demands (e.g., giving credit for abutting on-street parking spaces);
- Updating parking lot layout and geometric standards, including interior parking lot landscaping and exterior screening and buffers; and
- Addressing parking (and charging/fueling facilities) for alternative fuel vehicles.

18. Support Walking and Biking

Walkable neighborhoods and a complete transportation system that includes support for walking and bicycling as well as transit are key to realizing city and regional planning goals.

The updated ordinance should address walkability by requiring buildings to interface directly with sidewalks, and context-sensitive building designs that consider and respond to adjacent street design.

Sustainability

19. Promote Sustainable Development Practices

The zoning update project offers an opportunity to advance the city's sustainability goals. The updated regulations should accommodate and promote sustainable development practices through the removal of unintended barriers and the inclusion of appropriate regulations and incentives that address:

- The use of renewable energy sources;
- Promotion of green development practices, including green infrastructure solutions;
- Zoning for community gardens and farmers markets and other forms of urban agriculture;
- Connectivity and walkability; and
- Continued protection of flood-prone areas and sensitive natural resources.

Housing

20. Allow Broader Range of Housing Types

The current zoning ordinance addresses a narrow palette of residential dwelling types: detached houses, duplexes and multi-unit buildings. The new ordinance can and should accommodate a wider range of housing options by allowing additional housing types in one or more districts. Such alternative housing forms could include:

- Townhouses;

- Cottage courts (also known as “bungalow courts” and “pocket neighborhoods”);
- Multiplexes (also known as “walk-up flats,” “manor houses,” and “big houses”);
- Accessory dwelling units;
- Live-work buildings; and
- Senior housing (such as assisted living, congregate living, continuing care retirement community).

The recommendation to incorporate additional housing options into the zoning ordinance should not be interpreted as a call to include them in *all* districts, but rather a recommendation to identify an expanded range of options in *some* districts. It is also important to note that new site planning and design criteria will need to be created to ensure that these new housing options can be seamlessly integrated into existing neighborhoods without disrupting established character.

Signs

21. Consolidate and Modernize Sign Regulations

While most of the city's sign regulations are found in Chapter 98 of the municipal code, Chapter 14 also includes several sign-related regulations.

A comprehensive overhaul of the city's sign regulations would be a major undertaking and a significant project in and of itself. Therefore, we recommend that any amendments to the sign regulations focus on:

- Consolidating the various regulations in a more logical organizational scheme;
- Making the regulations more understandable and user-friendly through editing and the addition of illustrations; and
- Incorporating strategic amendments to address policy changes as well as identified legal and technical deficiencies.

Other Issues

22.Address Recurring and Emerging Issues

As stated in the introduction, the initial recommendations in this report do not represent an exhaustive list of the changes that will be made to the current zoning regulations. As the ordinance drafting work and local reviews continue, there will undoubtedly be other issues identified and additional changes proposed. Among the other more technical issues expected to be addressed are:

- Short-term rentals (aka “airbnbs”)
- Fences and walls (e.g., height, a frequent source of variance requests)
- Platted setback/building lines (which governs in cases of conflict)
- Temporary uses (such as portable storage containers)
- Accessory structures (setbacks, coverage, etc.,)
- Drive-throughs (location and design)
- Outdoor storage and display
- Driveways

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Appendix 1: Mixed-Use Areas

Introduction

There are four key mixed-use areas within the city:

1. Downtown
2. Main Avenue gateway
3. North Broadway gateway
4. South Broadway gateway

An examination of the existing building forms and uses within each of these area reveals different character or context subareas. Downtown, for example, has at least 3 different character subareas, including the core with its continuous storefronts and transition areas with commercial cottage buildings and adjacent residential and office development.

This appendix represents the first step in identifying the limits of the mixed-use areas, the context subareas within them (eventually providing the framework for new zoning districts),

and the building form and design regulations that can be used to help maintain and enhance such areas.

Existing Zoning

Currently, three “B” (business) zoning districts are used applied within the identified mixed-use areas. The B-1 district is applied downtown, on both sides of the river. B-2 zoning generally applies along the commercial (gateway) corridors and nodes. B-3 zoning is reserved for individual sites occupied by auto-oriented uses, such as gas stations and drive-through facilities. The location of each of these business districts is the basis for the mixed-use area study outlined in this appendix.

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Maps and Context Subareas

The maps on pages A-4 through A-7 represent an initial depiction of the different context areas observed within the downtown, Main Avenue gateway, North Broadway gateway, and the South Broadway gateway. Each of these areas is anticipated to be classified some form of mixed-use zoning designation under the new ordinance and be subject to updated design provisions.

The different context subareas shown on the maps are further described on pages A-8 through A-14, with images of the types of buildings that occur within each area. Context subareas are keyed to the maps.

Mixed-Use Zoning Objectives

This section includes a preliminary description of the zoning objectives to be addressed within the each of the identified mixed-use areas of the city.

Downtown

The new zoning should support the goals of the downtown master plan (July 2010). Results from the visioning and branding survey can also help inform the new zoning. Initial recommendations:

- Maintain the character of the continuous storefronts that exist within the downtown, allowing for infill development that fits that character. Focus pedestrian-generating uses in these areas to increase commercial success and overall vibrancy.
- Support new office space in a variety of sizes: smaller spaces above storefronts and stand-alone buildings. Office zoning should, however, be flexible, considering potential changes in the market.
- Support a variety of scales and types of residential development, realizing that riverfront views will increase the marketability of any new units.
- Ensure that shared parking is available and accessible for downtown shopping, eating, and entertainment uses.
- Respect the smaller scale character of locations where houses have been converted

to commercial uses or new construction has incorporated a residential character, especially in transition areas between the downtown and surrounding neighborhoods.

Main Avenue Gateway

New mixed-use zoning for the Main Avenue gateway area should:

- Recognize that this area serves as a gateway to the city, so the buildings and site design should reflect the quality and character of De Pere.
- Screen parking from the street either with well-designed buildings or landscaping.
- Allow for more walkable access to buildings and businesses in addition to supporting vehicular access.
- Recognize that this area accommodates needed auto-oriented, including gas stations, drive-through services, and automobile service.
- Migrate some buildings towards the street to provide a more gateway experience and require a higher level of building and site design.
- Consider overlaying a pattern of walkable blocks through the parcels to allow access from the surrounding neighborhoods.

North Broadway Gateway

New mixed-use zoning for the North Broadway gateway area should:

- Recognize that this area serves as a gateway to the city, so the buildings and site design should reflect the quality and character of De Pere.
- Orient the commercial businesses to allow for easy pedestrian and vehicular access.
- Screen parking from the street either with well-designed buildings or landscaping.
- Provide guidance for residential development design along the riverfront trail. Developments should address frontage along the trail and river, while still providing an appropriate entryway from North Broadway.
- Consider access to the riverfront and trail from North Broadway.

South Broadway Gateway

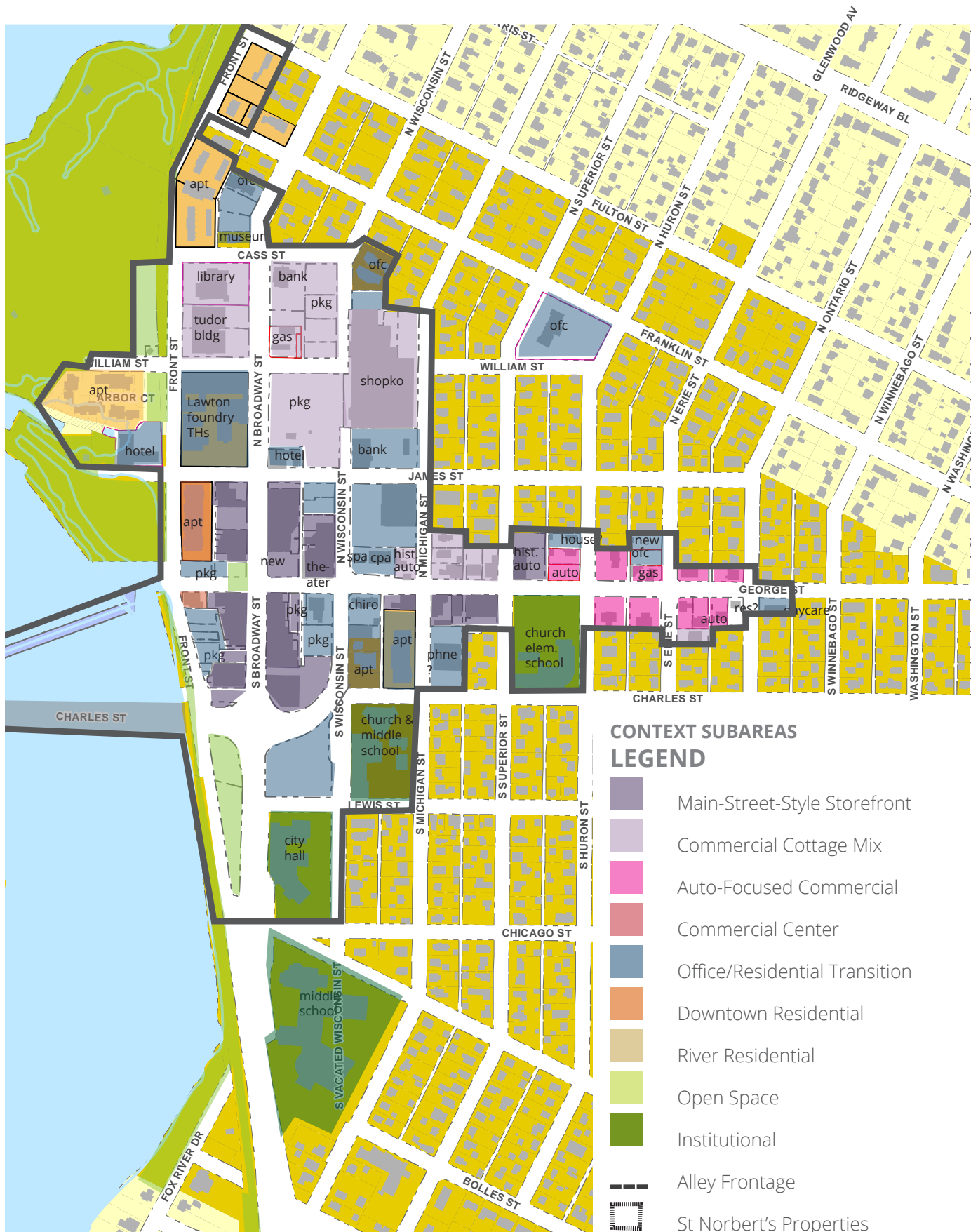
New mixed-use zoning for the South Broadway gateway area should:

- Recognize that this area serves as a gateway to the city, so the buildings and site design should reflect the quality and character of De Pere.
- Address the scale of parcels and appropriate type of development for Honey Court.
- Orient the commercial businesses to allow for easy pedestrian and vehicular access, perhaps off Cook Street instead of S Broadway.
- Screen parking from the street either with well-designed buildings or landscaping.
- Address the businesses across from Optimist Park on Cook Street.



MIXED-USE AREA: DOWNTOWN



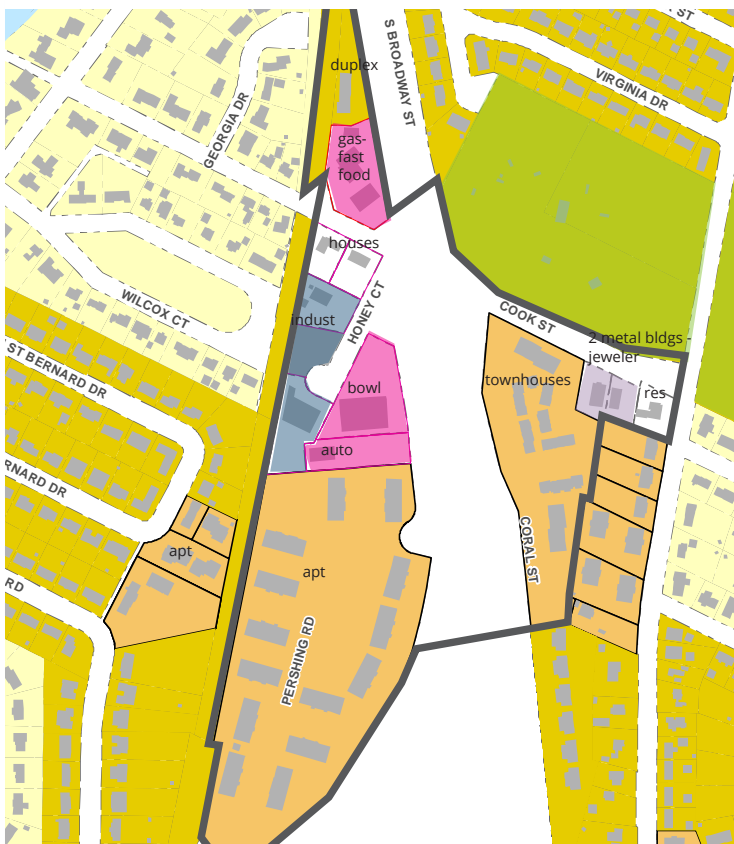




MIXED-USE AREA: N BROADWAY GATEWAY



MIXED-USE AREA: S BROADWAY GATEWAY



CONTEXT SUBAREAS LEGEND

- Main-Street-Style Storefront
- Commercial Cottage Mix
- Auto-Focused Commercial
- Commercial Center
- Office/Residential Transition
- Downtown Residential
- River Residential
- Open Space
- Institutional
- Alley Frontage
- St Norbert's Properties

Context Subarea

MAIN-STREET STOREFRONT

De Pere has wonderful examples of historic main-street-style storefront buildings in the downtown. The character of these buildings defines this context subarea and should be retained, allowing infill buildings to be developed to reinforce and expand the district.

The new regulations should require storefront buildings to continue the existing street-wall along streets in downtown with active retail/service businesses, thereby activating the sidewalk level experience for pedestrians. The amount of windows, location of the principal entrance, and materials on the street facades will be regulated.



Storefront buildings in downtown De Pere

Context Subarea COMMERCIAL COTTAGE MIX

In areas directly adjacent to downtown and in other parts of the city, houses have been converted to businesses and new commercial buildings have been built exhibiting characteristics of houses. These “commercial cottage” buildings are often intermingled with storefront buildings, especially

along George Street. A new district that celebrates this interesting mix will provide design guidance for both small-scale storefronts and commercial cottages to infill and be modified appropriately within this subarea.



Commercial cottage buildings in and adjacent to downtown De Pere

Context Subareas **AUTO-FOCUSED COMMERCIAL & COMMERCIAL CENTERS**

Auto-focused commercial includes such uses as gas stations, auto sales, and drive-through businesses. Commercial centers are larger scaled shopping centers that may include bigger stores, such as grocery stores or big boxes.

Both of these subareas need to provide easy automobile access, but could also be developed

to accommodate pedestrians. The images shown include examples of building forms that could occur in these subareas to achieve the goals. Some buildings are built up to the street with side yard parking areas, often screened from higher capacity streets, and establishing streetwall for pedestrian interest and scale. Commercial center subareas may also require division into walkable blocks.



Historic auto-focused buildings on George Street

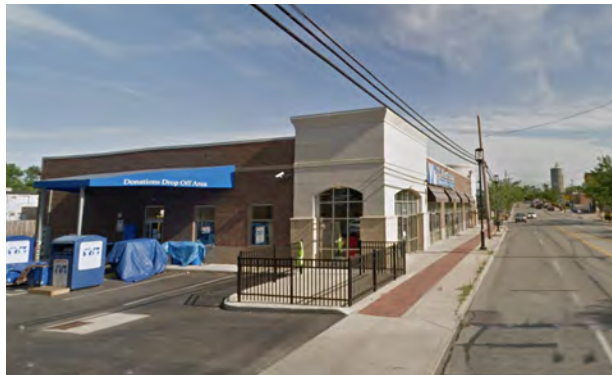


Commercial centers in other cities





Gas stations with rear or side pump locations (other cities)



Buildings with side parking (other cities)



Fast-food restaurant with a rear drive-thru (other city)



Drive-thrus and side yard parking (L: De Pere; R: other city)



Context Subarea

OFFICE-RESIDENTIAL TRANSITION

These subareas areas are mixed with office buildings and residential apartment or condominium buildings that work well together as a transition between commercial or mixed-use areas and low-density, detached house neighborhoods. Also, rowhouses or live-work units in these areas, would provide other opportunities for smaller businesses and innovation centers.

Updated regulations should ensure that the buildings in these subareas are built of quality materials and have an appropriate level of windows. The buildings should also be accessible from the sidewalk for pedestrians, but also may need to accommodate more parking than other areas.



Office-residential buildings in De Pere



Live-work buildings (other cities)



Examples of office buildings from other locations.



Context Subarea

DOWNTOWN RESIDENTIAL

Downtown residential is for locations where only residential currently exists or where the city would prefer residential over office uses.

Downtown residential is more intense than neighborhood multifamily; but design is still a consideration. Buildings in these subareas tend to have a bit more green space around them than

other downtown buildings, but less so than a neighborhood residential development.

The regulations for downtown residential may include building materials, roof type, entrance location, and amount of windows.



Downtown residential buildings



Residential buildings (other cities)

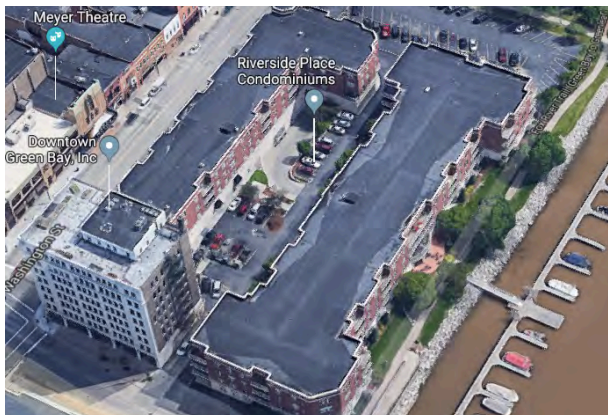
Context Subarea

RIVERFRONT RESIDENTIAL

These subareas are situated adjacent to the river or the riverfront trail. New development in these locations will often have a unique set of design conditions.

Riverfront residential should have frontage along the trail or river, but should also not turn its back to the street. In some cases, the streets may be

extensions of downtown streets and in other, a gateway to the city. The updated regulations can address these important, highly visible facades through the use of materials, windows, and entrances.



Riverfront residential in Green Bay



Riverfront residential (other cities)





Appendix 2: Residential Lot Size

Mapping

By mapping lot sizes, it is possible to begin an examination of neighborhoods in which lots do not comply with current regulations. The attached map illustrates approximate lot sizes in the following ranges:

- a. up to 7,999 square feet
- b. 8,000 to 9,999 square feet
- c. 10,000 to 19,999 square feet
- d. 20,000 square feet to 1 acre
- e. greater than 1 acre

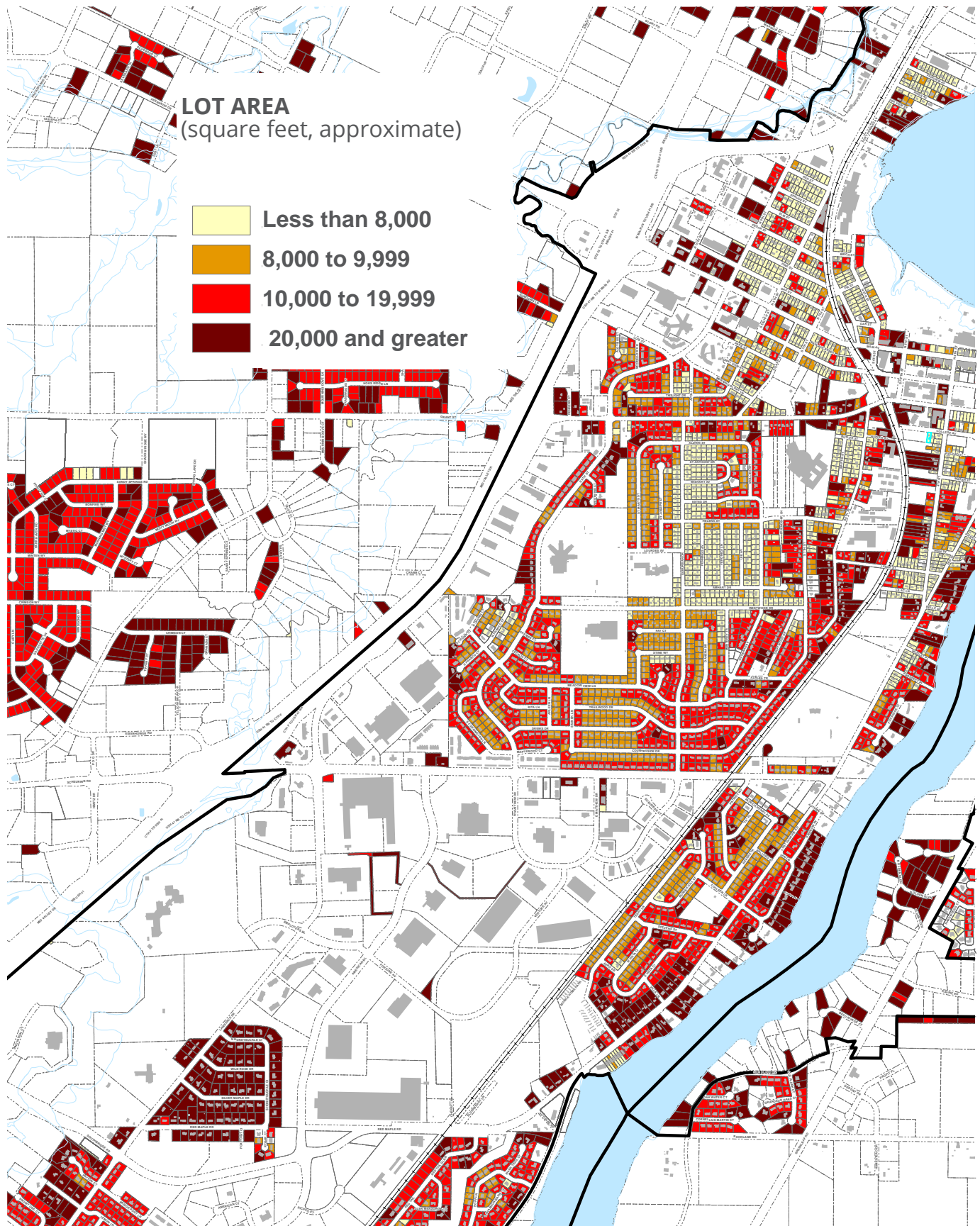
With a typical lot depth of 140 feet, an 8,000 square foot rectangular lot would be a little over 57 feet in width, while a 10,000 square foot rectangular lot would be a little over 70 feet in width.

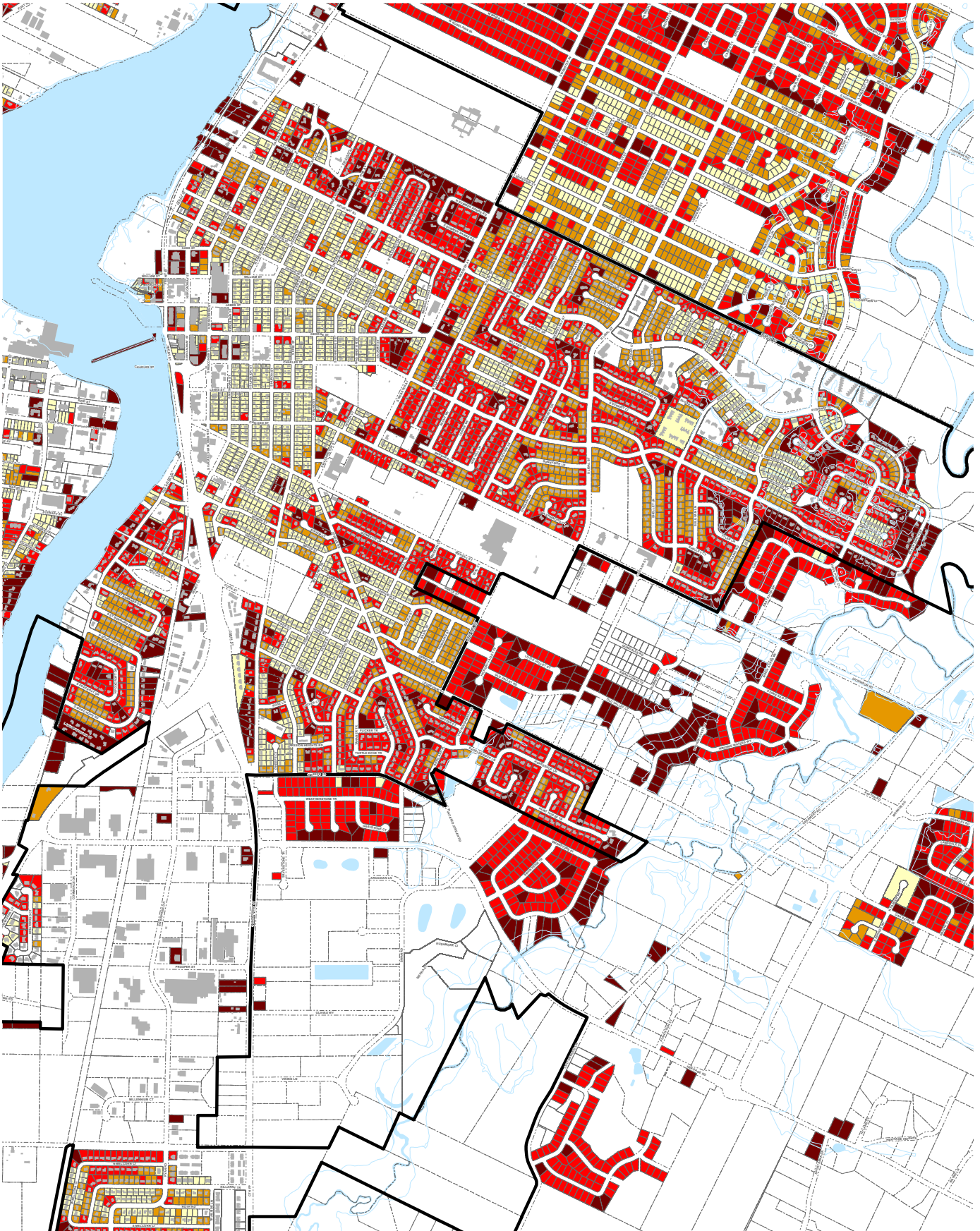
Next Steps

This map will provide an initial basis for determining which lots need to be hand measured to obtain lot widths. Once lot widths are established, a separate smaller lot zoning district can be created and mapped to address the issue of (legal) nonconforming lots.

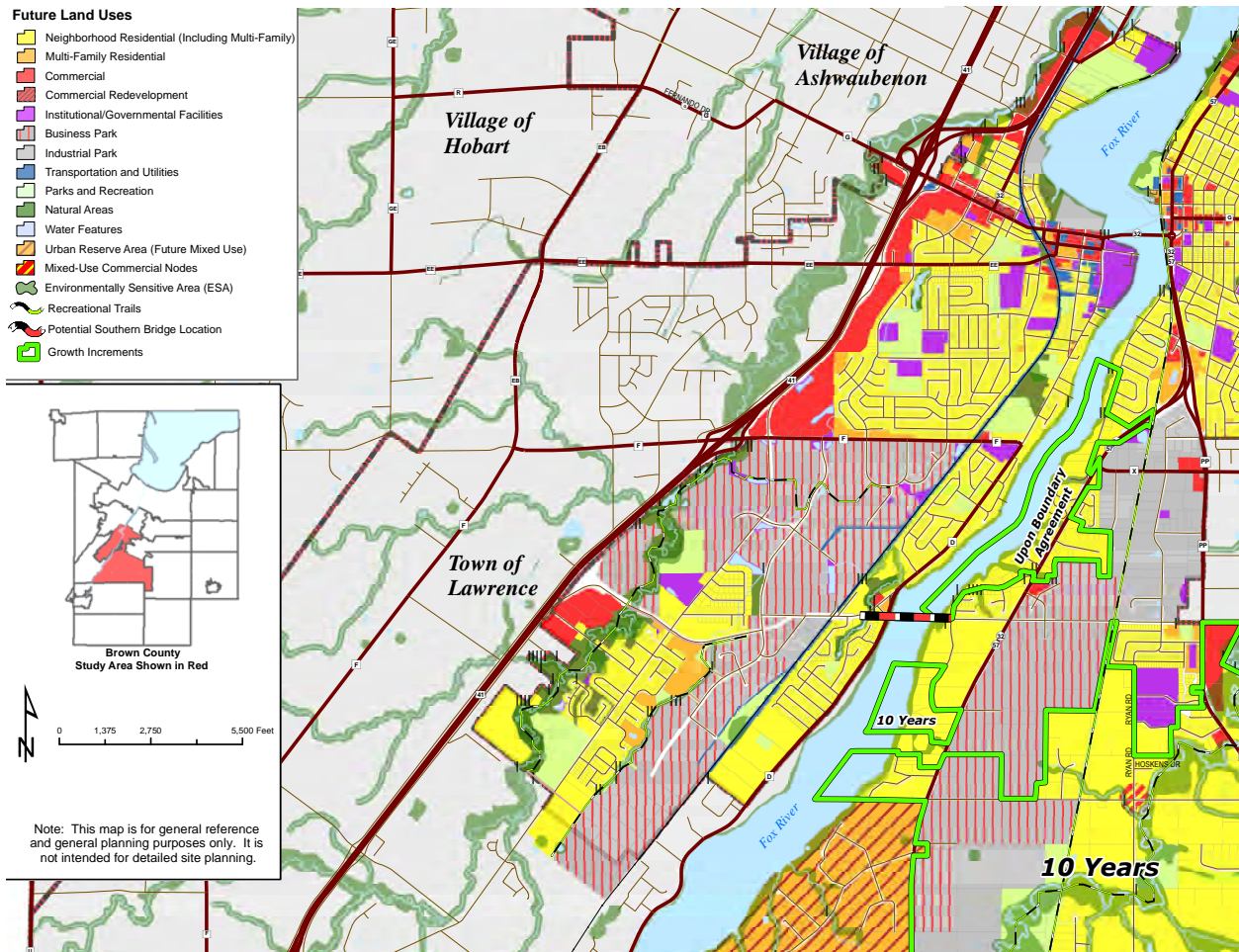
Lot Width vs. Lot Area

Lot width is a better metric for defining neighborhood character than lot area or lot depth. The depth of the lot is not visible from the street. The width of building and the amount of green space on either side of the house is a better determinant of the neighborhood scale than the amount of back yard that exists or the depth of the house.





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Appendix 3: Large Development Sites

Introduction

There are several large parcels throughout the city, especially in the southeast, that can be expected to be developed as new neighborhoods, commercial nodes, and/or business parks in the future. These areas will likely be subdivided into smaller parcels and many times include multiple development types.

With the goal of reducing reliance on planned developments and a desire for more walkable neighborhoods and districts (even in new development areas), the city may wish to include additional design guidance for these large parcels to subdivide into walkable blocks and apply a mix of uses and development types.

Large Development Sites

The new ordinance could include an overlay or new zoning classification that would apply to large parcels over a certain size (e.g., 5 acres or more) and/or specific mapped parcels. The new

regulations would define maximum blocks sizes, street requirements, open space requirements, and a mix of zoning districts or development types that could be applied to the parcel. The applicant/property owner would then master plan their site with this guidance in mind, submit a plan for approval, then develop within the site based upon the new district(s). Subdivision could be required for the site to ensure new streets and blocks are developed and publicly accessible.

An example illustration from a similar set of regulations is shown on the following page. The illustration in the regulations provides one option for a sample parcel meeting the parameters set, including new interconnected, complete streets located to meet maximum block sizes; open space distributed throughout the development; and multiple districts or development types. In this case, the light purple is a shopping/services/eating district (either single-use buildings or multi-story mixed-use) and the orange is multiple family (apartments, condominiums, or townhouses).

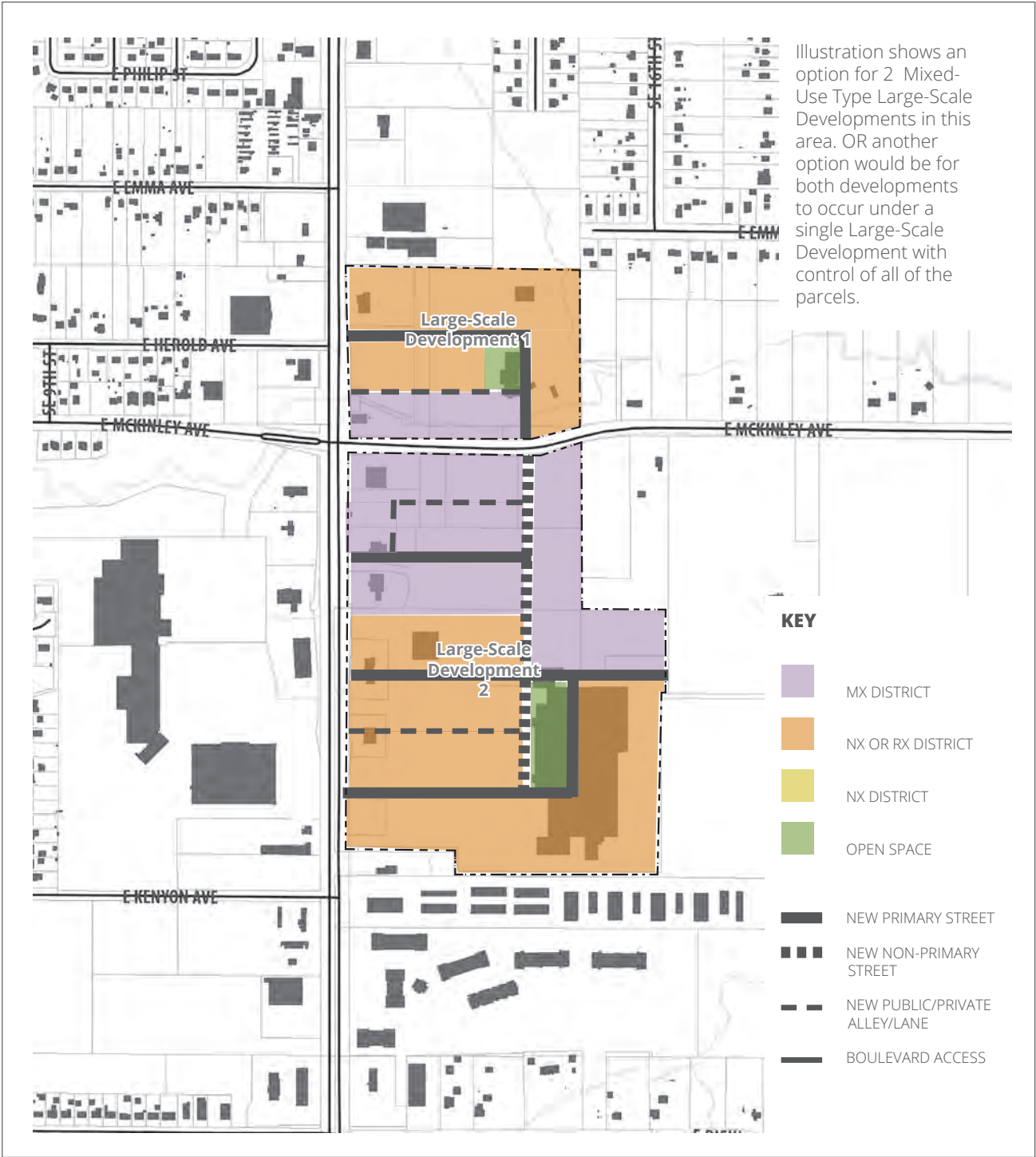


Illustration of Large-Scale Development Plan